

In the House of Representatives, U. S.,

December 8, 2022.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 7776) entitled “An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.”, with the following

AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of 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 other*
6 *Act to the “National Defense Authorization Act for Fiscal*
7 *Year 2023” shall be deemed to be a reference to the “James*
8 *M. Inhofe National Defense Authorization Act for Fiscal*
9 *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:*

1 (1) *Division A—Department of Defense Author-*
2 *izations.*

3 (2) *Division B—Military Construction Author-*
4 *izations.*

5 (3) *Division C—Department of Energy National*
6 *Security Authorizations and Other Authorizations.*

7 (4) *Division D—Funding Tables.*

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

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

12 (7) *Division G—Homeland Security.*

13 (8) *Division H—Water Resources.*

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

16 (10) *Division J—Oceans and Atmosphere.*

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

19 (b) *TABLE OF CONTENTS.—The table of contents for*
20 *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

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- 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

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- 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.*

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- 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.*

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- Sec. 642. Extension of parent fee discount to child care employees.*
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- Sec. 651. *Prohibition of the sale of certain goods from the Xinjiang Uyghur Autonomous Region in commissaries and exchanges.*

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- Sec. 701. *Improvements to TRICARE dental program.*
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 Sec. 703. *Improvement of referrals for specialty care under TRICARE Prime during permanent changes of station.*
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 Sec. 705. *Audit of behavioral health care network providers listed in TRICARE directory.*
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 Sec. 707. *Study on providing benefits under TRICARE Reserve Select and TRICARE dental program to members of the Selected Reserve and dependents thereof.*
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 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.*
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- 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.*
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- 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.*
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- 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.*
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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 101(a)(16)*
4 *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 titled*
9 *“Budgetary Effects of PAYGO Legislation” for this Act,*
10 *jointly submitted for printing in the Congressional Record*
11 *by the Chairmen of the House and Senate Budget Commit-*
12 *tees, provided that such statement has been submitted prior*
13 *to the vote on passage in the House acting first on the con-*
14 *ference report or amendment between the Houses.*

1 **SEC. 5. EXPLANATORY STATEMENT.**

2 *The explanatory statement regarding this Act, printed*
 3 *in the House section of the Congressional Record on or*
 4 *about December 7, 2022, by the Chairman of the Committee*
 5 *on Armed Services of the House of Representatives and the*
 6 *Chairman of the Committee on Armed Services of the Sen-*
 7 *ate, shall have the same effect with respect to the implemen-*
 8 *tation of this Act as if it were a joint explanatory statement*
 9 *of a committee of conference.*

10 ***DIVISION A—DEPARTMENT OF***
 11 ***DEFENSE AUTHORIZATIONS***
 12 ***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.

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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 fis-*
 5 *cal year 2023 for procurement for the Army, the Navy and*
 6 *the Marine Corps, the Air Force and the Space Force, and*
 7 *Defense-wide activities, as specified in the funding table in*
 8 *section 4101.*

Subtitle B—Army Programs

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

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

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

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

(3) include in any cost analysis or comparison—

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

(B) the monetary value of leveraging government-owned infrastructure to facilitate the modification;

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

1 (5) *base any production strategy and source se-*
2 *lection decisions on a full understanding of the cost*
3 *of production, including—*

4 (A) *the comparison of production ap-*
5 *proaches described in paragraph (2); and*

6 (B) *any cost analysis or comparison de-*
7 *scribed in paragraph (3).*

8 (b) *CERTIFICATION.—Before issuing a request for pro-*
9 *posal for the post-prototype production of an Extended*
10 *Range Cannon Artillery howitzer, the Secretary of the*
11 *Army shall—*

12 (1) *certify to the congressional defense commit-*
13 *tees that the acquisition strategy upon which the re-*
14 *quest for proposal is based complies with the require-*
15 *ments of subsection (a); and*

16 (2) *provide to the congressional defense commit-*
17 *tees a briefing on that acquisition strategy and the*
18 *relevant cost and value comparison described in sub-*
19 *section (a)(2).*

20 (c) *INCLUSION OF CERTAIN INFORMATION IN BUDGET*
21 *MATERIALS.—The Secretary of the Army shall ensure that*
22 *the cost of procuring Paladin howitzers to be modified for*
23 *post-prototype production of Extended Range Cannon Ar-*
24 *tillery howitzers is included—*

1 (1) *in the materials relating to the Extended*
 2 *Range Cannon Artillery program submitted in sup-*
 3 *port of the budget of the President (as submitted to*
 4 *Congress under section 1105(a) of title 31, United*
 5 *States Code) for each fiscal year in which such pro-*
 6 *gram is carried out; and*

7 (2) *in any budget briefings concerning such pro-*
 8 *gram.*

9 ***Subtitle C—Navy Programs***

10 ***SEC. 121. REQUIREMENTS RELATING TO EA-18G AIRCRAFT***
 11 ***OF THE NAVY.***

12 (a) *LIMITATIONS AND MINIMUM INVENTORY REQUIRE-*
 13 *MENTS.—Section 8062 of title 10, United States Code, is*
 14 *amended—*

15 (1) *by redesignating subsection (f) as subsection*
 16 *(g); and*

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

19 “(f)(1)(A) *During the period beginning on the date of*
 20 *the enactment of the National Defense Authorization Act for*
 21 *Fiscal Year 2023 and ending on September 30, 2027, the*
 22 *Secretary of the Navy may not—*

23 “(i) *retire an EA-18G aircraft;*

24 “(ii) *reduce funding for unit personnel*
 25 *or weapon system sustainment activities for*

1 *EA-18G aircraft in a manner that pre-*
2 *sumes future congressional authority to di-*
3 *vest such aircraft;*

4 “(iii) *place an EA-18G aircraft in ac-*
5 *tive storage status or inactive storage status;*
6 *or*

7 “(iv) *keep an EA-18G aircraft in a*
8 *status considered excess to the requirements*
9 *of the possessing command and awaiting*
10 *disposition instructions.*

11 “(B) *The prohibition under subparagraph (A)*
12 *shall not apply to individual EA-18G aircraft that*
13 *the Secretary of the Navy determines, on a case-by-*
14 *case basis, to be no longer mission capable and uneco-*
15 *nomical to repair because of aircraft accidents or*
16 *mishaps.*

17 “(2)(A) *The Secretary of the Navy shall maintain a*
18 *total aircraft inventory of EA-18G aircraft of not less than*
19 *158 aircraft, of which not less than 126 aircraft shall be*
20 *coded as primary mission aircraft inventory.*

21 “(B) *The Secretary of the Navy may reduce the num-*
22 *ber of EA-18G aircraft in the inventory of the Navy below*
23 *the minimum number specified in subparagraph (A) if the*
24 *Secretary determines, on a case-by-case basis, that an air-*

1 *craft is no longer mission capable and uneconomical to re-*
2 *pair because of aircraft accidents or mishaps.*

3 “(C) *In this paragraph, the term ‘primary mission*
4 *aircraft inventory’ means aircraft assigned to meet the pri-*
5 *mary aircraft authorization—*

6 “(i) *to a unit for the performance of its wartime*
7 *mission;*

8 “(ii) *to a training unit for technical and special-*
9 *ized training for crew personnel or leading to aircrew*
10 *qualification;*

11 “(iii) *to a test unit for testing of the aircraft or*
12 *its components for purposes of research, development,*
13 *test, and evaluation, operational test and evaluation,*
14 *or to support testing programs; or*

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

17 (b) *REPORT REQUIRED.—Not later than 180 days*
18 *after the date of the enactment of this Act, the Secretary*
19 *of the Navy and the Secretary of the Air Force shall jointly*
20 *submit to the congressional defense committees a report that*
21 *includes a strategy and execution plan for continuously and*
22 *effectively meeting the airborne electronic attack training*
23 *and combat requirements of the joint force. At a minimum,*
24 *the strategy and execution plan shall provide for—*

1 (1) *the integration and utilization of both reserve*
 2 *and active duty component forces and resources with-*
 3 *in the Department of the Navy and the Department*
 4 *of the Air Force; and*

5 (2) *the establishment or continuation of one or*
 6 *more joint service expeditionary, land-based electronic*
 7 *attack squadrons that equal or exceed the capacity*
 8 *and capability of such squadrons in effect as of the*
 9 *date of the enactment of this Act.*

10 **SEC. 122. NAVY SHIPBUILDING WORKFORCE DEVELOPMENT**

11 **SPECIAL INCENTIVE.**

12 (a) *IN GENERAL.*—Chapter 863 of title 10, United
 13 States Code, is amended by adding at the end the following
 14 new section:

15 **“SEC. 8696. NAVY SHIPBUILDING WORKFORCE DEVELOP-**
 16 **MENT SPECIAL INCENTIVE.**

17 “(a) *REQUIREMENT.*—

18 “(1) *IN GENERAL.*—The Secretary of the Navy
 19 shall include in any solicitation for a covered con-
 20 tract a special incentive for workforce development
 21 that funds one or more workforce development activi-
 22 ties described in subsection (c).

23 “(2) *AMOUNT OF SPECIAL INCENTIVE.*—The
 24 amount of a special incentive required under sub-
 25 section (a)(1) shall be equal to not less than one quar-

1 *ter of one percent and not more than one percent of*
2 *the estimated cost of the covered contract.*

3 “(3) *WAIVER.*—

4 “(A) *IN GENERAL.*—*The Secretary of the*
5 *Navy may waive one or more of the requirements*
6 *of this section if the Secretary determines—*

7 “(i) *unreasonable cost or delay would*
8 *be incurred by complying with such require-*
9 *ments;*

10 “(ii) *existing workforce development*
11 *initiatives are sufficient to meet workforce*
12 *needs;*

13 “(iii) *there are minimal workforce de-*
14 *velopment issues to be addressed; or*

15 “(iv) *it is not in the national security*
16 *interests of the United States to comply*
17 *with such requirements.*

18 “(B) *NOTICE TO CONGRESS.*—*Not less than*
19 *30 days prior to issuing a waiver under sub-*
20 *paragraph (A), the Secretary of the Navy shall*
21 *submit to the congressional defense committees*
22 *written notice of the intent of the Secretary to*
23 *issue such a waiver. Such notice shall specify the*
24 *basis for such waiver and include a detailed ex-*
25 *planation of the reasons for issuing the waiver.*

1 “(b) *MATCHING CONTRIBUTION REQUIREMENT.*—

2 “(1) *IN GENERAL.*—*Funds for a special incentive*
3 *for workforce development required under subsection*
4 *(a)(1) may be expended only—*

5 “(A) *on or after the date on which the serv-*
6 *ice acquisition executive of the Navy receives a*
7 *written commitment from one or more entities*
8 *described in paragraph (2) of separate and dis-*
9 *tinct cumulative monetary contributions to be*
10 *made on or after the date of such commitment*
11 *for workforce development; and*

12 “(B) *in an amount that is equal to the ag-*
13 *gregate amount of all monetary contributions*
14 *from entities that made commitments under sub-*
15 *paragraph (A) not to exceed the amount of fund-*
16 *ing made available for the special incentive*
17 *under subsection (a)(2).*

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

20 “(A) *The prime contractor that was award-*
21 *ed a covered contract.*

22 “(B) *A qualified subcontractor.*

23 “(C) *A State government or other State en-*
24 *tity.*

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

3 “(E) A local government or other local enti-
4 ty.

5 “(F) An industry association, organization,
6 or consortium that directly supports workforce
7 development.

8 “(3) SPECIAL RULE.—In a case in which the ag-
9 gregate amount of all monetary contributions from
10 entities that made commitments under paragraph
11 (1)(A) is less than the minimum amount specified for
12 the special incentive under subsection (a)(2), funds
13 for the special incentive may be expended in an
14 amount equal to such lesser amount.

15 “(c) AUTHORIZED ACTIVITIES.—

16 “(1) IN GENERAL.—Funds for a special incentive
17 for workforce development required under subsection
18 (a)(1) may be obligated or expended only to provide
19 for the activities described in paragraph (2) in sup-
20 port of the production and production support work-
21 force of the prime contractor concerned or a qualified
22 subcontractor concerned.

23 “(2) ACTIVITIES DESCRIBED.—The activities de-
24 scribed in this paragraph are the following:

1 “(A) *The creation of short- and long-term*
2 *workforce housing, transportation, and other*
3 *support services to facilitate attraction, reloca-*
4 *tion, and retention of workers.*

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

7 “(C) *Investments in long-term outreach in*
8 *middle school and high school programs, specifi-*
9 *cally career and technical education programs,*
10 *to promote and develop manufacturing skills.*

11 “(D) *The development or modification of fa-*
12 *ilities for the primary purpose of workforce de-*
13 *velopment.*

14 “(E) *Payment of direct costs attributable to*
15 *workforce development.*

16 “(F) *Attraction and retention bonus pro-*
17 *grams.*

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

20 “(d) *APPROVAL REQUIREMENT.—The service acquisi-*
21 *tion executive of the Navy shall—*

22 “(1) *provide the final approval of the use of*
23 *funds for a special incentive for workforce develop-*
24 *ment required under subsection (a)(1); and*

1 “(2) not later than 30 days after the date on
2 which such approval is provided, certify to the con-
3 gressional defense committees compliance with the re-
4 quirements of subsections (b) and (c), including—

5 “(A) a detailed explanation of such compli-
6 ance; and

7 “(B) the associated benefits to—

8 “(i) the Federal Government; and

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

11 “(e) *DEFINITIONS.*—*In this section:*

12 “(1) The term ‘covered contract’ means a prime
13 contract for the construction of a naval vessel funded
14 using amounts appropriated or otherwise made avail-
15 able for Shipbuilding and Conversion, Navy.

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

19 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
20 *the beginning of chapter 863 of such title is amended by*
21 *adding at the end the following new item:*

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

22 (c) *APPLICABILITY.*—*Section 8696 of title 10, United*
23 *States Code, as added by subsection (a), shall apply with*
24 *respect to—*

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

4 (2) a solicitation or award of a covered contract,
5 if otherwise determined appropriate by the Secretary
6 of the Navy.

7 **SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY**
8 **OF FUNDS FOR NAVY PORT WATERBORNE SE-**
9 **CURITY BARRIERS.**

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

18 (b) *TECHNICAL AMENDMENT.*—Subsection (b)(4) of
19 *such section is amended by striking “section 2304” and in-*
20 *serting “sections 3201 through 3205”.*

1 **SEC. 124. LIMITATION ON AUTHORITY TO MODIFY CAPA-**
2 **BILITIES AND FLEET CONFIGURATION OF E-**
3 **6B AIRCRAFT.**

4 (a) *LIMITATION.*—Until the date on which the certifi-
5 cation described in subsection (b) is submitted to the con-
6 gressional defense committees, the Secretary of the Navy—

7 (1) may not retire, or prepare to retire, any E-
8 6B aircraft;

9 (2) shall maintain the fleet of E-6B aircraft in
10 the configuration in effect as of the date of the enact-
11 ment of this Act; and

12 (3) shall ensure that E-6B aircraft continue to
13 meet the operational requirements of the combatant
14 commands that are met by such aircraft as of the date
15 of the enactment of this Act.

16 (b) *CERTIFICATION DESCRIBED.*—The certification de-
17 scribed in this subsection is a written certification from the
18 Chair of the Joint Requirements Oversight Council indi-
19 cating that the replacement capability for the E-6B air-
20 craft—

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

23 (2) at the time such replacement capability
24 achieves initial operational capability, will have the
25 ability to meet the operational requirements of the

1 *combatant commands that have been, or that are ex-*
2 *pected to be, assigned to such replacement capability.*

3 *(c) EXCEPTION.—The requirements of subsection (a)*
4 *shall not apply to an individual E–6B aircraft otherwise*
5 *required to be maintained by that subsection if the Sec-*
6 *retary of the Navy determines, on a case-by-case basis, that*
7 *such aircraft is no longer mission capable due to a mishap*
8 *or other damage.*

9 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**
10 **ARLEIGH BURKE CLASS DESTROYERS.**

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

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

24 *(c) CONDITION FOR OUT-YEAR CONTRACT PAY-*
25 *MENTS.—A contract entered into under subsection (a) shall*

1 *provide that any obligation of the United States to make*
2 *a payment under the contract for a fiscal year after fiscal*
3 *year 2023 is subject to the availability of appropriations*
4 *or funds for that purpose for such later fiscal year.*

5 (d) *MANDATORY INCLUSION OF PRE-PRICED OPTION*
6 *IN CERTAIN CIRCUMSTANCES.—*

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

16 (2) *DEFINITIONS.—In this subsection:*

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

23 (B) *The term “pre-priced option” means a*
24 *contract option for a contract entered into under*
25 *subsection (a) that, if exercised, would allow the*

1 *Secretary of the Navy to procure a destroyer at*
2 *a predetermined price specified in such contract.*

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

9 **SEC. 126. PROCUREMENT AUTHORITY FOR SHIP-TO-SHORE**
10 **CONNECTOR PROGRAM.**

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

15 *(b) LIABILITY.—Any contract entered into under sub-*
16 *section (a) shall provide that—*

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

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

24 *(c) CERTIFICATION REQUIRED.—A contract may not*
25 *be entered into under subsection (a) unless the Secretary*

1 *of the Navy certifies to the congressional defense committees,*
2 *in writing, not later than 30 days before entry into the con-*
3 *tract, each of the following, which shall be prepared by the*
4 *milestone decision authority for the Ship-to-Shore Con-*
5 *connector program:*

6 (1) *The use of such a contract is consistent with*
7 *the Chief of Naval Operations' projected force struc-*
8 *ture requirements for Ship-to-Shore Connector class*
9 *craft.*

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

16 (A) *the estimated end cost and appropriated*
17 *funds by fiscal year, by craft, without the au-*
18 *thority provided in subsection (a);*

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

22 (C) *the estimated cost savings or increase by*
23 *fiscal year, by craft, with the authority provided*
24 *in subsection (a);*

1 (D) the discrete actions that will accomplish
2 such cost savings or avoidance; and

3 (E) the contractual actions that will ensure
4 the estimated cost savings are realized.

5 (3) There is a reasonable expectation that
6 throughout the contemplated contract period the Sec-
7 retary of the Navy will request funding for the con-
8 tract at the level required to avoid contract cancella-
9 tion.

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

13 (5) The estimates of both the cost of the contract
14 and the anticipated cost avoidance through the use of
15 a contract authorized under subsection (a) are real-
16 istic, including a description of the basis for such es-
17 timates.

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

20 (7) During the fiscal year in which such contract
21 is to be awarded, sufficient funds will be available to
22 perform the contract in such fiscal year.

23 (d) *MILESTONE DECISION AUTHORITY DEFINED.*—In
24 this section, the term “milestone decision authority” has the

1 *meaning given that term in section 4251(d) of title 10,*
2 *United States Code.*

3 **SEC. 127. PROCUREMENT AUTHORITY FOR CH-53K HEAVY**
4 **LIFT HELICOPTER PROGRAM.**

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

11 (b) *LIABILITY.*—*Any contract entered into under sub-*
12 *section (a) shall provide that—*

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

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

20 (c) *CERTIFICATION REQUIRED.*—*A contract may not*
21 *be entered into under subsection (a) unless the Secretary*
22 *of Defense certifies to the congressional defense committees,*
23 *in writing, not later than 30 days before entry into the con-*
24 *tract, each of the following, which shall be prepared by the*

1 *milestone decision authority (as defined in section 4251(d)*
2 *of title 10, United States Code) for the program:*

3 (1) *The use of such a contract will result in sig-*
4 *nificant savings compared to the total anticipated*
5 *costs of carrying out the program through annual*
6 *contracts. In certifying cost savings under the pre-*
7 *ceding sentence, the Secretary shall include a written*
8 *explanation of—*

9 (A) *the estimated obligations and expendi-*
10 *tures by fiscal year for the program without the*
11 *authority provided in subsection (a);*

12 (B) *the estimated obligations and expendi-*
13 *tures by fiscal year for the program with the au-*
14 *thority provided in subsection (a);*

15 (C) *the estimated cost savings or increase by*
16 *fiscal year for the program with the authority*
17 *provided in subsection (a);*

18 (D) *the discrete actions that will accomplish*
19 *such cost savings or avoidance; and*

20 (E) *the contractual actions that will ensure*
21 *the estimated cost savings are realized.*

22 (2) *There is a reasonable expectation that*
23 *throughout the contemplated contract period the Sec-*
24 *retary of Defense will request funding for the contract*
25 *at the level required to avoid contract cancellation.*

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

4 (4) *The estimates of both the cost of the contract*
5 *and the anticipated cost avoidance through the use of*
6 *a contract authorized under subsection (a) are real-*
7 *istic.*

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

10 (6) *During the fiscal year in which such contract*
11 *is to be awarded, sufficient funds will be available to*
12 *perform the contract in such fiscal year, and the fu-*
13 *ture-years defense program submitted to Congress*
14 *under section 221 of title 10, United States Code, for*
15 *such fiscal year will include the funding required to*
16 *execute the program without cancellation.*

17 **SEC. 128. PROCUREMENT AUTHORITIES FOR JOHN LEWIS-**
18 **CLASS FLEET REPLENISHMENT OILER SHIPS.**

19 (a) *CONTRACT AUTHORITY.—*

20 (1) *PROCUREMENT AUTHORIZED.—During fiscal*
21 *years 2023 and 2024, the Secretary of the Navy may*
22 *enter into one or more contracts for the procurement*
23 *of not more than eight John Lewis-class fleet replen-*
24 *ishment oiler ships.*

1 (2) *PROCUREMENT IN CONJUNCTION WITH EXIST-*
2 *ING CONTRACTS.*—*The ships authorized to be procured*
3 *under paragraph (1) may be procured as additions to*
4 *existing contracts covering the John Lewis-class fleet*
5 *replenishment oiler ship program.*

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

13 (1) *The use of such a contract is consistent with*
14 *the Department of the Navy's projected force structure*
15 *requirements for such ships.*

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

22 (A) *the estimated end cost and appropriated*
23 *funds by fiscal year, by hull, without the author-*
24 *ity provided in subsection (a);*

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

4 (C) the estimated cost savings or increase by
5 fiscal year, by hull, with the authority provided
6 in subsection (a);

7 (D) the discrete actions that will accomplish
8 such cost savings or avoidance; and

9 (E) the contractual actions that will ensure
10 the estimated cost savings are realized.

11 (3) There is a reasonable expectation that
12 throughout the contemplated contract period the Sec-
13 retary of the Navy will request funding for the con-
14 tract at the level required to avoid contract cancella-
15 tion.

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 contract
20 and the anticipated cost avoidance through the use of
21 a contract authorized under subsection (a) are real-
22 istic.

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 contract*
2 *is to be awarded, sufficient funds will be available to*
3 *perform the contract in such fiscal year, and the fu-*
4 *ture-years defense program (as defined under section*
5 *221 of title 10, United States Code) for such fiscal*
6 *year will include the funding required to execute the*
7 *program without cancellation.*

8 (c) *AUTHORITY FOR ADVANCE PROCUREMENT.—The*
9 *Secretary of the Navy may enter into one or more contracts*
10 *for advance procurement associated with a ship or ships*
11 *for which authorization to enter into a contract is provided*
12 *under subsection (a), and for systems and subsystems asso-*
13 *ciated with such ships in economic order quantities when*
14 *cost savings are achievable.*

15 (d) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
16 *MENTS.—A contract entered into under subsection (a) shall*
17 *provide that any obligation of the United States to make*
18 *a payment under the contract for a fiscal year is subject*
19 *to the availability of appropriations for that purpose for*
20 *such fiscal year.*

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

1 **SEC. 129. PROCUREMENT AUTHORITIES FOR CERTAIN AM-**
2 **PHIBIOUS SHIPBUILDING PROGRAMS.**

3 (a) *CONTRACT AUTHORITY.*—

4 (1) *PROCUREMENT AUTHORIZED.*—*The Sec-*
5 *retary of the Navy may enter into one or more con-*
6 *tracts for the procurement of up to five covered ships.*

7 (2) *PROCUREMENT IN CONJUNCTION WITH EXIST-*
8 *ING CONTRACTS.*—*The ships authorized to be procured*
9 *under paragraph (1) may be procured as additions to*
10 *existing contracts covering programs for covered*
11 *ships.*

12 (b) *CERTIFICATION REQUIRED.*—*A contract may not*
13 *be entered into under subsection (a) unless the Secretary*
14 *of the Navy certifies to the congressional defense committees,*
15 *in writing, not later than 30 days before entry into the con-*
16 *tract, each of the following, which shall be prepared by the*
17 *milestone decision authority for the covered ship program*
18 *concerned:*

19 (1) *The use of such a contract is consistent with*
20 *the Commandant of the Marine Corps' projected force*
21 *structure requirements for amphibious ships.*

22 (2) *The use of such a contract will result in sav-*
23 *ings compared to the total anticipated costs of car-*
24 *rying out the program through annual contracts. In*
25 *certifying cost savings under the preceding sentence,*
26 *the Secretary shall include a written explanation of—*

1 (A) *the estimated end cost and appropriated*
2 *funds by fiscal year, by hull, without the author-*
3 *ity 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 by*
8 *fiscal year, by hull, with the authority provided*
9 *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 contract*
14 *period funding will be available for the contract at*
15 *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 contract*
20 *and the anticipated cost avoidance through the use of*
21 *a contract authorized under subsection (a) are real-*
22 *istic.*

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 contract*
2 *is to be awarded, sufficient funds will be available to*
3 *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 contracts*
6 *for advance procurement associated with a ship or ships*
7 *for which authorization to enter into a contract is provided*
8 *under subsection (a), and for systems and subsystems asso-*
9 *ciated with such ships in economic order quantities when*
10 *cost savings are achievable.*

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

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

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

21 (1) *The term “covered ship” means a San Anto-*
22 *nio-class or America-class ship.*

23 (2) *The term “milestone decision authority” has*
24 *the meaning given that term in section 4251(d) of*
25 *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 proce-*
5 *dures for the detailed design and construction of the covered*
6 *program other than those specified in section 3201 of title*
7 *10, United States Code, the Secretary of the Navy—*

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

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

13 (B) *may award such contracts to other con-*
14 *tractors;*

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

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

21 (b) *COLLABORATION REQUIREMENT.*—*The Secretary*
22 *of the Navy shall maximize collaboration among the Federal*
23 *Government and eligible shipbuilders throughout the design*
24 *and development phases of the covered program, includ-*
25 *ing—*

26 (1) *using a common design tool; and*

1 (2) *sharing production lessons learned.*

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

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

11 (2) *Allocation of the lead ship in the covered pro-*
12 *gram.*

13 (3) *To the maximum extent practicable, competi-*
14 *tive solicitations for vessel procurement under the cov-*
15 *ered program.*

16 (d) *TECHNOLOGY MATURATION REQUIREMENTS.—The*
17 *Secretary of the Navy shall incorporate into the acquisition*
18 *strategy of the covered program the requirements of the fol-*
19 *lowing:*

20 (1) *Section 131 of the National Defense Author-*
21 *ization Act for Fiscal Year 2020 (Public Law 116–*
22 *92; 133 Stat. 1237).*

23 (2) *Section 221 of the National Defense Author-*
24 *ization Act for Fiscal Year 2022 (Public Law 117–*
25 *81; 135 Stat. 1599).*

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

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

7 (1) *The term “covered program” means the pro-*
8 *gram of the Department of the Navy to procure*
9 *DDG(X) destroyer class vessels.*

10 (2) *The term “eligible shipbuilder” means a*
11 *prime contractor designated by the milestone decision*
12 *authority to perform detailed design and construction*
13 *of the covered program.*

14 (3) *The term “milestone decision authority” has*
15 *the meaning given in section 4211 of title 10, United*
16 *States Code.*

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

19 *Before the first deployment of the vessel designated*
20 *FFG-63 and that of each successive vessel in the FFG-62*
21 *class, the Secretary of the Navy shall ensure that such vessel*
22 *is capable of carrying and employing Tomahawk and*
23 *Standard Missile-6 missiles.*

1 **SEC. 132. REPORT ON ADVANCE PROCUREMENT FOR CVN-**
2 **82 AND CVN-83.**

3 (a) *REPORT.*—Not later than March 1, 2023, the Sec-
4 retary of the Navy shall submit to the congressional defense
5 committees a report on the plan of the Navy for advance
6 procurement for the aircraft carriers designated CVN-82
7 and CVN-83.

8 (b) *ELEMENTS.*—The report required by subsection (a)
9 shall include an assessment of—

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

13 (2) *the value, cost, and feasibility of a three-year*
14 *advance procurement period under a single-carrier*
15 *acquisition strategy;*

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

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

22 (5) *the effect of a two-carrier acquisition strategy*
23 *on force development and fleet capability.*

24 (c) *DEFINITIONS.*—In this section:

25 (1) *The term “single-carrier acquisition strat-*
26 *egy” means a strategy for the procurement of the air-*

1 *craft carriers designated CVN–82 and CVN–83 pursu-*
2 *ant to which each aircraft carrier is procured sepa-*
3 *rately under a different contract.*

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

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

11 (a) *IN GENERAL.*—*Not later than 30 days after the*
12 *date of the enactment of this Act, and on a quarterly basis*
13 *thereafter through the end of fiscal year 2024, the Secretary*
14 *of the Navy shall provide to the Committees on Armed Serv-*
15 *ices of the Senate and the House of Representatives a brief-*
16 *ing on the progress of the CH–53K King Stallion helicopter*
17 *program.*

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

21 (1) *An overview of the program schedule.*

22 (2) *A statement of the total cost of the program*
23 *as of the date of the briefing, including the cost of de-*
24 *velopment, testing, and production.*

1 (3) *A comparison of the total cost of the program*
 2 *relative to the original acquisition program baseline*
 3 *and the most recently approved acquisition program*
 4 *baseline as of the date of the briefing.*

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

9 (5) *An update on the status of the correction of*
 10 *technical deficiencies under the program and any ef-*
 11 *fects on the program schedule resulting from the dis-*
 12 *covery and correction of such deficiencies.*

13 (c) *CONFORMING REPEAL.*—Section 132 of the Na-
 14 tional Defense Authorization Act for Fiscal Year 2020 (Pub-
 15 lic Law 116–92; 133 Stat. 1238) is repealed.

16 ***Subtitle D—Air Force Programs***

17 ***SEC. 141. MODIFICATION OF INVENTORY REQUIREMENTS*** 18 ***FOR AIRCRAFT OF THE COMBAT AIR FORCES.***

19 (a) *TOTAL FIGHTER AIRCRAFT INVENTORY REQUIRE-*
 20 *MENTS.*—Section 9062(i)(1) of title 10, United States Code,
 21 is amended by striking “1,970” and inserting “1,800”.

22 (b) *A–10 MINIMUM INVENTORY REQUIREMENTS.*—

23 (1) *Section 134(d) of the National Defense Au-*
 24 *thorization Act for Fiscal Year 2017 (Public Law*

1 114–328; 130 Stat. 2038) is amended by striking
2 “171” and inserting “153”.

3 (2) Section 142(b)(2) of the National Defense
4 Authorization Act for Fiscal Year 2016 (Public Law
5 114–92; 129 Stat. 755) is amended by striking “171”
6 and inserting “153”.

7 (c) **MODIFICATION OF LIMITATION ON AVAILABILITY**
8 **OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN STOR-**
9 **AGE STATUS.**—Section 135(a) of the National Defense Au-
10 thorization Act for Fiscal Year 2017 (Public Law 114–328;
11 130 Stat. 2039) is amended by striking “the report required
12 under section 134(e)(2)” and inserting “a report that in-
13 cludes the information described in section 134(e)(2)(C)”.

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

16 (a) **MINIMUM INVENTORY REQUIREMENT FOR AIR RE-**
17 **FUELING TANKER AIRCRAFT.**—Section 9062(j) of title 10,
18 United States Code, is amended—

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

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

22 (b) **REPEAL OF LIMITATION ON RETIREMENT OF KC-**
23 **135 AIRCRAFT.**—Section 137 of the National Defense Au-
24 thorization Act for Fiscal Year 2022 (Public Law 117–81;
25 135 Stat. 1576) is amended—

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

2 (2) *by redesignating subsections (c) and (d) as*
3 *subsections (b) and (c), respectively.*

4 (c) *MINIMUM NUMBER OF AIR REFUELING TANKER*
5 *AIRCRAFT IN PMAI OF THE AIR FORCE.—Section 135(a)*
6 *of the William M. (Mac) Thornberry National Defense Au-*
7 *thorization Act for Fiscal Year 2021 (Public Law 116–283;*
8 *134 Stat. 3431) is amended by striking “412” and inserting*
9 *“400”.*

10 (d) *PROHIBITION ON REDUCTION OF KC–135 AIR-*
11 *CRAFT IN PMAI OF THE RESERVE COMPONENTS.—*

12 (1) *IN GENERAL.—None of the funds authorized*
13 *to be appropriated by this Act or otherwise made*
14 *available for fiscal year 2023 for the Air Force may*
15 *be obligated or expended to reduce, by more than 12*
16 *aircraft, the number of KC–135 aircraft designated as*
17 *primary mission aircraft inventory within the reserve*
18 *components of the Air Force.*

19 (2) *PRIMARY MISSION AIRCRAFT INVENTORY DE-*
20 *FINED.—In this subsection, the term “primary mis-*
21 *sion aircraft inventory” has the meaning given that*
22 *term in section 9062(i)(2)(B) of title 10, United*
23 *States Code.*

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

2 (a) *LIMITATIONS AND MINIMUM INVENTORY REQUIRE-*
3 *MENTS.*—Section 9062 of title 10, United States Code, is
4 *amended by adding at the end the following new subsection:*

5 “(k)(1) *During the period beginning on the date of the*
6 *enactment of the National Defense Authorization Act for*
7 *Fiscal Year 2023 and ending on September 30, 2027, the*
8 *Secretary of the Air Force may not—*

9 “(A) *retire an F-22 aircraft;*

10 “(B) *reduce funding for unit personnel or weap-*
11 *on system sustainment activities for F-22 aircraft in*
12 *a manner that presumes future congressional author-*
13 *ity to divest such aircraft;*

14 “(C) *keep an F-22 aircraft in a status consid-*
15 *ered excess to the requirements of the possessing com-*
16 *mand and awaiting disposition instructions (com-*
17 *monly referred to as ‘XJ’ status); or*

18 “(D) *decrease the total aircraft inventory of F-*
19 *22 aircraft below 184 aircraft.*

20 “(2) *The prohibition under paragraph (1) shall not*
21 *apply to individual F-22 aircraft that the Secretary of the*
22 *Air Force determines, on a case-by-case basis, to be no*
23 *longer mission capable and uneconomical to repair because*
24 *of aircraft accidents, mishaps, or excessive material deg-*
25 *radation and non-airworthiness status of certain aircraft.”.*

26 (b) *REPORT REQUIRED.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary of
3 the Air Force shall submit to the congressional defense
4 committees a report that includes a strategy and exe-
5 cution plan, approved by the Secretary, for con-
6 ducting formal training for F-22 aircrews to ensure
7 that combat capability, capacity, and availability at
8 all F-22 operational units is not degraded.

9 (2) *ELEMENTS.*—The strategy and execution
10 plan under paragraph (1) shall—

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

12 (i) diminishing the combat effectiveness
13 of all block variants of F-22 aircraft;

14 (ii) exacerbating F-22 aircraft avail-
15 ability concerns; and

16 (iii) complicating F-22 aircraft squad-
17 ron maintenance operations; and

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

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

20 and

21 (ii) the reestablishment of one or more
22 F-22 formal training units, including—

23 (I) the planned location of such
24 units;

1 (II) the planned schedule for the
2 reestablishment of such units; and

3 (III) and the number of F-22 air-
4 craft that are expected to be assigned to
5 such units.

6 (c) *COMPTROLLER GENERAL AUDIT.*—

7 (1) *AUDIT REQUIRED.*—The Comptroller General
8 of the United States shall conduct an audit to assess
9 and validate data and information relating to—

10 (A) the events and activities that would be
11 necessary to upgrade Block 20 F-22 aircraft to
12 a capability configuration comparable to or ex-
13 ceeding the existing or planned configuration of
14 Block 30/35 F-22 aircraft;

15 (B) the estimated costs of such upgrades;
16 and

17 (C) a schedule of milestones for such up-
18 grades.

19 (2) *AVAILABILITY OF INFORMATION.*—At the re-
20 quest of the Comptroller General, the Secretary of the
21 Air Force shall promptly provide to the Comptroller
22 General any data or other information that may be
23 needed to conduct the audit under paragraph (1), in-
24 cluding any data or information it may be necessary

1 to obtain from the original equipment manufacturer
2 of the F-22 aircraft.

3 (3) *BRIEFING.*—Not later than April 15, 2023,
4 the Comptroller General shall provide to the congress-
5 sional defense committees a briefing on the progress
6 and any preliminary results of the audit conducted
7 under paragraph (1).

8 (4) *REPORT.*—Following the briefing under
9 paragraph (3), at such time as is mutually agreed
10 upon by the congressional defense committees and the
11 Comptroller General, the Comptroller General shall
12 submit to the congressional defense committees a re-
13 port on the final results of the audit conducted under
14 paragraph (1).

15 **SEC. 144. MODIFICATION OF EXCEPTION TO PROHIBITION**
16 **ON CERTAIN REDUCTIONS TO B-1 BOMBER**
17 **AIRCRAFT SQUADRONS.**

18 Section 133(b) of the National Defense Authorization
19 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
20 1574) is amended by striking “an individual unit” and in-
21 serting “a bomb wing”.

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

3 *Section 147 of the John S. McCain National Defense*
4 *Authorization Act for Fiscal Year 2019 (Public Law 115-*
5 *232; 132 Stat. 1669) is amended by striking subsection (f).*

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

7 *(a) MINIMUM INVENTORY REQUIREMENT.—*

8 *(1) IN GENERAL.—During the covered period, the*
9 *Secretary of the Air Force shall maintain a total in-*
10 *ventory of C-130 aircraft of not less than 271 air-*
11 *craft.*

12 *(2) EXCEPTION.—The Secretary of the Air Force*
13 *may reduce the number of C-130 aircraft in the Air*
14 *Force below the minimum number specified in para-*
15 *graph (1) if the Secretary determines, on a case-by-*
16 *case basis, that an aircraft is no longer mission capa-*
17 *ble because of a mishap or other damage.*

18 *(3) COVERED PERIOD DEFINED.—In this sub-*
19 *section, the term “covered period” means the period—*

20 *(A) beginning at the close of the period de-*
21 *scribed in section 138(c) of the National Defense*
22 *Authorization Act for Fiscal Year 2022 (Public*
23 *Law 117-81; 135 Stat. 1577); and*

24 *(B) ending on September 30, 2023.*

25 *(b) PROHIBITION ON REDUCTION OF C-130 AIRCRAFT*
26 *ASSIGNED TO NATIONAL GUARD.—*

1 (1) *IN GENERAL.*—During fiscal year 2023, the
2 Secretary of the Air Force may not reduce the total
3 number of C–130 aircraft assigned to the National
4 Guard below the number so assigned as of the date of
5 the enactment of this Act.

6 (2) *EXCEPTION.*—The prohibition under para-
7 graph (1) shall not apply to an individual C–130
8 aircraft that the Secretary of the Air Force deter-
9 mines, on a case-by-case basis, to be no longer mission
10 capable because of a mishap or other damage.

11 **SEC. 147. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
12 **RETIREMENT OF C–40 AIRCRAFT.**

13 (a) *PROHIBITION.*—None of the funds authorized to be
14 appropriated by this Act or otherwise made available for
15 fiscal year 2023 for the Air Force may be obligated or ex-
16 pended to retire, prepare to retire, or place in storage or
17 on backup aircraft inventory status any C–40 aircraft.

18 (b) *EXCEPTION.*—

19 (1) *IN GENERAL.*—The limitation under sub-
20 section (a) shall not apply to an individual C–40 air-
21 craft that the Secretary of the Air Force determines,
22 on a case-by-case basis, to be no longer mission capa-
23 ble because of a Class A mishap.

24 (2) *CERTIFICATION REQUIRED.*—If the Secretary
25 determines under paragraph (1) that an aircraft is

1 *no longer mission capable, the Secretary shall submit*
2 *to the congressional defense committees a certification*
3 *that the status of such aircraft is due to a Class A*
4 *mishap and not due to lack of maintenance or repairs*
5 *or other reasons.*

6 **SEC. 148. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
7 **TERMINATION OF PRODUCTION LINES FOR**
8 **HH-60W AIRCRAFT.**

9 *None of the funds authorized to be appropriated by this*
10 *Act or otherwise made available for fiscal year 2023 for the*
11 *Air Force may be obligated or expended to terminate the*
12 *operations of, or to prepare to terminate the operations of,*
13 *a production line for HH-60W Combat Rescue Helicopters.*

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

17 *(a) PROHIBITION.—Except as provided in subsections*
18 *(b) and (c), none of the funds authorized to be appropriated*
19 *by this Act or otherwise made available for fiscal year 2023*
20 *for the Air Force may be obligated or expended to retire,*
21 *prepare to retire, or place in storage or in backup aircraft*
22 *inventory any E-3 aircraft if such actions would reduce*
23 *the total aircraft inventory for such aircraft below 26.*

24 *(b) EXCEPTION FOR ACQUISITION STRATEGY.—If the*
25 *Secretary of the Air Force submits to the congressional de-*

1 *fense committees an acquisition strategy for the E-7*
2 *Wedgetail aircraft approved by the Service Acquisition Ex-*
3 *ecutive of the Air Force, the prohibition under subsection*
4 *(a) shall not apply to actions taken to reduce the total air-*
5 *craft inventory for E-3 aircraft to 21 after the date on*
6 *which the strategy is so submitted.*

7 (c) *EXCEPTION FOR CONTRACT AWARD.—If the Sec-*
8 *retary of the Air Force awards a contract for the E-7*
9 *Wedgetail aircraft, the prohibition under subsection (a)*
10 *shall not apply to actions taken to reduce the total aircraft*
11 *inventory for E-3 aircraft to 18 after the date on which*
12 *such contract is so awarded.*

13 (d) *DESIGNATION AS PRIMARY TRAINING AIRCRAFT*
14 *INVENTORY.—The Secretary of the Air Force shall designate*
15 *two E-3 aircraft as Primary Training Aircraft Inventory.*

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

17 (a) *LIMITATION.—Beginning on October 1, 2023, the*
18 *Secretary of the Air Force may not divest, or prepare to*
19 *divest, any covered F-15 aircraft until a period of 180 days*
20 *has elapsed following the date on which the Secretary sub-*
21 *mits the report required under subsection (b).*

22 (b) *REPORT REQUIRED.—The Secretary of the Air*
23 *Force shall submit to the congressional defense committees*
24 *a report on the following:*

1 (1) *Any plans of the Secretary to divest covered*
2 *F-15 aircraft during the period covered by the most*
3 *recent future-years defense program submitted to Con-*
4 *gress under section 221 of title 10, United States*
5 *Code, including—*

6 (A) *a description of each proposed divest-*
7 *ment by fiscal year and location;*

8 (B) *an explanation of the anticipated effects*
9 *of such divestments on the missions, personnel,*
10 *force structure, and budgeting of the Air Force;*

11 (C) *a description of the actions the Sec-*
12 *retary intends to carry out—*

13 (i) *to mitigate any negative effects*
14 *identified under subparagraph (B); and*

15 (ii) *to modify or replace the missions*
16 *and capabilities of any units and military*
17 *installations affected by such divestments;*
18 *and*

19 (D) *an assessment of how such divestments*
20 *may affect the ability of the Air Force to main-*
21 *tain minimum tactical aircraft inventories.*

22 (2) *Any plans of the Secretary to procure covered*
23 *F-15 aircraft.*

24 (3) *Any specific plans of the Secretary to deviate*
25 *from procurement of new F-15EX aircraft as articu-*

1 *lated by the validated requirements contained in Air*
2 *Force Requirements Decision Memorandum, dated*
3 *February 1, 2019, regarding F-15EX Rapid Fielding*
4 *Requirements Document, dated January 16, 2019.*

5 *(c) COVERED F-15 AIRCRAFT DEFINED.—In this sec-*
6 *tion, the term “covered F-15 aircraft” means the following:*

7 *(1) F-15C aircraft.*

8 *(2) F-15D aircraft.*

9 *(3) F-15E aircraft.*

10 *(4) F-15EX aircraft.*

11 **SEC. 151. AUTHORITY TO PROCURE UPGRADED EJECTION**

12 **SEATS FOR CERTAIN T-38A AIRCRAFT.**

13 *The Secretary of the Air Force is authorized to procure*
14 *upgraded ejection seats for—*

15 *(1) all T-38A aircraft of the Air Force Global*
16 *Strike Command that have not received an upgraded*
17 *ejection seat under the T-38 Ejection Seat Upgrade*
18 *Program; and*

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

1 **SEC. 152. PROCUREMENT AUTHORITY FOR DIGITAL MIS-**
2 **SION OPERATIONS PLATFORM FOR THE**
3 **SPACE FORCE.**

4 (a) *PROCUREMENT AUTHORITY.*—*The Secretary of the*
5 *Air Force is authorized to enter into one or more contracts*
6 *for the procurement of a digital mission operations plat-*
7 *form for the Space Force.*

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

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

14 (2) *The platform shall enable collaboration*
15 *among such operators in an integrated, physics-based*
16 *environment.*

17 **SEC. 153. DIGITAL TRANSFORMATION COMMERCIAL SOFT-**
18 **WARE ACQUISITION.**

19 (a) *PROCUREMENT AUTHORITY.*—*The Secretary of the*
20 *Air Force may enter into one or more contracts for the pro-*
21 *curement of commercial digital engineering and software*
22 *tools to meet the digital transformation goals and objectives*
23 *of the Department of the Air Force.*

24 (b) *INCLUSION OF PROGRAM ELEMENT IN BUDGET*
25 *MATERIALS.*—*In the materials submitted by the Secretary*
26 *of the Air Force in support of the budget of the President*

1 *for fiscal year 2024 (as submitted to Congress pursuant to*
2 *section 1105 of title 31, United States Code), the Secretary*
3 *shall include a program element dedicated to the procure-*
4 *ment and management of the commercial digital engineer-*
5 *ing and software tools described in subsection (a).*

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

8 (1) *review the market for commercial digital en-*
9 *gineering and software tools; and*

10 (2) *conduct research on providers of commercial*
11 *software capabilities that have the potential to expe-*
12 *dite the progress of digital engineering initiatives*
13 *across the weapon system enterprise, with a par-*
14 *ticular focus on capabilities that have the potential to*
15 *generate significant life-cycle cost savings, streamline*
16 *and accelerate weapon system acquisition, and pro-*
17 *vide data-driven approaches to inform investments by*
18 *the Department of the Air Force.*

19 (d) *REPORT.*—*Not later than March 1, 2023, the Sec-*
20 *retary of the Air Force shall submit to the congressional*
21 *defense committees a report that includes—*

22 (1) *an analysis of specific digital engineering*
23 *and software tool capability manufacturers that de-*
24 *liver high mission impact with broad reach into the*

1 *weapon system enterprise of the Department of the*
2 *Air Force; and*

3 *(2) a prioritized list of programs and offices of*
4 *the Department of the Air Force that could better uti-*
5 *lize commercial digital engineering and software tools*
6 *and opportunities for the implementation of such dig-*
7 *ital engineering and software tool capabilities within*
8 *the Department.*

9 **SEC. 154. REQUIREMENTS STUDY AND STRATEGY FOR THE**
10 **COMBAT SEARCH AND RESCUE MISSION OF**
11 **THE AIR FORCE.**

12 *(a) REQUIREMENTS STUDY.—*

13 *(1) IN GENERAL.—The Secretary of the Air*
14 *Force shall conduct a study to determine the require-*
15 *ments for the combat search and rescue mission of the*
16 *Air Force in support of the objectives of the National*
17 *Defense Strategy.*

18 *(2) ELEMENTS.—The study under paragraph (1)*
19 *shall include the following:*

20 *(A) Identification of anticipated combat*
21 *search and rescue mission requirements nec-*
22 *essary to meet the objectives of the most recent*
23 *National Defense Strategy, including—*

- 1 (i) requirements for short-term, mid-
2 term, and long-term contingency and
3 steady-state operations against adversaries;
- 4 (ii) requirements under the Agile Com-
5 bat Employment operational scheme of the
6 Air Force;
- 7 (iii) requirements relating to regions
8 and specific geographic areas that are ex-
9 pected to have a need for combat search and
10 rescue forces based on the combat-relevant
11 range and penetration capability of United
12 States air assets and associated weapon sys-
13 tems; and
- 14 (iv) the level of operational risk associ-
15 ated with each likely requirement and sce-
16 nario.
- 17 (B) An assessment of the rotary, tilt, and
18 fixed wing aircraft and key combat search and
19 rescue enabling capabilities that—
- 20 (i) are needed to meet the requirements
21 identified under subparagraph (A); and
- 22 (ii) have been accounted for in the
23 budget of the Air Force as of the date of the
24 study.

1 (C) *Identification of any combat search and*
2 *rescue capability gaps, including an assessment*
3 *of—*

4 (i) *whether and to what extent such*
5 *gaps may affect the ability of the Air Force*
6 *to conduct combat search and rescue oper-*
7 *ations;*

8 (ii) *any capability gaps that may be*
9 *created by procuring fewer HH-60W air-*
10 *craft than planned under the program of*
11 *record, including any expected changes to*
12 *the plan for fielding such aircraft for active,*
13 *reserve, and National Guard units; and*

14 (iii) *any capability gaps attributable*
15 *to unfunded requirements.*

16 (D) *Identification and assessment of key*
17 *current, emerging, and future technologies with*
18 *potential application to the combat search and*
19 *rescue mission, including electric vertical takeoff*
20 *and landing, unmanned aerial systems, armed*
21 *air launched effects or similar armed capabili-*
22 *ties, electric short take-off and landing, or a com-*
23 *bination of such technologies.*

1 (E) *An assessment of each technology iden-*
2 *tified under subparagraph (D), including (as ap-*
3 *plicable) an assessment of—*

4 (i) *technology maturity;*

5 (ii) *suitability to the combat search*
6 *and rescue mission;*

7 (iii) *range;*

8 (iv) *speed;*

9 (v) *payload capability and capacity;*

10 (vi) *radio frequency and infrared sig-*
11 *natures;*

12 (vii) *operational conditions required*
13 *for the use of such technology, such as run-*
14 *way availability;*

15 (viii) *survivability;*

16 (ix) *lethality;*

17 (x) *potential to support combat mis-*
18 *sions other than combat search and rescue;*
19 *and*

20 (xi) *estimated cost.*

21 (3) *SUBMITTAL TO CONGRESS.—*

22 (A) *IN GENERAL.—Not later than April 30,*
23 *2023, the Secretary of the Air Force shall submit*
24 *to the Committees on Armed Services of the Sen-*

1 *ate and the House of Representatives a report on*
2 *the results of the study under paragraph (1).*

3 *(B) FORM.—The report required under sub-*
4 *paragraph (A) shall be submitted in unclassified*
5 *form, but may include a classified annex.*

6 *(b) STRATEGY REQUIRED.—*

7 *(1) IN GENERAL.—Based on the results of the*
8 *study conducted under subsection (a), the Secretary of*
9 *the Air Force shall develop a strategy to meet the re-*
10 *quirements identified under such study.*

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

13 *(A) A prioritized list of the capabilities*
14 *needed to meet the requirements identified under*
15 *subsection (a).*

16 *(B) The estimated costs of such capabilities,*
17 *including—*

18 *(i) any amounts already budgeted for*
19 *such capabilities as of the date of the strat-*
20 *egy, including amounts already budgeted*
21 *for emerging and future technologies; and*

22 *(ii) any amounts not already budgeted*
23 *for such capabilities as of such date.*

24 *(C) An estimate of the date by which the ca-*
25 *pability is expected to become operational.*

1 (D) *A description of any requirements iden-*
2 *tified under subsection (a) that the Secretary of*
3 *the Air Force does not expect to meet as part of*
4 *the strategy and an explanation of the reasons*
5 *such requirements cannot be met.*

6 (3) *SUBMITTAL TO CONGRESS.—*

7 (A) *IN GENERAL.—Not later than July 30,*
8 *2023, the Secretary of the Air Force shall submit*
9 *to the Committees on Armed Services of the Sen-*
10 *ate and the House of Representatives a report on*
11 *the strategy developed under paragraph (1).*

12 (B) *FORM.—The report required under sub-*
13 *paragraph (A) shall be submitted in unclassified*
14 *form, but may include a classified annex.*

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

17 (a) *PLAN REQUIRED.—The Secretary of the Air Force*
18 *shall develop a plan to transfer covered KC-135 aircraft*
19 *to air refueling wings of the Air National Guard that are*
20 *classic associations with active duty units of the Air Force.*

21 (b) *BRIEFING.—Not later than 120 days after the date*
22 *of the enactment of this Act, the Secretary of the Air Force*
23 *shall provide to the Committees on Armed Services of the*
24 *Senate and the House of Representatives a briefing on the*

1 *plan developed under subsection (a). The briefing shall in-*
2 *clude an explanation of—*

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

4 *(A) the aerial refueling capability of the De-*
5 *partment of Defense; and*

6 *(B) personnel; and*

7 *(2) any costs associated with the plan.*

8 *(c) DEFINITIONS.—In this section:*

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

12 *(2) The term “classic association” means a*
13 *structure under which a regular Air Force unit re-*
14 *tains principal responsibility for an aircraft and*
15 *shares the aircraft with one or more reserve compo-*
16 *nent units.*

17 **SEC. 156. ANNUAL REPORTS ON T-7A ADVANCED PILOT**
18 **TRAINING SYSTEM.**

19 *(a) ANNUAL REPORT.—Not later than March 1, 2023,*
20 *and annually thereafter through 2028, the Assistant Sec-*
21 *retary of the Air Force for Acquisition, Technology, and Lo-*
22 *gistics shall submit to the Committees on Armed Services*
23 *of the Senate and the House of Representatives a report on*
24 *the acquisition efforts of the Air Force with respect to the*

1 *T-7A Advanced Pilot Training System (including any as-*
2 *sociated aircraft and ground training systems).*

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

5 (1) *An overview of the Assistant Secretary’s ac-*
6 *quisition strategy for the T-7 Advanced Pilot Train-*
7 *ing System, including the current status of the acqui-*
8 *sition strategy as of the date of the report.*

9 (2) *The cost and schedule estimates for the T-7*
10 *Advanced Pilot Training System program.*

11 (3) *In the case of the initial report under this*
12 *section, the key performance parameters or the equiv-*
13 *alent requirements for the program. In the case of*
14 *subsequent reports, any key performance parameters*
15 *or the equivalent requirements for the program that*
16 *have changed since the submission of the previous re-*
17 *port under this section.*

18 (4) *The test and evaluation master plan for the*
19 *program.*

20 (5) *With respect to the testing program events*
21 *completed in the year covered by the report—*

22 (A) *the completion date of each event;*

23 (B) *a summary of the event, including iden-*
24 *tification of—*

1 (i) the quantity of data points evalu-
2 ated and subsequently considered complete
3 and validated; and

4 (ii) the quantity of data points evalu-
5 ated that remain incomplete or unvalidated
6 and requiring further testing.

7 (6) The logistics and sustainment strategy for
8 the program and a description of any activities car-
9 ried out to implement such strategy as of the date of
10 the report.

11 (7) An explanation of—

12 (A) the causes of any engineering, manufac-
13 turing, development, testing, production, deliv-
14 ery, acceptance, and fielding delays incurred by
15 the program as of the date of the report;

16 (B) the effects of such delays; and

17 (C) any subsequent efforts to address such
18 delays.

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

21 (9) Any other matters regarding the acquisition
22 of the T-7 Advanced Pilot Training System that the
23 Assistant Secretary determines to be of critical impor-
24 tance to the long-term viability of the program.

1 ***Subtitle E—Defense-wide, Joint,***
2 ***and Multiservice Matters***

3 ***SEC. 161. INCREASE IN AIR FORCE AND NAVY USE OF USED***
4 ***COMMERCIAL DUAL-USE PARTS IN CERTAIN***
5 ***AIRCRAFT AND ENGINES.***

6 (a) *IN GENERAL.*—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of the Air
8 Force, with respect to the Air Force, and the Secretary of
9 the Navy, with respect to the Navy, shall develop and imple-
10 ment processes and procedures for—

11 (1) *the acquisition of used, overhauled, recondi-*
12 *tioned, and remanufactured commercial dual-use*
13 *parts; and*

14 (2) *the use of such commercial dual-use parts in*
15 *all—*

16 (A) *commercial derivative aircraft and en-*
17 *gines; and*

18 (B) *aircraft used by the Air Force or Navy*
19 *that are based on the design of commercial prod-*
20 *ucts.*

21 (b) *PROCUREMENT OF PARTS.*—The processes and pro-
22 cedures implemented under subsection (a) shall provide that
23 commercial dual-use parts shall be acquired—

1 (1) *pursuant to competitive procedures (as de-*
2 *defined in section 3012 of title 10, United States Code);*
3 *and*

4 (2) *only from suppliers that provide parts that*
5 *possess an Authorized Release Certificate Federal*
6 *Aviation Administration Form 8130-3 Airworthy Ap-*
7 *proval Tag from a certified repair station pursuant*
8 *to part 145 of title 14, Code of Federal Regulations.*

9 (c) *DEFINITIONS.—In this section:*

10 (1) *COMMERCIAL DERIVATIVE.—The term “com-*
11 *mercial derivative” means an item procured by the*
12 *Department of Defense that is or was produced using*
13 *the same or similar production facilities, a common*
14 *supply chain, and the same or similar production*
15 *processes that are used for the production of the item*
16 *as predominantly used by the general public or by*
17 *nongovernmental entities for purposes other than gov-*
18 *ernmental purposes.*

19 (2) *COMMERCIAL DUAL-USE PART.—The term*
20 *“commercial dual-use part” means a product that*
21 *is—*

22 (A) *a commercial product;*

23 (B) *dual-use;*

24 (C) *described in subsection (b)(2); and*

25 (D) *not a life-limited part.*

1 (3) *COMMERCIAL PRODUCT*.—*The term “commercial product” has the meaning given such term in section 103 of title 41, United States Code.*

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

7 **SEC. 162. ASSESSMENT AND STRATEGY FOR FIELDING CA-**
8 **PABILITIES TO COUNTER THREATS POSED BY**
9 **UNMANNED AERIAL SYSTEM SWARMS.**

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

12 (1) *an assessment of the threats posed by unmanned aerial system swarms and unmanned aerial systems with swarm capabilities to installations and deployed Armed Forces;*

16 (2) *an analysis of the use or potential use of unmanned aerial system swarms by adversaries, including the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of North Korea, and non-state actors;*

22 (3) *an analysis of the national security implications of swarming technologies such as autonomous intelligence and machine learning;*

1 (4) *a review of the capabilities used by the De-*
2 *partment of Defense to counter threats posed by un-*
3 *manned aerial systems and an assessment of the effec-*
4 *tiveness of such capabilities at countering the threat*
5 *of unmanned aerial system swarms; and*

6 (5) *an overview of the efforts of the Department*
7 *of Defense to develop and field test technologies that*
8 *offer scalable, modular, and rapidly deployable capa-*
9 *bilities with the ability to counter unmanned aerial*
10 *system swarms.*

11 (b) *STRATEGY DEVELOPMENT AND IMPLEMENTATION*

12 *REQUIRED.—*

13 (1) *IN GENERAL.—The Secretary of Defense shall*
14 *develop and implement a strategy to field capabilities*
15 *to counter threats posed by unmanned aerial system*
16 *swarms.*

17 (2) *ELEMENTS.—The strategy required by para-*
18 *graph (1) shall include the following:*

19 (A) *The development of a comprehensive*
20 *definition of “unmanned aerial system swarm”.*

21 (B) *A plan to establish and incorporate re-*
22 *quirements for the development, testing, and*
23 *fielding of technologies and capabilities to*
24 *counter unmanned aerial system swarms.*

1 (C) *A plan to acquire and field adequate*
2 *capabilities to counter unmanned aerial system*
3 *swarms in defense of the Armed Forces, infra-*
4 *structure, and other assets of the United States*
5 *across land, air, and maritime domains.*

6 (D) *An estimate of the resources needed by*
7 *each Armed Force to implement the strategy.*

8 (E) *An analysis, determination, and*
9 *prioritization of legislative action required to en-*
10 *sure the Department of Defense has the ability to*
11 *counter the threats posed by unmanned aerial*
12 *system swarms.*

13 (F) *Such other matters as the Secretary de-*
14 *termines to be relevant to the strategy.*

15 (3) *INCORPORATION INTO EXISTING STRATEGY.—*
16 *The Secretary of Defense may incorporate the strategy*
17 *required by paragraph (1) into a comprehensive*
18 *strategy of the Department of Defense to counter the*
19 *threat of unmanned aerial systems.*

20 (c) *INFORMATION TO CONGRESS.—Not later than 270*
21 *days after the date of the enactment of this Act, the Sec-*
22 *retary of Defense shall submit to the congressional defense*
23 *committees a report on—*

24 (1) *the findings of the Secretary under subsection*
25 *(a); and*

1 (2) *the strategy developed and implemented by*
2 *the Secretary under subsection (b).*

3 **SEC. 163. ASSESSMENT AND REPORT ON MILITARY ROTARY**
4 **WING AIRCRAFT INDUSTRIAL BASE.**

5 (a) *ASSESSMENT REQUIRED.*—*The Under Secretary of*
6 *Defense for Acquisition and Sustainment, in coordination*
7 *with the Secretaries of the Army, Navy, and Air Force, shall*
8 *conduct an assessment of the military rotary wing aircraft*
9 *industrial base.*

10 (b) *ELEMENTS.*—*The assessment under subsection (a)*
11 *shall include the following:*

12 (1)(A) *Identification of each rotary wing aircraft*
13 *program of the Department of Defense that is in the*
14 *research and development or procurement phase.*

15 (B) *A description of any platform-specific or ca-*
16 *pability-specific facility or workforce technical skill*
17 *requirements necessary for each program identified*
18 *under subparagraph (A).*

19 (2) *Identification of—*

20 (A) *the rotary wing aircraft capabilities of*
21 *each Armed Force anticipated for programming*
22 *beyond the period covered by the most recent fu-*
23 *ture-years defense program submitted to Con-*
24 *gress under section 221 of title 10, United States*
25 *Code (as of the date of the assessment); and*

1 (B) the technologies, facilities, and work-
2 force skills necessary for the development of such
3 capabilities.

4 (3) An assessment of the military industrial base
5 capacity and skills that are available (as of the date
6 of the assessment) to design and manufacture the
7 platforms and capabilities identified under para-
8 graphs (1) and (2) and a list of any gaps in such ca-
9 pacity and skills.

10 (4)(A) Identification of each component, sub-
11 component, or equipment supplier in the military ro-
12 tary wing aircraft industrial base that is the sole
13 source within such industrial base from which that
14 component, subcomponent, or equipment may be ob-
15 tained.

16 (B) An assessment of any risk resulting from the
17 lack of other suppliers for such components, sub-
18 components, or equipment.

19 (5) Analysis of the likelihood of future consolida-
20 tion, contraction, or expansion, within the rotary
21 wing aircraft industrial base, including—

22 (A) identification of the most probable sce-
23 narios with respect to such consolidation, con-
24 traction, or expansion; and

1 (B) *an assessment of how each such scenario*
2 *may affect the ability of the Armed Forces to ac-*
3 *quire military rotary wing aircraft in the fu-*
4 *ture, including any effects on the cost and sched-*
5 *ule of such acquisitions.*

6 (6) *Such other matters the Under Secretary of*
7 *Defense for Acquisition and Sustainment determines*
8 *appropriate.*

9 (c) *REPORT.—Not later than June 1, 2023, the Under*
10 *Secretary of Defense for Acquisition and Sustainment shall*
11 *submit to the congressional defense committees a report that*
12 *includes—*

13 (1) *the results of the assessment conducted under*
14 *subsection (a); and*

15 (2) *based on such results, recommendations for*
16 *reducing any risks identified with respect to the mili-*
17 *tary rotary wing aircraft industrial base.*

18 (d) *ROTARY WING AIRCRAFT DEFINED.—In this sec-*
19 *tion, the term “rotary wing aircraft” includes rotary wing*
20 *and tiltrotor aircraft.*

1 **SEC. 164. COMPTROLLER GENERAL AUDIT OF EFFORTS TO**
2 **MODERNIZE THE PROPULSION, POWER, AND**
3 **THERMAL MANAGEMENT SYSTEMS OF F-35**
4 **AIRCRAFT.**

5 (a) *AUDIT REQUIRED.*—*The Comptroller General of*
6 *the United States shall conduct an audit of the efforts of*
7 *the Department of Defense to modernize the propulsion,*
8 *power, and thermal management systems of F-35 aircraft.*

9 (b) *ELEMENTS.*—*The audit conducted under sub-*
10 *section (a) shall include the following:*

11 (1) *An evaluation of the results of the business-*
12 *case analysis conducted by the Director of the F-35*
13 *Joint Program Office, in which the Director assessed*
14 *options to modernize the propulsion, power, and ther-*
15 *mal management systems of the F-35 aircraft.*

16 (2) *An assessment of the costs associated with*
17 *each modernization option assessed in the business-*
18 *case analysis described in paragraph (1), including*
19 *any costs associated with development, production,*
20 *retrofit, integration, and installation of the option*
21 *(including any aircraft modifications required to ac-*
22 *commodate such option), and an assessment of the*
23 *sustainment infrastructure requirements associated*
24 *with that option for each variant of F-35 aircraft.*

25 (3) *An assessment of the progress made by the*
26 *prototype engines developed under the Adaptive En-*

1 *gine Transition Program and the development and*
2 *testing status of the other modernization options as-*
3 *essed in the business-case analysis described in para-*
4 *graph (1).*

5 (4) *An assessment of the timeline associated with*
6 *modernizing the propulsion, power, and thermal*
7 *management systems of F-35 aircraft to meet the ca-*
8 *pability performance requirements of the full Block 4*
9 *suite upgrade planned for each variant of such air-*
10 *craft.*

11 (5) *An assessment of the costs associated with*
12 *modernizing the propulsion, power, and thermal*
13 *management systems of F-35 aircraft to meet the ca-*
14 *pability performance requirements of the full Block 4*
15 *suite upgrade planned for each variant of such air-*
16 *craft.*

17 (6) *An assessment of the potential effects of each*
18 *modernization option assessed in the business-case*
19 *analysis described in paragraph (1) on life-cycle*
20 *sustainment costs and the costs of spare parts for F-*
21 *35 aircraft, including any participatory effects on*
22 *international partners and foreign military sales cus-*
23 *tomers.*

24 (c) *BRIEFING.*—*Not later than February 28, 2023, the*
25 *Comptroller General shall provide to the congressional de-*

1 *fense committees a briefing on the preliminary results of*
 2 *the audit conducted under subsection (a).*

3 *(d) REPORT.—Following the briefing under subsection*
 4 *(c), at such time as is mutually agreed upon by the congres-*
 5 *sional defense committees and the Comptroller General, the*
 6 *Comptroller General shall submit to the congressional de-*
 7 *fense committees a report on the final results of the audit*
 8 *conducted under subsection (a), including the findings of*
 9 *the Comptroller General with respect to each element speci-*
 10 *fied in subsection (b).*

11 **TITLE II—RESEARCH, DEVELOP-**
 12 **MENT, TEST, AND EVALUA-**
 13 **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 fis-*
 5 *cal year 2023 for the use of the Department of Defense for*
 6 *research, development, test, and evaluation, as specified in*
 7 *the funding table in section 4201.*

1 ***Subtitle B—Program Requirements,***
2 ***Restrictions, and Limitations***

3 ***SEC. 211. MODIFICATION OF COOPERATIVE RESEARCH AND***
4 ***DEVELOPMENT PROJECT AUTHORITY.***

5 *(a) IN GENERAL.—Section 2350a(a)(2) of title 10,*
6 *United States Code, is amended by adding at the end the*
7 *following:*

8 *“(F) The European Union, including the Euro-*
9 *pean Defence Agency, the European Commission, and*
10 *the Council of the European Union, and their sub-*
11 *organizations.”.*

12 *(c) CONFORMING REGULATIONS.—Not later than 120*
13 *days after the date of the enactment of this Act, the Sec-*
14 *retary of Defense shall revise the Department of Defense*
15 *Supplement to the Federal Acquisition Regulation to con-*
16 *form with section 2350a of title 10, United States Code,*
17 *as amended by subsection (a).*

18 ***SEC. 212. CLARIFICATION OF ROLE OF SENIOR OFFICIAL***
19 ***WITH PRINCIPAL RESPONSIBILITY FOR ARTI-***
20 ***FICIAL INTELLIGENCE AND MACHINE LEARN-***
21 ***ING.***

22 *(a) PERSONNEL MANAGEMENT AUTHORITY TO AT-*
23 *TRACT EXPERTS IN SCIENCE AND ENGINEERING.—Section*
24 *4092 of title 10, United States Code, is amended—*

25 *(1) in subsection (a)(6)—*

1 (A) by striking “Director of the Joint Arti-
2 ficial Intelligence Center” and inserting “official
3 designated under section 238(b) of the John S.
4 McCain National Defense Authorization Act for
5 Fiscal Year 2019 (Public Law 115–232)”;

6 (B) by striking “for the Center” and insert-
7 ing “to support the activities of such official
8 under section 238 of such Act”; and

9 (C) in the paragraph heading, by striking
10 “Center”;

11 (2) in subsection (b)(1)(F)—

12 (A) by striking “Joint Artificial Intelligence
13 Center” and inserting “office of the official des-
14 ignated under section 238(b) of the John S.
15 McCain National Defense Authorization Act for
16 Fiscal Year 2019 (Public Law 115–232)”;

17 (B) by striking “in the Center” and insert-
18 ing “in support of the activities of such official
19 under section 238 of such Act”; and

20 (3) in subsection (c)(2), by striking “Joint Arti-
21 ficial Intelligence Center” and inserting “the activi-
22 ties under section 238 of the John S. McCain Na-
23 tional Defense Authorization Act for Fiscal Year 2019
24 (Public Law 115–232)”.

1 **(b) REVIEW OF ARTIFICIAL INTELLIGENCE APPLICA-**
2 **TIONS AND ESTABLISHMENT OF PERFORMANCE**
3 **METRICS.**—Section 226(b) of the National Defense Author-
4 ization Act for Fiscal Year 2022 (Public Law 117–81; 10
5 U.S.C. 4001 note) is amended—

6 (1) in paragraph (3), by striking “Director of
7 the Joint Artificial Intelligence Center” and inserting
8 “official designated under subsection (b) of section
9 238 of the John S. McCain National Defense Author-
10 ization Act for Fiscal Year 2019 (Public Law 115–
11 232; 10 U.S.C. note prec. 4061)”;

12 (2) in paragraph (4), by striking “Director of
13 the Joint Artificial Intelligence Center” and inserting
14 “official designated under subsection (b) of section
15 238 of the John S. McCain National Defense Author-
16 ization Act for Fiscal Year 2019 (Public Law 115–
17 232; 10 U.S.C. note prec. 4061)”;

18 (3) in paragraph (5), by striking “Director of
19 the Joint Artificial Intelligence Center” and inserting
20 “official designated under subsection (b) of section
21 238 of the John S. McCain National Defense Author-
22 ization Act for Fiscal Year 2019 (Public Law 115–
23 232; 10 U.S.C. note prec. 4061)”.

24 **(c) MODIFICATION OF THE JOINT COMMON FOUNDA-**
25 **TION PROGRAM.**—Section 227(a) of the National Defense

1 *Authorization Act for Fiscal Year 2022 (Public Law 117–*
2 *81; 10 U.S.C. 4001 note) is amended by striking “Joint*
3 *Artificial Intelligence Center” and inserting “the office of*
4 *the official designated under subsection (b) of section 238*
5 *of the John S. McCain National Defense Authorization Act*
6 *for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note*
7 *prec. 4061)”.*

8 *(d) PILOT PROGRAM ON DATA REPOSITORIES TO FA-*
9 *CILITATE THE DEVELOPMENT OF ARTIFICIAL INTEL-*
10 *LIGENCE CAPABILITIES FOR THE DEPARTMENT OF DE-*
11 *FENSE.—Section 232 of the National Defense Authorization*
12 *Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.*
13 *4001 note) is amended—*

14 *(1) in the section heading, by striking “PILOT*
15 **PROGRAM ON DATA REPOSITORIES”** and insert-
16 *ing “DATA REPOSITORIES”;*

17 *(2) by amending subsection (a) to read as fol-*
18 *lows:*

19 *“(a) ESTABLISHMENT OF DATA REPOSITORIES.—The*
20 *Secretary of Defense, acting through the official designated*
21 *under subsection (b) of section 238 of the John S. McCain*
22 *National Defense Authorization Act for Fiscal Year 2019*
23 *(Public Law 115–232; 10 U.S.C. note prec. 4061) (and such*
24 *other officials as the Secretary determines appropriate),*
25 *shall—*

1 “(1) establish data repositories containing De-
2 partment of Defense data sets relevant to the develop-
3 ment of artificial intelligence software and technology;
4 and

5 “(2) allow appropriate public and private sector
6 organizations to access such data repositories for the
7 purpose of developing improved artificial intelligence
8 and machine learning software capabilities that may,
9 as determined appropriate by the Secretary, be pro-
10 cured by the Department to satisfy Department re-
11 quirements and technology development goals.”;

12 (3) in subsection (b), by striking “If the Sec-
13 retary of Defense carries out the pilot program under
14 subsection (a), the data repositories established under
15 the program” and inserting “The data repositories es-
16 tablished under subsection (a)”;

17 (4) by amending subsection (c) to read as fol-
18 lows:

19 “(c) BRIEFING.—Not later than July 1, 2023, the Sec-
20 retary of Defense shall provide to the congressional defense
21 committees a briefing on—

22 “(1) the types of information the Secretary deter-
23 mines are feasible and advisable to include in the
24 data repositories established under subsection (a); and

1 “(2) *the progress of the Secretary in establishing*
2 *such data repositories.*”.

3 (e) *DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN*
4 *AND WORKING GROUP.—Section 1531(d)(2)(C) of the Na-*
5 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
6 *lic Law 117–81; 135 Stat. 2051) is amended by striking*
7 *“The Joint Artificial Intelligence Center (JAIC)” and in-*
8 *serting “The office of the official designated under sub-*
9 *section (b) of section 238 of the John S. McCain National*
10 *Defense Authorization Act for Fiscal Year 2019 (Public*
11 *Law 115–232; 10 U.S.C. note prec. 4061)”.*

12 (f) *BOARD OF ADVISORS FOR THE OFFICE OF THE*
13 *SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR*
14 *ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.—*
15 *Section 233 of the William M. (Mac) Thornberry National*
16 *Defense Authorization Act for Fiscal Year 2021 (Public*
17 *Law 116–283; 10 U.S.C. 4001 note) is amended—*

18 (1) *in the section heading, by striking “**JOINT***
19 ***ARTIFICIAL INTELLIGENCE CENTER**” and insert-*
20 *ing “**OFFICE OF THE SENIOR OFFICIAL WITH***
21 ***PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL***
22 ***INTELLIGENCE AND MACHINE LEARNING**”;*

23 (2) *in subsection (a), by striking “Joint Artifi-*
24 *cial Intelligence Center” and inserting “office of the*
25 *official designated under subsection (b) of section 238*

1 *of the John S. McCain National Defense Authoriza-*
2 *tion Act for Fiscal Year 2019 (Public Law 115–232;*
3 *10 U.S.C. note prec. 4061) (referred to in this section*
4 *as the ‘Official’);*

5 *(3) in subsection (b), by striking “Director” each*
6 *place in appears and inserting “Official”;*

7 *(4) in subsection (f), by striking “September 30,*
8 *2024” and inserting “September 30, 2026”; and*

9 *(5) in subsection (g)—*

10 *(A) by striking paragraphs (2) and (3); and*

11 *(B) by redesignating paragraph (4) as*
12 *paragraph (2).*

13 *(g) APPLICATION OF ARTIFICIAL INTELLIGENCE TO*
14 *THE DEFENSE REFORM PILLAR IN THE NATIONAL DE-*
15 *FENSE STRATEGY.—Section 234(b) of the William M. (Mac)*
16 *Thornberry National Defense Authorization Act for Fiscal*
17 *Year 2021 (Public Law 116–283; 10 U.S.C. 113 note) is*
18 *amended by striking “Director of the Joint Artificial Intel-*
19 *ligence Center” and inserting “official designated under sec-*
20 *tion 238(b) of the John S. McCain National Defense Au-*
21 *thorization Act for Fiscal Year 2019 (Public Law 115–232;*
22 *10 U.S.C. note prec. 4061)”.*

23 *(h) PILOT PROGRAM ON THE USE OF ELECTRONIC*
24 *PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR*
25 *TECHNICAL POSITIONS.—Section 247(c) of the William M.*

1 *(Mac) Thornberry National Defense Authorization Act for*
2 *Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. note*
3 *prec. 1580) is amended—*

4 (1) *in paragraph (1), by striking “the Joint Ar-*
5 *tificial Intelligence Center” and inserting “the office*
6 *of the official designated under subsection (b) of sec-*
7 *tion 238 of the John S. McCain National Defense Au-*
8 *thorization Act for Fiscal Year 2019 (Public Law*
9 *115–232; 10 U.S.C. note prec. 4061)”;*

10 (2) *by striking paragraph (2); and*

11 (3) *by redesignating paragraphs (3) and (4) as*
12 *paragraphs (2) and (3), respectively.*

13 (i) *ACQUISITION AUTHORITY OF THE DIRECTOR OF*
14 *THE JOINT ARTIFICIAL INTELLIGENCE CENTER.—Section*
15 *808 the William M. (Mac) Thornberry National Defense*
16 *Authorization Act for Fiscal Year 2021 (Public Law 116–*
17 *283; 10 U.S.C. 4001 note) is amended—*

18 (1) *in the section heading, by striking “**THE DI-***
19 ***RECTOR OF THE JOINT ARTIFICIAL INTEL-***
20 ***LIGENCE CENTER” and inserting “**THE SENIOR*****
21 ***OFFICIAL WITH PRINCIPAL RESPONSIBILITY***
22 ***FOR ARTIFICIAL INTELLIGENCE AND MACHINE***
23 ***LEARNING”;***

24 (2) *in subsection (a)—*

1 (A) by striking “the Director of the Joint
2 Artificial Intelligence Center” and inserting “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
6 Law 115–232; 10 U.S.C. note prec. 4061) (re-
7 ferred to in this section as the ‘Official’)”; and

8 (B) by striking “the Center” and inserting
9 “the office of such official (referred to in this sec-
10 tion as the ‘Office’)”;

11 (3) in subsection (b)—

12 (A) in the subsection heading, by striking
13 “JAIC”;

14 (B) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A),

17 (I) by striking “staff of the Direc-
18 tor” and inserting “staff of the Offi-
19 cial”; and

20 (II) by striking “the Director of
21 the Center” and inserting “such Offi-
22 cial”;

23 (ii) in subparagraph (A), by striking
24 “the Center” and inserting “the Office”;

1 (iii) in subparagraph (B), by striking
2 “the Center” and inserting “the Office”;

3 (iv) in subparagraph (C), by striking
4 “the Center” each place it appears and in-
5 serting “the Office”; and

6 (v) in subparagraph (D), by striking
7 “the Center” each place it appears and in-
8 serting “the Office”; and

9 (C) in paragraph (2)—

10 (i) by striking “the Center” and insert-
11 ing “the Office”; and

12 (ii) by striking “the Director” and in-
13 serting “the Official”;

14 (4) in subsection (c)(1)—

15 (A) by striking “the Center” and inserting
16 “the Office”; and

17 (B) by striking “the Director” and inserting
18 “the Official”;

19 (5) in subsection (d), by striking “the Director”
20 and inserting “the Official”;

21 (6) in subsection (e)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (B), by striking
24 “Center missions” and inserting “the mis-
25 sions of the Office”; and

1 (ii) in subparagraph (D), by striking
2 “the Center” and inserting “the Office”;
3 and

4 (B) in paragraph (3), by striking “the Cen-
5 ter” and inserting “the Office”;

6 (7) in subsection (f), by striking “the Director”
7 and inserting “the Official”; and

8 (8) in subsection (g)—

9 (A) by striking paragraphs (1) and (3); and

10 (B) by redesignating paragraphs (4) and
11 (5) as paragraphs (1) and (2), respectively.

12 (j) *BIANNUAL REPORT ON OFFICE OF THE SENIOR OF-*
13 *FICIAL WITH PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL*
14 *INTELLIGENCE AND MACHINE LEARNING.*—Section 260 of
15 *the National Defense Authorization Act for Fiscal Year*
16 *2020 (Public Law 116–92) is amended—*

17 (1) in the section heading, by striking “**JOINT**
18 **ARTIFICIAL INTELLIGENCE CENTER**” and insert-
19 ing “**OFFICE OF THE SENIOR OFFICIAL WITH**
20 **PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL**
21 **INTELLIGENCE AND MACHINE LEARNING**”;

22 (2) in subsection (a)—

23 (A) by striking “2023” and inserting
24 “2026”; and

1 (B) by striking “the Joint Artificial Intel-
2 ligence Center (referred to in this section as the
3 ‘Center’)” and inserting “the office of the official
4 designated under subsection (b) of section 238 of
5 the John S. McCain National Defense Authoriza-
6 tion Act for Fiscal Year 2019 (Public Law 115-
7 232; 10 U.S.C. note prec. 4061) (referred to in
8 this section as the ‘Office’)”;

9 (3) in subsection (b)—

10 (A) by striking “Center” each place it ap-
11 pears and inserting “Office”;

12 (B) in paragraph (2), by striking “the Na-
13 tional Mission Initiatives, Component Mission
14 Initiatives, and any other initiatives” and in-
15 serting “any initiatives”; and

16 (C) in paragraph (7), by striking “the Cen-
17 ter’s investments in the National Mission Initia-
18 tives and Component Mission Initiatives” and
19 inserting “the Office’s investments in its initia-
20 tives and other activities”; and

21 (4) by striking subsection (c).

22 (k) CHIEF DATA OFFICER RESPONSIBILITY FOR DE-
23 PARTMENT OF DEFENSE DATA SETS.—Section 903(b) of the
24 National Defense Authorization Act for Fiscal Year 2020
25 (Public Law 116-92; 10 U.S.C. 2223 note) is amended—

1 (1) *by striking paragraph (3); and*

2 (2) *by redesignating paragraph (4) as para-*
3 *graph (3).*

4 (1) *JOINT ARTIFICIAL INTELLIGENCE RESEARCH, DE-*
5 *VELOPMENT, AND TRANSITION ACTIVITIES.—Section 238 of*
6 *the John S. McCain National Defense Authorization Act for*
7 *Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note*
8 *prec. 4061) is amended—*

9 (1) *by amending subsection (c) to read as fol-*
10 *lows:*

11 “(c) *ORGANIZATION AND ROLES.—*

12 “(1) *IN GENERAL.—In addition to designating*
13 *an official under subsection (b), the Secretary of De-*
14 *fense shall assign to appropriate officials within the*
15 *Department of Defense roles and responsibilities relat-*
16 *ing to the research, development, prototyping, testing,*
17 *procurement of, requirements for, and operational use*
18 *of artificial intelligence technologies.*

19 “(2) *APPROPRIATE OFFICIALS.—The officials as-*
20 *signed roles and responsibilities under paragraph (1)*
21 *shall include—*

22 “(A) *the Under Secretary of Defense for Re-*
23 *search and Engineering;*

24 “(B) *the Under Secretary of Defense for Ac-*
25 *quisition and Sustainment;*

1 “(C) one or more officials in each military
2 department;

3 “(D) officials of appropriate Defense Agen-
4 cies; and

5 “(E) such other officials as the Secretary of
6 Defense determines appropriate.”;

7 (2) in subsection (e), by striking “Director of the
8 Joint Artificial Intelligence Center” and inserting
9 “official designated under subsection (b)”; and
10 (3) by striking subsection (h).

11 (m) *REFERENCES.*—Any reference in any law, regula-
12 tion, guidance, instruction, or other document of the Fed-
13 eral Government to the Director of the Joint Artificial In-
14 telligence Center of the Department of Defense or to the
15 Joint Artificial Intelligence Center shall be deemed to refer
16 to the official designated under section 238(b) of the John
17 S. McCain National Defense Authorization Act for Fiscal
18 Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061)
19 or the office of such official, as the case may be.

1 **SEC. 213. INCLUSION OF OFFICE OF UNDER SECRETARY OF**
2 **DEFENSE FOR RESEARCH AND ENGINEERING**
3 **IN PERSONNEL MANAGEMENT AUTHORITY TO**
4 **ATTRACT EXPERTS IN SCIENCE AND ENGI-**
5 **NEERING.**

6 *Section 4092 of title 10, United States Code, is amend-*
7 *ed—*

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

10 *“(10) OFFICE OF THE UNDER SECRETARY OF*
11 *DEFENSE FOR RESEARCH AND ENGINEERING.—The*
12 *Under Secretary of Defense for Research and Engi-*
13 *neering may carry out a program of personnel man-*
14 *agement authority provided in subsection (b) in order*
15 *to facilitate recruitment of eminent experts in science*
16 *or engineering for the Office of the Under Secretary.”;*
17 *and*

18 *(2) in subsection (b)(1)—*

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

21 *(B) in subparagraph (I), by striking the*
22 *semicolon and inserting “; and”; and*

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

25 *“(J) in the case of the Office of the Under*
26 *Secretary of Defense for Research and Engineer-*

1 *ing, appoint scientists and engineers to a total*
2 *of not more than 10 scientific and engineering*
3 *positions in the Office;”.*

4 **SEC. 214. MODIFICATION OF LIMITATION ON CANCELLA-**
5 **TION OF DESIGNATION OF EXECUTIVE AGENT**
6 **FOR A CERTAIN DEFENSE PRODUCTION ACT**
7 **PROGRAM.**

8 *Section 226 of the National Defense Authorization Act*
9 *for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1335)*
10 *is amended—*

11 *(1) by redesignating subsection (e) as subsection*
12 *(f); and*

13 *(2) by inserting after subsection (d) the following*
14 *new subsection:*

15 *“(e) DESIGNATION OF OTHER EXECUTIVE AGENTS.—*
16 *Notwithstanding the requirements of this section or section*
17 *1792 of the John S. McCain National Defense Authoriza-*
18 *tion Act for Fiscal Year 2019 (50 U.S.C. 4531 note), the*
19 *Secretary of Defense may designate one or more Executive*
20 *Agents within the Department of Defense (other than the*
21 *Executive Agent described in subsection (a)) to implement*
22 *Defense Production Act transactions entered into under the*
23 *authority of sections 4021, 4022, and 4023 of title 10,*
24 *United States Code.”.*

1 **SEC. 215. SUPPORT FOR RESEARCH AND DEVELOPMENT OF**
2 **BIOINDUSTRIAL MANUFACTURING PROC-**
3 **ESSES.**

4 (a) *AUTHORIZATION.*—Subject to the availability of
5 appropriations, the Secretary of Defense shall provide sup-
6 port for the development of a network of bioindustrial man-
7 ufacturing facilities to conduct research and development
8 to improve the ability of the industrial base to assess, vali-
9 date, and scale new, innovative bioindustrial manufac-
10 turing processes for the production of chemicals, materials,
11 and other products necessary to support national security
12 or secure fragile supply chains.

13 (b) *FORM OF SUPPORT.*—The support provided under
14 subsection (a) may consist of—

15 (1) providing funding to one or more existing fa-
16 cilities or the establishment of new facilities—

17 (A) to support the research and development
18 of bioindustrial manufacturing processes; or

19 (B) to otherwise expand the bioindustrial
20 manufacturing capabilities of such facilities;

21 (2) the establishment of dedicated facilities with-
22 in one or more bioindustrial manufacturing facilities
23 to serve as regional hubs for the research, develop-
24 ment, and the scaling of bioindustrial manufacturing
25 processes and products to higher levels of production;

26 or

1 (3) *designating a bioindustrial manufacturing*
2 *facility to serve as the lead entity responsible for inte-*
3 *grating a network of pilot and intermediate scale bio-*
4 *industrial manufacturing facilities.*

5 (c) *ACTIVITIES.—A facility that receives support*
6 *under subsection (a) shall carry out activities relating to*
7 *the research, development, test, and evaluation of innovative*
8 *bioindustrial manufacturing processes and the scaling of*
9 *bioindustrial manufacturing products to higher levels of*
10 *production, which may include—*

11 (1) *research on the use of bioindustrial manufac-*
12 *turing to create materials such as polymers, coatings,*
13 *resins, commodity chemicals, and other materials*
14 *with fragile supply chains;*

15 (2) *demonstration projects to evaluate bioindus-*
16 *trial manufacturing processes and technologies;*

17 (3) *activities to scale bioindustrial*
18 *manufacturing processes and products to higher levels*
19 *of production;*

20 (4) *strategic planning for infrastructure and*
21 *equipment investments for bioindustrial manufac-*
22 *turing of defense-related materials;*

23 (5) *analyses of bioindustrial manufactured prod-*
24 *ucts and validation of the application of biological*
25 *material used as input to new and existing processes*

1 *to aid in future investment strategies and the security*
2 *of critical supply chains;*

3 *(6) the selection, construction, and operation of*
4 *pilot and intermediate scale bioindustrial manufac-*
5 *turing facilities;*

6 *(7) development and management of a network*
7 *of facilities to scale production of bioindustrial prod-*
8 *ucts;*

9 *(8) activities to address workforce needs in bio-*
10 *industrial manufacturing;*

11 *(9) establishing an interoperable, secure, digital*
12 *infrastructure for collaborative data exchange across*
13 *entities in the bioindustrial manufacturing commu-*
14 *nity, including government agencies, industry, and*
15 *academia;*

16 *(10) developing and implementing digital tools,*
17 *process security and assurance capabilities, cybersecu-*
18 *rity protocols, and best practices for data storage,*
19 *sharing and analysis; and*

20 *(11) such other activities as the Secretary of De-*
21 *fense determines appropriate.*

22 *(d) CONSIDERATIONS.—In determining the number,*
23 *type, and location of facilities to support under subsection*
24 *(a), the Secretary of Defense shall consider—*

1 (1) *how the facilities may complement each other*
2 *or increase production levels by functioning together*
3 *as a network;*

4 (2) *how to geographically distribute support to*
5 *such facilities—*

6 (A) *to maximize access to biological mate-*
7 *rial needed as an input to bioindustrial manu-*
8 *facturing processes;*

9 (B) *to leverage available industrial and*
10 *academic expertise, including workforce and*
11 *human capital;*

12 (C) *to leverage relevant domestic infrastruc-*
13 *ture required to secure supply chains for chemi-*
14 *cals and other materials;*

15 (D) *to leverage access to venture capital and*
16 *private sector finance expertise and funding in-*
17 *struments; and*

18 (E) *to complement the capabilities of simi-*
19 *lar facilities; and*

20 (3) *how the activities supported under this sec-*
21 *tion can be coordinated with relevant activities of*
22 *other departments and agencies of the Federal Gov-*
23 *ernment.*

24 (e) *INITIAL CONCEPT PLAN REQUIRED.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary of
3 Defense shall submit to the congressional defense com-
4 mittees and the National Security Commission on
5 Emerging Biotechnology an initial concept plan for
6 the implementation of this section that includes—

7 (A) an assessment of capacity scaling needs
8 to determine if, and what type of, additional bio-
9 industrial manufacturing facilities may be need-
10 ed to meet the needs of the Department of De-
11 fense;

12 (B) a description of types, relative sizes,
13 and locations of the facilities the Secretary in-
14 tends to establish or support under this section;

15 (C) a general description of the focus of
16 each facility, including the types of bioindustrial
17 manufacturing equipment, if any, that are ex-
18 pected to be procured for each such facility;

19 (D) a general description of how the facili-
20 ties will work as a network to maximize the di-
21 versity of bioindustrial products available to be
22 produced by the network;

23 (E) an explanation of how the network will
24 support the establishment and maintenance of

1 *the bioindustrial manufacturing industrial base;*
2 *and*

3 *(F) an explanation of how the Secretary in-*
4 *tends to ensure that bioindustrial manufacturing*
5 *activities conducted under this section are mod-*
6 *ernized digitally, including through—*

7 *(i) the use of data automation to rep-*
8 *resent processes and products as models and*
9 *simulations; and*

10 *(ii) the implementation of measures to*
11 *address cybersecurity and process assurance*
12 *concerns.*

13 *(2) BRIEFINGS.—Not later than 180 days after*
14 *the date of the submittal of the plan under paragraph*
15 *(1), and annually thereafter for five years, the Sec-*
16 *retary of Defense shall provide to the congressional*
17 *defense committees a briefing on the Secretary’s*
18 *progress in implementing the plan.*

19 *(f) BIOINDUSTRIAL MANUFACTURING DEFINED.—In*
20 *this section, the term “bioindustrial manufacturing” means*
21 *the use of living organisms, cells, tissues, enzymes, or cell-*
22 *free systems to produce materials and products for non-*
23 *pharmaceutical applications.*

1 **SEC. 216. AIR-BREATHING AND ROCKET BOOSTER TESTING**
2 **CAPACITY UPGRADES TO SUPPORT CRITICAL**
3 **HYPERSONIC WEAPONS DEVELOPMENT.**

4 (a) *IN GENERAL.*—Subject to the availability of appro-
5 priations for such purpose, the Secretary of the Air Force
6 shall carry out activities to upgrade testing facilities of the
7 Department of the Air Force that support the development
8 of critical hypersonic weapons that—

9 (1) use air-breathing or rocket booster capabili-
10 ties; and

11 (2) are expected to operate in sea-level or high-
12 altitude operational domains.

13 (b) *TIMELINE FOR COMPLETION.*—The Secretary of the
14 Air Force shall seek to complete any upgrade under sub-
15 section (a), subject to availability of appropriations for
16 such upgrade, not later than 24 months after the upgrade
17 is commenced.

18 **SEC. 217. COMPETITIVELY AWARDED DEMONSTRATIONS**
19 **AND TESTS OF ELECTROMAGNETIC WARFARE**
20 **TECHNOLOGY.**

21 (a) *DEMONSTRATIONS AND TESTS REQUIRED.*—Not
22 later than 270 days after the date of the enactment of this
23 Act, the Director of the Air Force Rapid Capabilities Office,
24 in coordination with the Air Force Life Cycle Management
25 Center, shall select one or more qualified entities under com-
26 petitive processes to conduct demonstrations and tests of

1 *commercial electronics technology to determine whether*
2 *technology currently exists that could enable the following*
3 *electromagnetic warfare capabilities:*

4 (1) *The operation of multiple emitters and re-*
5 *ceivers in the same frequency at the same time and*
6 *in the same location without mutual interference and*
7 *without using adaptive beam forming or nulling.*

8 (2) *Protecting the reception of Global Positioning*
9 *System and other vulnerable low-power signals from*
10 *multiple high-power jammers at a level that is sig-*
11 *nificantly better than the protection afforded by con-*
12 *trolled reception pattern antennas.*

13 (3) *Simultaneous transmission from and recep-*
14 *tion of separate signals on the same platform wherein*
15 *the signals lie in the same frequency and are trans-*
16 *mitted and received at the same time without inter-*
17 *ference.*

18 (4) *Capabilities similar those described in para-*
19 *graphs (1) through (3) in a live, virtual constructive*
20 *simulation environment.*

21 (5) *Other capabilities that might satisfy or sup-*
22 *port needs set forth in the Electromagnetic Spectrum*
23 *Superiority Strategy Implementation Plan released*
24 *on August 5, 2021.*

1 **(b) OVERSIGHT OF TESTS.**—*The Director of Oper-*
2 *ational Test and Evaluation shall—*

3 (1) *provide oversight of the demonstrations and*
4 *tests required by subsection (a);*

5 (2) *review other applicable government or com-*
6 *mercial demonstrations and tests; and*

7 (3) *not later than 30 days after the completion*
8 *of the demonstrations and tests under subsection (a),*
9 *advise the Chief Information Officer of the Depart-*
10 *ment of Defense, the Under Secretary of Defense for*
11 *Research and Engineering, and the Under Secretary*
12 *of Defense for Acquisition and Sustainment of the*
13 *outcomes of the demonstrations and tests.*

14 **(c) OUTCOME-BASED ACTIONS REQUIRED.**—*If the Di-*
15 *rector of Operational Test and Evaluation and the Director*
16 *of the Air Force Rapid Capabilities Office affirm that the*
17 *demonstrations and tests under subsection (a) confirm that*
18 *certain commercial electronics technology could enable one*
19 *or more of the capabilities described in such subsection—*

20 (1) *not later than 45 days after the conclusion*
21 *of the tests under subsection (a), the Director of the*
22 *Air Force Rapid Capabilities Office and the Director*
23 *of Operational Test and Evaluation shall jointly pro-*
24 *vide to the congressional defense committees a briefing*
25 *on the outcomes of the tests;*

1 (2) *the Director of the Air Force Rapid Capa-*
2 *bilities Office may begin engineering form, fit, and*
3 *function development and integration to incorporate*
4 *technologies demonstrated and tested under subsection*
5 *(a) into specific Department of Defense platforms and*
6 *applications; and*

7 (3) *not later than 90 days after the conclusion*
8 *of the tests under subsection (a), the Director of the*
9 *Air Force Rapid Capabilities Office, the Chief Infor-*
10 *mation Officer, the Under Secretary of Defense for*
11 *Research and Engineering, and the Under Secretary*
12 *of Defense for Acquisition and Sustainment shall*
13 *jointly provide to the congressional defense committees*
14 *a briefing on any plans of the Department of Defense*
15 *to further develop and deploy the technologies dem-*
16 *onstrated and tested under subsection (a) to support*
17 *the Electromagnetic Spectrum Superiority Strategy*
18 *Implementation Plan released on August 5, 2021.*

19 (d) *COMPETITIVENESS REQUIREMENTS.—A decision to*
20 *commit, obligate, or expend funds for the purposes outlined*
21 *in this section shall be based on merit-based selection proce-*
22 *dures in accordance with the requirements of sections*
23 *3201(e) and 4024 of title 10, United States Code, or on*
24 *competitive procedures.*

1 (e) *COMMERCIAL ELECTRONICS TECHNOLOGY DE-*
2 *FINED.*—*The term “commercial electronics technology”*
3 *means electronics technology that is—*

4 (1) *a commercial component (as defined in sec-*
5 *tion 102 of title 41, United States Code);*

6 (2) *a commercial product (as defined in section*
7 *103 such title);*

8 (3) *a commercial service (as defined in section*
9 *103a of such title); or*

10 (4) *a commercially available off-the-shelf item*
11 *(as defined in section 104 of such title).*

12 **SEC. 218. ADMINISTRATION OF THE ADVANCED SENSOR AP-**
13 **PLICATIONS PROGRAM.**

14 (a) *RESOURCE SPONSORS.*—

15 (1) *IN GENERAL.*—*The Commander of Naval Air*
16 *Systems Command and the Director of Air Warfare*
17 *shall jointly serve as the resource sponsors for the Ad-*
18 *vanced Sensor Applications Program (commonly*
19 *known as “ASAP” and in this section referred to as*
20 *the “Program”).*

21 (2) *RESPONSIBILITIES.*—*The resource sponsors of*
22 *the Program shall be responsible for the following:*

23 (A) *Developing budget requests relating to*
24 *the Program.*

25 (B) *Establishing priorities for the Program.*

1 (C) *Approving the execution of funding and*
2 *projects for the Program.*

3 (D) *Coordination and joint planning with*
4 *external stakeholders in matters relating to the*
5 *Program.*

6 (b) *LIMITATIONS.—Only the Secretary of the Navy, the*
7 *Under Secretary of the Navy, and the Commander of Naval*
8 *Air Systems Command may—*

9 (1) *provide direction and management for the*
10 *Program;*

11 (2) *set priorities for the Program;*

12 (3) *regulate or limit the information available or*
13 *accessible to the Program;*

14 (4) *edit reports or findings generated under the*
15 *Program; or*

16 (5) *coordinate and manage interactions of the*
17 *Program with external stakeholders.*

18 (c) *AUTHORITY FOR PROGRAM MANAGER.—The pro-*
19 *gram manager for the Program may access, consider, act*
20 *on, and apply information, at all levels of classification and*
21 *from all sources and organizations, that is pertinent to the*
22 *projects and activities that the Program is executing, or*
23 *considering proposing for the future.*

24 (d) *QUARTERLY BRIEFINGS.—Not less frequently than*
25 *once every three months, the program manager for the Pro-*

1 *gram shall provide to the congressional defense committees*
2 *and congressional intelligence committees (as defined in sec-*
3 *tion 3 of the National Security Act of 1947 (50 U.S.C.*
4 *3003)) a briefing on all aspects of the Program, including*
5 *on the status of—*

6 *(1) the implementation of this section;*

7 *(2) the implementation of other congressional di-*
8 *rectives relating to the Program; and*

9 *(3) any direction and oversight of the Program*
10 *exercised by the Commander of Naval Air Systems*
11 *Command, the Secretary of the Navy, or the Under*
12 *Secretary of the Navy.*

13 *(e) STRATEGIC RELATIONSHIP.—The program man-*
14 *ager for the Program shall evaluate the feasibility and ad-*
15 *visability of establishing a strategic relationship with the*
16 *Naval Research Laboratory pursuant to which the Labora-*
17 *tory provides scientific and technical assistance and sup-*
18 *port for the Program.*

19 *(f) USE OF ASSETS.—The Commander of Naval Air*
20 *Systems Command shall take all actions the Commander*
21 *considers reasonable—*

22 *(1) to enable the Program to use assets controlled*
23 *within the Naval Air Systems Command enterprise,*
24 *including sensor systems and platforms; and*

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

3 (g) *TERMINATION.*—*This section shall have no force or*
4 *effect after September 30, 2027.*

5 **SEC. 219. QUANTIFIABLE ASSURANCE CAPABILITY FOR SE-**
6 **CURITY OF MICROELECTRONICS.**

7 (a) *DEVELOPMENT AND IMPLEMENTATION OF CAPA-*
8 *BILITY.*—*The Secretary of Defense shall develop and imple-*
9 *ment a capability for quantifiable assurance to achieve*
10 *practical, affordable, and risk-based objectives for security*
11 *of microelectronics to enable the Department of Defense to*
12 *access and apply state-of-the-art microelectronics for mili-*
13 *tary purposes.*

14 (b) *ESTABLISHMENT OF REQUIREMENTS AND SCHED-*
15 *ULE OF SUPPORT FOR DEVELOPMENT, TEST, AND ASSESS-*
16 *MENT.*—

17 (1) *IN GENERAL.*—*Not later than 90 days after*
18 *the date of the enactment of this Act, the Deputy Sec-*
19 *retary of Defense shall, in consultation with the*
20 *Under Secretary of Defense for Research and Engi-*
21 *neering, establish requirements and a schedule for*
22 *support from the National Security Agency to de-*
23 *velop, test, assess, implement, and improve the capa-*
24 *bility required by subsection (a).*

1 (2) *NATIONAL SECURITY AGENCY.*—*The Director*
2 *of the National Security Agency shall take such ac-*
3 *tions as may be necessary to satisfy the requirements*
4 *established under paragraph (1).*

5 (3) *BRIEFING.*—*Not later than 120 days after*
6 *the date of the enactment of this Act, the Under Sec-*
7 *retary of Defense for Research and Engineering and*
8 *the Director of the National Security Agency shall*
9 *jointly provide the congressional defense committees a*
10 *briefing on the requirements and the schedule for sup-*
11 *port established under paragraph (1).*

12 (c) *ASSESSMENT.*—

13 (1) *IN GENERAL.*—*The Secretary of Defense shall*
14 *assess whether the Department of Defense, to enable*
15 *expanded use of unprogrammed application specific*
16 *integrated circuits or other custom-designed inte-*
17 *grated circuits manufactured by a supplier that is*
18 *not using processes accredited by the Defense Micro-*
19 *electronics Activity for the purpose of enabling the*
20 *Department to access commercial state-of-the-art*
21 *microelectronics technology using risk-based quantifi-*
22 *able assurance security methodology, should—*

23 (A) *seek changes to the International Traffic*
24 *in Arms Regulations under subchapter M of*
25 *chapter I of title 22, Code of Federal Regula-*

1 *tions, and Department of Defense Instruction*
2 *5200.44 (relating to protection of mission crit-*
3 *ical functions to achieve trusted systems and net-*
4 *works); and*

5 *(B) expand the use of unprogrammed cus-*
6 *tom-designed integrated circuits that are not*
7 *controlled by such regulations.*

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

13 **SEC. 220. GOVERNMENT-INDUSTRY-ACADEMIA WORKING**
14 **GROUP ON MICROELECTRONICS.**

15 *(a) ESTABLISHMENT AND DESIGNATION.—*

16 *(1) IN GENERAL.—Not later than 180 days after*
17 *the date of the enactment of this Act, the Secretary of*
18 *Defense shall establish a working group to facilitate*
19 *coordination among industry, academia, and the De-*
20 *partment of Defense on issues of mutual interest re-*
21 *lating to microelectronics as described in subsection*
22 *(c).*

23 *(2) DESIGNATION.—The working group estab-*
24 *lished under paragraph (1) shall be known as the*
25 *“Government-Industry-Academia Working Group on*

1 *Microelectronics*” (referred to in this section as the
2 “*Working Group*”).

3 (b) *COMPOSITION*.—*The Working Group shall be com-*
4 *posed of representatives of organizations and elements of the*
5 *Department of Defense, industry, and academia.*

6 (c) *SCOPE*.—*The Secretary shall ensure that the Work-*
7 *ing Group supports dialogue and coordination among in-*
8 *dustry, academia, and the Department of Defense on the*
9 *following issues relating to microelectronics:*

10 (1) *Research needs.*

11 (2) *Infrastructure needs and shortfalls.*

12 (3) *Technical and process standards.*

13 (4) *Training and certification needs for the*
14 *workforce.*

15 (5) *Supply chain issues.*

16 (6) *Supply chain, manufacturing, and pack-*
17 *aging security.*

18 (7) *Technology transition issues and opportuni-*
19 *ties.*

20 (d) *CHARTER AND POLICIES*.—*Not later than March*
21 *1, 2023, the Secretary of Defense shall develop a charter*
22 *and issue policies for the functioning of the Working Group.*

23 (e) *ADMINISTRATIVE SUPPORT*.—*The joint federation*
24 *of capabilities established under section 937 of the National*
25 *Defense Authorization Act for Fiscal Year 2014 (Public*

1 *Law 113–66; 10 U.S.C. 2224 note) shall provide adminis-*
2 *trative support to the Working Group.*

3 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
4 *shall be construed to allow the Department of Defense to*
5 *provide any competitive advantage to any participant in*
6 *the Working Group.*

7 (g) *SUNSET.*—*The provisions of this section shall ter-*
8 *minate on December 31, 2030.*

9 **SEC. 221. TARGET DATE FOR DEPLOYMENT OF 5G WIRELESS**
10 **BROADBAND INFRASTRUCTURE AT ALL MILI-**
11 **TARY INSTALLATIONS.**

12 (a) *TARGET REQUIRED.*—*Not later than July 30,*
13 *2023, the Secretary of Defense shall—*

14 (1) *establish a target date by which the Secretary*
15 *plans to deploy 5G wireless broadband infrastructure*
16 *at all military installations; and*

17 (2) *establish metrics, which shall be identical for*
18 *each of the military departments, to measure progress*
19 *toward reaching the target required by paragraph (1).*

20 (b) *ANNUAL REPORT.*—*Not later than December 31,*
21 *2023, and on an annual basis thereafter until the date spec-*
22 *ified in subsection (c), the Secretary of Defense shall submit*
23 *to the congressional defense committees a report that in-*
24 *cludes—*

1 (1) *the metrics in use pursuant to subsection*
2 *(a)(2); and*

3 (2) *the progress of the Secretary in reaching the*
4 *target required by subsection (a)(1).*

5 (c) *TERMINATION.*—*The requirement to submit annual*
6 *reports under subsection (b) shall terminate on the date that*
7 *is five years after the date of the enactment of this Act.*

8 **SEC. 222. OUTREACH TO HISTORICALLY BLACK COLLEGES**
9 **AND UNIVERSITIES AND OTHER MINORITY-**
10 **SERVING INSTITUTIONS REGARDING NA-**
11 **TIONAL SECURITY INNOVATION NETWORK**
12 **PROGRAMS THAT PROMOTE ENTREPRENEUR-**
13 **SHIP AND INNOVATION AT INSTITUTIONS OF**
14 **HIGHER EDUCATION.**

15 (a) *PILOT PROGRAM.*—*The Under Secretary of Defense*
16 *for Research and Engineering, acting through the National*
17 *Security Innovation Network, may carry out a pilot pro-*
18 *gram under which the Under Secretary conducts activities,*
19 *including outreach and technical assistance, to better con-*
20 *nect historically Black colleges and universities and other*
21 *minority-serving institutions to the commercialization, in-*
22 *novation, and entrepreneurial activities of the Department*
23 *of Defense.*

24 (b) *BRIEFING.*—*Not later than one year after com-*
25 *mencing a pilot program under subsection (a), the Under*

1 *Secretary of Defense for Research and Engineering shall*
2 *provide to the congressional defense committees a briefing*
3 *on the program, including—*

4 (1) *an explanation of—*

5 (A) *the results of any outreach efforts con-*
6 *ducted under the pilot program;*

7 (B) *the success of the pilot program in ex-*
8 *anding National Security Innovation Network*
9 *programs to historically Black colleges and uni-*
10 *versities and other minority-serving institutions;*
11 *and*

12 (C) *any potential barriers to the expansion*
13 *of the pilot program; and*

14 (2) *recommendations for how the Department of*
15 *Defense can support historically Black colleges and*
16 *universities and other minority-serving institutions to*
17 *enable such institutions to successfully participate in*
18 *Department of Defense commercialization, innova-*
19 *tion, and entrepreneurship programs.*

20 (c) *TERMINATION.—The authority to carry out the*
21 *pilot program under subsection (a) shall terminate on the*
22 *date that is five years after the date of the enactment of*
23 *this Act.*

24 (d) *DEFINITIONS.—In this section:*

1 (1) *The term “historically Black college or uni-*
2 *versity” means a part B institution (as defined in*
3 *section 322 of the Higher Education Act of 1965 (20*
4 *U.S.C. 1061)).*

5 (2) *The term “other minority-serving institu-*
6 *tion” means an institution of higher education speci-*
7 *fied in paragraphs (2) through (7) of section 371(a)*
8 *of the Higher Education Act of 1965 (20 U.S.C.*
9 *1067q(a)).*

10 **SEC. 223. REPORT AND PILOT PROGRAM BASED ON REC-**
11 **COMMENDATIONS REGARDING DEFENSE RE-**
12 **SEARCH CAPACITY AT HISTORICALLY BLACK**
13 **COLLEGES AND UNIVERSITIES AND OTHER**
14 **MINORITY-SERVING INSTITUTIONS.**

15 (a) *REPORT REQUIRED.—*

16 (1) *IN GENERAL.—Not later than 180 days after*
17 *the date of the enactment of this Act, the Secretary of*
18 *Defense shall submit to the congressional defense com-*
19 *mittees a report on the recommendations set forth in*
20 *the publication of the National Academies of Sciences,*
21 *Engineering, and Medicine titled “Defense Research*
22 *Capacity at Historically Black Colleges and Univer-*
23 *sities and Other Minority Institutions: Transitioning*
24 *from Good Intentions to Measurable Outcomes” and*
25 *dated April 28, 2022.*

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

3 (A) *With respect to the recommendations*
4 *and subrecommendations set forth in the publi-*
5 *cation described in paragraph (1)—*

6 (i) *a description of each recommenda-*
7 *tion and subrecommendation the Secretary*
8 *has implemented as of the date of the report;*

9 (ii) *a description of each recommenda-*
10 *tion and subrecommendation the Secretary*
11 *has commenced implementing as of the date*
12 *of the report, including a justification for*
13 *determining to commence implementing the*
14 *recommendation; and*

15 (iii) *a description of each recommenda-*
16 *tion and subrecommendation the Secretary*
17 *has not implemented or commenced imple-*
18 *menting as of the date of the report and a*
19 *determination as to whether or not to im-*
20 *plement the recommendation.*

21 (B) *For each recommendation or sub-*
22 *recommendation the Secretary determines to im-*
23 *plement under subparagraph (A)(iii)—*

24 (i) *a timeline for implementation;*

1 (ii) a description of any additional re-
2 sources or authorities required for imple-
3 mentation; and

4 (iii) the plan for implementation.

5 (C) For each recommendation or sub-
6 recommendation the Secretary determines not to
7 implement under subparagraph (A)(iii), a jus-
8 tification for the determination not to implement
9 the recommendation.

10 (3) *FORMAT.*—The report required under para-
11 graph (1) shall be submitted in unclassified form, but
12 may include a classified annex.

13 (b) *PROGRAM TO IMPLEMENT REPORT RECOMMENDA-*
14 *TIONS AND SUBRECOMMENDATIONS.*—

15 (1) *PROGRAM REQUIRED.*—The Secretary of De-
16 fense shall establish and carry out a program (re-
17 ferred to in this subsection as the “Program”) under
18 which the Secretary carries out activities to increase
19 the capacity of eligible institutions to achieve very
20 high research activity status.

21 (2) *CONSIDERATIONS.*—In establishing the Pro-
22 gram the Secretary shall consider—

23 (A) the recommendations and sub-
24 recommendations to be implemented under sub-
25 section (a);

1 (B) *the extent of nascent research capabilities*
2 *and planned research capabilities at eligible*
3 *institutions and the relevance of those capabilities*
4 *to research areas of interest to the Department*
5 *of Defense;*

6 (C) *recommendations from previous studies*
7 *for increasing the level of research activity at eligible*
8 *institutions to very high research activity*
9 *status, including measurable milestones such as*
10 *growth in very high research activity status indicators*
11 *and other relevant factors;*

12 (D) *how institutions participating in the*
13 *Program will evaluate and assess progress toward*
14 *achieving very high research activity status;*
15 *tus;*

16 (E) *how such institutions will sustain an*
17 *increased level of research activity after the Program*
18 *terminates; and*

19 (F) *reporting requirements for institutions*
20 *participating in the Program.*

21 (3) *CONSULTATION.—In designing the Program,*
22 *the Secretary may consult with the President’s Board*
23 *of Advisors on historically Black colleges and univer-*
24 *sities.*

25 (4) *PROGRAM ACTIVITIES.—*

1 (A) *ACTIVITIES.*—*Under the Program, the*
2 *Secretary shall carry out activities to build the*
3 *capacity of eligible institutions to achieve very*
4 *high research activity status, which may in-*
5 *clude—*

6 (i) *activities to support—*

7 (I) *faculty professional develop-*
8 *ment;*

9 (II) *stipends for undergraduate*
10 *and graduate students and post-doc-*
11 *toral scholars;*

12 (III) *recruitment and retention of*
13 *faculty and graduate students;*

14 (IV) *the provision of laboratory*
15 *equipment and instrumentation;*

16 (V) *communication and dissemi-*
17 *nation of research products produced*
18 *during the Program;*

19 (VI) *construction, modernization,*
20 *rehabilitation, or retrofitting of facili-*
21 *ties for research purposes; and*

22 (ii) *such other activities as the Sec-*
23 *retary determines appropriate.*

24 (B) *IDENTIFICATION OF PRIORITY AREAS.*—

25 *The Secretary shall establish and update, on an*

1 *annual basis, a list of research priorities for*
2 *STEM and critical technologies appropriate for*
3 *the Program to assist eligible institutions in*
4 *identifying appropriate areas for research and*
5 *related activities.*

6 (5) *TERMINATION.*—*The Program shall termi-*
7 *nate 10 years after the date on which the Secretary*
8 *commences the Program.*

9 (6) *EVALUATION.*—*Not later than two years after*
10 *the date of the enactment of this Act and every two*
11 *years thereafter until the date on which the Program*
12 *terminates under paragraph (5), the Secretary shall*
13 *submit to the Committees on Armed Services of the*
14 *Senate and the House of Representatives a report pro-*
15 *viding an update on the Program, including—*

16 (A) *a description of the activities carried*
17 *out under the Program;*

18 (B) *an analysis of any growth in very high*
19 *research activity status indicators of eligible in-*
20 *stitutions that participated in the Program; and*

21 (C) *emerging research areas of interest to*
22 *the Department of Defense that are being pur-*
23 *sued by such institutions.*

24 (7) *REPORT TO CONGRESS.*—*Not later than 180*
25 *days after the date on which the program terminates*

1 *under paragraph (5), the Secretary shall submit to*
2 *the Committees on Armed Services of the Senate and*
3 *the House of Representatives a report on the Program*
4 *that includes the following:*

5 *(A) An analysis of the growth in very high*
6 *research activity status indicators of eligible in-*
7 *stitutions that participated in the Program.*

8 *(B) An evaluation on the effectiveness of the*
9 *Program in increasing the research capacity of*
10 *such institutions.*

11 *(C) An explanation of how institutions that*
12 *achieved very high research activity status plan*
13 *to sustain that status after the termination of the*
14 *Program.*

15 *(D) An evaluation of the maintenance of*
16 *very high research status by eligible institutions*
17 *that participated in the Program.*

18 *(E) An evaluation of the effectiveness of the*
19 *Program in increasing the diversity of students*
20 *conducting high quality research in unique*
21 *areas.*

22 *(F) Recommendations with respect to fur-*
23 *ther activities and investments necessary to ele-*
24 *vate the research status of historically Black col-*

1 *leges and universities and other minority-serving*
2 *institutions.*

3 *(G) Recommendations as to whether the*
4 *Program should be renewed or expanded.*

5 *(c) DEFINITIONS.—In this section:*

6 *(1) The term “eligible institution” means a his-*
7 *torically Black college or university or other minor-*
8 *ity-serving institution that is classified as a high re-*
9 *search activity status institution at the time of par-*
10 *ticipation in the program under subsection (b).*

11 *(2) The term “high research activity status”*
12 *means R2 status, as classified by the Carnegie Classi-*
13 *fication of Institutions of Higher Education.*

14 *(3) The term “historically Black college or uni-*
15 *versity” has the meaning given the term “part B in-*
16 *stitution” under section 322 of the Higher Education*
17 *Act of 1965 (20 U.S.C. 1061).*

18 *(4) The term “other minority-serving institu-*
19 *tion” means an institution of higher education speci-*
20 *fied in paragraphs (2) through (7) of section 371(a)*
21 *of the Higher Education Act of 1965 (20 U.S.C.*
22 *1067q(a)).*

23 *(5) The term “Secretary” means the Secretary of*
24 *Defense.*

1 (6) *The term “very high research activity status”*
2 *means R1 status, as classified by the Carnegie Classi-*
3 *fication of Institutions of Higher Education.*

4 (7) *The term “very high research activity status*
5 *indicators” means the categories used by the Carnegie*
6 *Classification of Institutions of Higher Education to*
7 *delineate which institutions have very high activity*
8 *status, including—*

9 (A) *annual expenditures in science and en-*
10 *gineering;*

11 (B) *per-capita (faculty member) expendi-*
12 *tures in science and engineering;*

13 (C) *annual expenditures in non-science and*
14 *engineering fields;*

15 (D) *per-capita (faculty member) expendi-*
16 *tures in non-science and engineering fields;*

17 (E) *doctorates awarded in science, tech-*
18 *nology, engineering, and mathematics fields;*

19 (F) *doctorates awarded in social science*
20 *fields;*

21 (G) *doctorates awarded in the humanities;*

22 (H) *doctorates awarded in other fields with*
23 *a research emphasis;*

24 (I) *total number of research staff including*
25 *postdoctoral researchers;*

1 *(J) other doctorate-holding non-faculty re-*
2 *searchers in science and engineering and per-*
3 *capita (faculty) number of doctorate-level re-*
4 *search staff including post-doctoral researchers;*
5 *and*

6 *(K) other categories utilized to determine*
7 *classification.*

8 **SEC. 224. PILOT PROGRAM TO SUPPORT THE DEVELOP-**
9 **MENT OF PATENTABLE INVENTIONS IN THE**
10 **DEPARTMENT OF THE NAVY.**

11 *(a) IN GENERAL.—The Secretary of the Navy may*
12 *carry out a pilot program to expand the support available*
13 *to covered personnel who seek to engage in the development*
14 *of patentable inventions that—*

15 *(1) have applicablity to the job-related functions*
16 *of such personnel; and*

17 *(2) may have applicability in the civilian sector.*

18 *(b) ACTIVITIES.—As part of the pilot program under*
19 *subsection (a), the Secretary of the Navy may—*

20 *(1) expand outreach to covered personnel regard-*
21 *ing the availability of patent-related training, legal*
22 *assistance, and other support for personnel interested*
23 *in developing patentable inventions;*

1 (2) *expand the availability of patent-related*
2 *training to covered personnel, including by making*
3 *such training available online;*

4 (3) *clarify and issue guidance detailing how cov-*
5 *ered personnel, including personnel outside of the lab-*
6 *oratories and other research organizations of the De-*
7 *partment of the Navy, may—*

8 (A) *seek and receive support for the develop-*
9 *ment of patentable inventions; and*

10 (B) *receive a portion of any royalty or*
11 *other payment as an inventor or coinventor such*
12 *as may be due under section 14(a)(1)(A)(i) of the*
13 *Stevenson-Wylder Technology Innovation Act of*
14 *1980 (15 U.S.C. 3710c(a)(1)(A)(i)); and*

15 (4) *carry out other such activities as the Sec-*
16 *retary determines appropriate in accordance with the*
17 *purposes of the pilot program.*

18 (c) *TERMINATION.—The authority to carry out the*
19 *pilot program under subsection (a) shall terminate three*
20 *years after the date of the enactment of this Act.*

21 (d) *DEFINITIONS.—In this section:*

22 (1) *The term “covered personnel” means mem-*
23 *bers of the Navy and Marine Corps and civilian em-*
24 *ployees of the Department of the Navy, including*

1 *members and employees whose primary duties do not*
2 *involve research and development.*

3 (2) *The term “patentable invention” means an*
4 *invention that is patentable under title 35, United*
5 *States Code.*

6 **SEC. 225. PILOT PROGRAM TO FACILITATE THE DEVELOP-**
7 **MENT OF BATTERY TECHNOLOGIES FOR**
8 **WARFIGHTERS.**

9 (a) *ESTABLISHMENT.—*

10 (1) *IN GENERAL.—The Secretary of Defense may*
11 *establish and carry out a pilot program to assess the*
12 *feasibility and advisability of providing support to*
13 *battery producers—*

14 (A) *to facilitate the research and develop-*
15 *ment of safe and secure battery technologies for*
16 *existing and new or novel battery chemistry con-*
17 *figurations, including through the research and*
18 *development of new or updated manufacturing*
19 *processes and technologies;*

20 (B) *to assess commercial battery offerings*
21 *within the marketplace for viability and utility*
22 *for warfighter applications; and*

23 (C) *to transition battery technologies, in-*
24 *cluding technologies developed under other pilot*
25 *programs, prototype projects, or other research*

1 *and development programs, from the prototyping*
2 *phase to manufacturing production.*

3 (2) *DESIGNATION.*—*The pilot program estab-*
4 *lished under paragraph (1) shall be known as the*
5 *“Warfighter Electric Battery Transition Project” (re-*
6 *ferred to in this section as the “Project”).*

7 (3) *ADMINISTRATION.*—*The Under Secretary of*
8 *Defense for Research and Engineering shall admin-*
9 *ister the Project.*

10 (b) *GRANTS, CONTRACTS, AND OTHER AGREE-*
11 *MENTS.*—*The Secretary of Defense may carry out the*
12 *Project through the award of support, as described in sub-*
13 *section (a)(1), in the form of grants to, or contracts or other*
14 *agreements with, battery producers.*

15 (c) *COORDINATION.*—*The Secretary of Defense shall*
16 *ensure that activities under the Project are coordinated with*
17 *the Strategic Environmental Research and Development*
18 *Program under section 2901 of title 10, United States Code.*

19 (d) *USE OF GRANT AND CONTRACT AMOUNTS.*—*A bat-*
20 *tery producer who receives a grant, contract, or other agree-*
21 *ment under the Project may use the amount of the grant,*
22 *contract, or other agreement to carry out one or more of*
23 *the following activities:*

1 (1) *Conducting research and development to vali-*
2 *date new or novel battery chemistry configurations,*
3 *including through—*

4 (A) *experimentation;*

5 (B) *prototyping;*

6 (C) *testing;*

7 (D) *adapting battery technology to integrate*
8 *with other technologies and systems; or*

9 (E) *addressing manufacturing or other pro-*
10 *duction challenges.*

11 (2) *Providing commercially available battery*
12 *technologies to each Secretary of a military depart-*
13 *ment and the commanders of the combatant com-*
14 *mands to support utility assessments or other testing*
15 *by warfighters.*

16 (3) *Expanding, validating, or assessing battery*
17 *recycling capabilities that may provide operational*
18 *utility to the Department of Defense.*

19 (4) *Building and strengthening relationships of*
20 *the Department of Defense with nontraditional de-*
21 *fense contractors in the technology industry that may*
22 *have unused or underused solutions to specific oper-*
23 *ational challenges of the Department relating to bat-*
24 *tery technology.*

1 (e) *PRIORITY OF AWARDS.*—*In awarding grants, con-*
2 *tracts, or other agreements under the Project, the Secretary*
3 *shall give preference to battery producers that meet one or*
4 *more of the following criteria:*

5 (1) *The producer manufactures, designs, or devel-*
6 *ops battery cells, packs, modules, or other related ca-*
7 *capabilities in the United States.*

8 (2) *The producer manufactures, designs, or devel-*
9 *ops battery cells, packs, modules, or other related ca-*
10 *capabilities in the national technology and industrial*
11 *base (as defined in section 4801 of title 10, United*
12 *States Code).*

13 (3) *The technology made available by the pro-*
14 *ducer provides modularity to support diverse applica-*
15 *tions.*

16 (4) *The technology made available by the pro-*
17 *ducer facilitates safety in tactical and combat appli-*
18 *cations by using battery chemistries and configura-*
19 *tions that reduce thermal runaway and minimize ox-*
20 *ygen liberation.*

21 (5) *The producer demonstrates new or novel bat-*
22 *tery chemistry configurations, safety characteristics,*
23 *or form-factor configurations.*

1 (6) *The producer facilitates the domestic supply*
2 *chain for raw materials needed for battery produc-*
3 *tion.*

4 (7) *The producer offers battery-related commer-*
5 *cial products or commercial services.*

6 (f) *PLANNING, REPORTING AND DATA COLLECTION.—*

7 (1) *PLAN REQUIRED BEFORE IMPLEMENTA-*
8 *TION.—*

9 (A) *IN GENERAL.—The Secretary of Defense*
10 *may not commence the Project until the Sec-*
11 *retary has completed a plan for the implementa-*
12 *tion of the Project.*

13 (B) *ELEMENTS.—The plan under subpara-*
14 *graph (A) shall provide for—*

15 (i) *collecting, analyzing, and retaining*
16 *Project data;*

17 (ii) *developing and sharing best prac-*
18 *tices for achieving the objectives of the*
19 *Project;*

20 (iii) *identification of any policy or*
21 *regulatory impediments inhibiting the exe-*
22 *cution of the Project; and*

23 (iv) *sharing results from the Project*
24 *across the Department of Defense and with*

1 *other departments and agencies of the Fed-*
2 *eral Government and Congress.*

3 (C) *SUBMITTAL TO CONGRESS.*—*Not later*
4 *than 180 days after the date of the enactment of*
5 *this Act, the Secretary of Defense shall submit to*
6 *the congressional defense committees the imple-*
7 *mentation plan developed under subparagraph*
8 *(A).*

9 (2) *FINAL REPORT.*—*Not later than one year*
10 *after the date on which the Project terminates under*
11 *subsection (g), the Secretary of Defense shall submit*
12 *to the congressional defense committees a final report*
13 *on the results of the Project. Such report shall in-*
14 *clude—*

15 (A) *a summary of the objectives achieved by*
16 *the Project; and*

17 (B) *recommendations regarding the steps*
18 *that may be taken to promote battery tech-*
19 *nologies that are not dependent on foreign com-*
20 *petitors to meet the needs of the Armed Forces.*

21 (g) *TERMINATION.*—*The authority to carry out the*
22 *Project shall terminate on December 31, 2028.*

1 ***Subtitle C—Plans, Reports, and***
2 ***Other Matters***

3 ***SEC. 231. MODIFICATION TO ANNUAL REPORTS OF THE DI-***
4 ***RECTOR OF OPERATIONAL TEST AND EVAL-***
5 ***UATION.***

6 *Section 139(h)(3) of title 10, United States Code, is*
7 *amended—*

8 (1) *by inserting “or controlled unclassified” after*
9 *“classified”; and*

10 (2) *by striking “submit an unclassified version*
11 *of the report to Congress” and inserting “submit to*
12 *Congress a version of the report that is unclassified*
13 *and does not require safeguarding or dissemination*
14 *controls”.*

15 ***SEC. 232. EXTENSION OF REQUIREMENT FOR QUARTERLY***
16 ***BRIEFINGS ON STRATEGY FOR FIFTH GEN-***
17 ***ERATION INFORMATION AND COMMUNICA-***
18 ***TIONS TECHNOLOGIES.***

19 *Section 254(d)(1) of the National Defense Authoriza-*
20 *tion Act for Fiscal Year 2020 (Public Law 116–92; 10*
21 *U.S.C. 4571 note) is amended, in the matter preceding sub-*
22 *paragraph (A), by striking “March 15, 2022” and inserting*
23 *“December 1, 2026”.*

1 **SEC. 233. PLAN FOR INVESTMENTS TO SUPPORT THE DE-**
2 **VELOPMENT OF NOVEL PROCESSING AP-**
3 **PROACHES FOR DEFENSE APPLICATIONS.**

4 (a) *INVESTMENT PLANS REQUIRED.*—Not later than
5 November 1, 2023, and not less frequently than once every
6 three years thereafter until December 31, 2035, the Sec-
7 retary of Defense shall submit to the congressional defense
8 committees a plan for making investments to support the
9 development of novel processing approaches for defense ap-
10 plications.

11 (b) *ELEMENTS.*—Each investment plan required by
12 subsection (a) shall—

13 (1) *identify any investments the Secretary has*
14 *made, and any future investments the Secretary in-*
15 *tends to make, in research and technology develop-*
16 *ment to support the use and fielding of novel proc-*
17 *essing approaches for defense applications;*

18 (2) *identify any investments the Secretary has*
19 *made, and any future investments the Secretary in-*
20 *tends to make, to accelerate the development of novel*
21 *processing approaches for defense applications, in-*
22 *cluding investments in—*

23 (A) *personnel and workforce capabilities;*

24 (B) *facilities and infrastructure to host sys-*
25 *tems utilizing novel processing approaches;*

1 (C) algorithm developments necessary to ex-
2 pand the functionality of each novel processing
3 approach;

4 (D) other Federal agencies and federally
5 funded laboratories; and

6 (E) appropriate international and commer-
7 cial sector organizations and activities;

8 (3) describe mechanisms to coordinate and lever-
9 age investments in novel processing approaches with-
10 in the Department and with non-Federal partners;

11 (4) describe the technical goals to be achieved
12 and capabilities to be developed under the plan; and

13 (5) include recommendations for such legislative
14 or administration actions as may support the effec-
15 tive execution of the investment plan.

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

20 (d) *NOVEL PROCESSING APPROACHES DEFINED.*—In
21 this section, the term “novel processing approaches”
22 means—

23 (1) emerging techniques in computation, such as
24 biocomputing, exascale computing, utility scale quan-
25 tum computing; and

1 (2) *associated algorithm and hardware develop-*
2 *ment needed to implement such techniques.*

3 **SEC. 234. PLANS TO ACCELERATE THE TRANSITION TO 5G**
4 **INFORMATION AND COMMUNICATIONS TECH-**
5 **NOLOGY WITHIN THE MILITARY DEPART-**
6 **MENTS.**

7 (a) *THREE-YEAR TRANSITION PLAN REQUIRED.—*

8 (1) *IN GENERAL.—Not later than 120 days after*
9 *the date of the enactment of this Act, each Assistant*
10 *Secretary concerned shall develop and submit to the*
11 *congressional defense committees a plan that speci-*
12 *fies—*

13 (A) *the extent to which fifth generation in-*
14 *formation and communications technology (5G)*
15 *infrastructure is expected to be implemented in*
16 *the military department of the Assistant Sec-*
17 *retary by the end of the three-year period fol-*
18 *lowing the date of the enactment of this Act; and*

19 (B) *how the implementation of such tech-*
20 *nology is expected to be achieved during such pe-*
21 *riod.*

22 (2) *ELEMENTS.—Each plan required under*
23 *paragraph (1) shall include—*

24 (A) *an operational needs assessment that*
25 *identifies the highest priority areas in which the*

1 *Assistant Secretary intends to implement fifth*
2 *generation information and communications*
3 *technologies during the three-year period de-*
4 *scribed in paragraph (1);*

5 *(B) an explanation of—*

6 *(i) whether and to what extent the As-*
7 *stant Secretary intends to use an open*
8 *radio access network approach in imple-*
9 *menting fifth generation information and*
10 *communications technologies in the areas*
11 *identified under subparagraph (A); and*

12 *(ii) if the Assistant Secretary does not*
13 *intend to use such an open radio access net-*
14 *work approach, an explanation of the rea-*
15 *sons for such determination;*

16 *(C) an investment plan that includes fund-*
17 *ing estimates, by fiscal year and appropriation*
18 *account, to accelerate—*

19 *(i) the maturation and acquisition of*
20 *fifth generation information and commu-*
21 *nications capabilities that use the open*
22 *radio access network approach; and*

23 *(ii) the deployment of such capabilities*
24 *in the facilities and systems of the military*
25 *department concerned;*

1 (D) metrics and reporting mechanisms to
2 ensure progress in achieving the objectives of the
3 plan within the three-year period described in
4 paragraph (1);

5 (E) identification and designation of a sin-
6 gle point of contact at each military installation
7 and within each armed force under the jurisdic-
8 tion of the military department concerned to fa-
9 cilitate the deployment of fifth generation infor-
10 mation and communications technologies;

11 (F) actions the Assistant Secretary intends
12 to carry out to streamline the process for estab-
13 lishing fifth generation wireless coverage at mili-
14 tary installations, including actions to reduce
15 delays caused by policies and processes relating
16 to contracting, communications, and the use of
17 real property;

18 (G) identification of investments that are
19 required to support the transition to fifth genera-
20 tion information and communications technology
21 that uses an open radio access network approach;
22 and

23 (H) such other matters as the Assistant Sec-
24 retary considers appropriate.

1 (3) *COORDINATION.*—*In developing the plans re-*
2 *quired under paragraph (1), each Assistant Secretary*
3 *concerned shall coordinate with—*

4 (A) *the Chief Information Officer of the De-*
5 *partment of Defense;*

6 (B) *and the Under Secretary of Defense for*
7 *Acquisition and Sustainment; and*

8 (C) *the Under Secretary of Defense for Re-*
9 *search and Engineering.*

10 (4) *FORM OF PLAN.*—*Each plan required under*
11 *paragraph (1) shall be submitted in unclassified form.*

12 (b) *CROSS-FUNCTIONAL TEAM ASSESSMENT.*—

13 (1) *ASSESSMENT AND BRIEFING REQUIRED.*—
14 *After all of the plans required by subsection (a)(1)*
15 *have been submitted in accordance with such sub-*
16 *section and not later than 150 days after the date of*
17 *the enactment of this Act, the cross-functional team*
18 *established pursuant to section 224(c)(1) of the Wil-*
19 *liam M. (Mac) Thornberry National Defense Author-*
20 *ization Act for Fiscal Year 2021 (Public Law 116-*
21 *283; 10 U.S.C. 4571 note) shall assess such plans and*
22 *provide to the congressional defense committees a*
23 *briefing on the findings of the team with respect to*
24 *such assessment.*

1 (2) *ELEMENTS.*—*The briefing provided under*
2 *paragraph (1) shall include the following:*

3 (A) *Recommendations to further accelerate*
4 *the deployment of fifth-generation information*
5 *and communications technologies that use the*
6 *open radio access network approach across the*
7 *Department of Defense.*

8 (B) *Recommendations to standardize and*
9 *streamline the process for establishing fifth gen-*
10 *eration wireless coverage at military installa-*
11 *tions, including recommendations for reducing*
12 *delays caused by policies and processes relating*
13 *to contracting, communications, and the use of*
14 *real property.*

15 (C) *A plan for the inclusion of representa-*
16 *tives of the Department of Defense in inter-*
17 *national wireless standards-setting bodies.*

18 (D) *Such other matters as the cross-func-*
19 *tional team described in paragraph (1) considers*
20 *appropriate.*

21 (c) *DEFINITIONS.*—*In this section:*

22 (1) *The term “Assistant Secretary concerned”*
23 *means—*

24 (A) *the Assistant Secretary of the Army for*
25 *Acquisition, Logistics, and Technology, with re-*

1 *spect to matters concerning the Department of*
2 *the Army;*

3 *(B) the Assistant Secretary of the Navy for*
4 *Research, Development, and Acquisition, with re-*
5 *spect to matters concerning the Department of*
6 *the Navy; and*

7 *(C) the Assistant Secretary of the Air Force*
8 *for Acquisition, Technology, and Logistics, with*
9 *respect to matters concerning the Department of*
10 *the Air Force.*

11 *(2) The term “open radio access network ap-*
12 *proach” means an approach to networking, such as*
13 *the Open Radio Access Network (commonly known as*
14 *“Open RAN”), that uses open protocols and interfaces*
15 *within a network so that components provided by dif-*
16 *ferent vendors can be interoperable.*

17 **SEC. 235. PLAN FOR DEFENSE ADVANCED RESEARCH**
18 **PROJECTS AGENCY INNOVATION FELLOW-**
19 **SHIP PROGRAM.**

20 *(a) IN GENERAL.—The Director of the Defense Ad-*
21 *vanced Research Projects Agency shall develop a plan for*
22 *the establishment of a fellowship program (to be known as*
23 *the “Innovation Fellowship Program”) to expand opportu-*
24 *nities for early career scientists to participate in the pro-*
25 *grams, projects, and other activities of the Agency.*

1 (b) *ELEMENTS.*—*In developing the plan under sub-*
2 *section (a), the Director of the Defense Advanced Research*
3 *Projects Agency shall—*

4 (1) *review the types of programs, projects, and*
5 *other activities of the Agency that may be open to*
6 *participation from early career scientists to identify*
7 *opportunities for the expansion of such participation;*

8 (2) *identify criteria for evaluating applicants to*
9 *the fellowship program described in subsection (a);*

10 (3) *establish detailed plans for the implementa-*
11 *tion of the fellowship program;*

12 (4) *conduct an assessment of the potential costs*
13 *of the fellowship program;*

14 (5) *define eligibility requirements for partici-*
15 *pants in the fellowship program; and*

16 (6) *address such other matters as the Director*
17 *determines appropriate.*

18 (c) *SUBMITTAL TO CONGRESS.*—*Not later than 180*
19 *days after the date of the enactment of this Act, the Director*
20 *of the Defense Advanced Research Projects Agency shall sub-*
21 *mit to the congressional defense committee a report that in-*
22 *cludes—*

23 (1) *the plan developed under subsection (a); and*

1 (2) *recommendations for expanding opportuni-*
2 *ties for early career scientists to participate in the*
3 *programs, projects, and other activities of the Agency.*

4 (d) *EARLY CAREER SCIENTIST DEFINED.*—*The term*
5 *“early career scientist” means a scientist who is in an early*
6 *stage of career development according to criteria determined*
7 *by the Director of the Defense Advanced Research Projects*
8 *Agency for purposes of this section.*

9 **SEC. 236. STRATEGY AND PLAN FOR FOSTERING AND**
10 **STRENGTHENING THE DEFENSE INNOVATION**
11 **ECOSYSTEM.**

12 (a) *STRATEGY AND IMPLEMENTATION PLAN RE-*
13 *QUIRED.*—*Not later than 180 days after the date of the en-*
14 *actment of this Act, the Secretary of Defense, acting through*
15 *the Under Secretary of Defense for Research and Engineer-*
16 *ing, shall develop—*

17 (1) *a strategy fostering and strengthening the de-*
18 *fense innovation ecosystem; and*

19 (2) *a plan for implementing such strategy.*

20 (b) *PURPOSES.*—

21 (1) *STRATEGY.*—*The purpose of the strategy re-*
22 *quired by subsection (a)(1) is to provide a framework*
23 *for identifying, assessing, and tracking innovation*
24 *ecosystems that are beneficial to advancing the de-*

1 *fense, national security, and warfighting missions of*
2 *the Department of Defense.*

3 (2) *IMPLEMENTATION PLAN.—The purpose of the*
4 *implementation plan required by subsection (a)(2) is*
5 *to provide—*

6 (A) *concrete steps and measures of effective-*
7 *ness to gauge the effect of the innovation eco-*
8 *systems described in paragraph (1) on the De-*
9 *partment; and*

10 (B) *a means for assessing the effectiveness of*
11 *the strategy developed under subsection (a)(1),*
12 *including the approaches taken by the Depart-*
13 *ment to grow, foster, and sustain such innova-*
14 *tion ecosystems.*

15 (c) *ELEMENTS.—The strategy and the implementation*
16 *plan required by subsection (a) shall include the following*
17 *elements:*

18 (1) *A process for defining, assessing, and select-*
19 *ing innovation ecosystems with potential to provide*
20 *benefit to the Department of Defense.*

21 (2) *Metrics for measuring the performance and*
22 *health of innovation ecosystems being supported by*
23 *the Department, including identification of criteria to*
24 *determine when to support or cease supporting identi-*
25 *fied ecosystems.*

1 (3) *Identification of the authorities and Department*
2 *of Defense research, development, test, and eval-*
3 *uation assets that can be used to identify, establish,*
4 *sustain, and expand innovation ecosystems.*

5 (4) *For each innovation ecosystem supported by*
6 *the Department—*

7 (A) *a description of the core competencies or*
8 *focus areas of the ecosystem;*

9 (B) *identification of any organizations or*
10 *elements of the Department that engage with the*
11 *ecosystem;*

12 (C) *identification of the private sector assets*
13 *that are being used to support, sustain, and ex-*
14 *pend the identified innovation ecosystem; and*

15 (D) *a description of any challenges and suc-*
16 *cesses associated with such ecosystem.*

17 (5) *Such other elements as the Secretary con-*
18 *siders appropriate.*

19 (d) *INTERIM BRIEFING.—Not later than 90 days after*
20 *the date of the enactment of this Act, the Secretary of De-*
21 *fense shall provide to the congressional defense committees*
22 *a briefing on the strategy and implementation plan devel-*
23 *oped under subsection (a).*

24 (e) *SUBMITTAL OF STRATEGY AND PLAN.—Not later*
25 *than 180 days after the date of the enactment of this Act,*

1 *the Secretary of Defense shall submit to the congressional*
2 *defense committees the strategy and implementation plan*
3 *developed under subsection (a).*

4 (f) *QUADRENNIAL UPDATES.*—*Not later than March 1,*
5 *2027, and not less frequently than once every four years*
6 *thereafter until December 31, 2039, the Secretary shall—*

7 (1) *update the strategy and plan developed under*
8 *subsection (a); and*

9 (2) *submit the updated strategy and plan to the*
10 *congressional defense committees.*

11 (g) *DEFINITIONS.*—*In this section:*

12 (1) *The term “Department of Defense research,*
13 *development, test, and evaluation assets” includes the*
14 *following:*

15 (A) *The Department of Defense science and*
16 *technology reinvention laboratories designated*
17 *under section 4121 of title 10, United States*
18 *Code.*

19 (B) *The Major Range and Test Facility*
20 *Base (as defined in section 4173(i) of such title).*

21 (C) *Department of Defense sponsored manu-*
22 *facturing innovation institutes.*

23 (D) *The organic industrial base.*

24 (E) *Defense Agencies and Department of*
25 *Defense Field Activities (as defined in section*

1 101(a) of title 10, United States Code) that
2 carry out activities using funds appropriated for
3 research, development, test, and evaluation.

4 (F) Any other organization or element of
5 the Department of Defense that carries out ac-
6 tivities using funds appropriated for research,
7 development, test, and evaluation.

8 (2) The term “innovation ecosystem” refers to a
9 regionally based network of private sector, academic,
10 and government institutions in a network of formal
11 and informal institutional relationships that con-
12 tribute to technological and economic development in
13 a defined technology sector or sectors.

14 **SEC. 237. ASSESSMENT AND STRATEGY RELATING TO**
15 **HYPERSONIC TESTING CAPACITY OF THE DE-**
16 **PARTMENT OF DEFENSE.**

17 (a) *ASSESSMENT.*—The Secretary of Defense shall as-
18 sess the capacity of the Department of Defense to test, evalu-
19 ate, and qualify the hypersonic capabilities and related
20 technologies of the Department.

21 (b) *ELEMENTS.*—The assessment under subsection (a)
22 shall include the following:

23 (1) An assumption, for purposes of evaluating
24 the capacity described in subsection (a), that the De-
25 partment of Defense will conduct at least one full-

1 *scale, operationally relevant, live-fire, hypersonic*
2 *weapon test of each hypersonic weapon system that is*
3 *under development each year by each of the Air Force,*
4 *the Army, and the Navy, once such system reaches*
5 *initial operational capability.*

6 (2) *An identification of test facilities outside the*
7 *Department of Defense that have potential to be used*
8 *to expand the capacity described in subsection (a), in-*
9 *cluding test facilities of other departments and agen-*
10 *cies of the Federal Government, academia, and com-*
11 *mercial test facilities.*

12 (3) *An analysis of the capability of each test fa-*
13 *cility identified under paragraph (2) to simulate var-*
14 *ious individual and coupled hypersonic conditions to*
15 *accurately simulate a realistic flight-like environment*
16 *with all relevant aero-thermochemical conditions.*

17 (4) *An identification of the coordination, sched-*
18 *uling, reimbursement processes, and requirements*
19 *needed for the potential use of test facilities of other*
20 *departments and agencies of the Federal Government,*
21 *as available.*

22 (5) *An analysis of the test frequency, scheduling*
23 *lead time, test cost, and capacity of each test facility*
24 *identified under paragraph (2).*

1 (6) *A review of test facilities identified under*
2 *paragraph (2) that could enhance efforts to test flight*
3 *vehicles of the Department in all phases of hypersonic*
4 *flight, and other technologies, including sensors, com-*
5 *munications, thermal protective shields and mate-*
6 *rials, optical windows, navigation, and environ-*
7 *mental sensors.*

8 (7) *An assessment of any cost savings and time*
9 *savings that could result from using technologies iden-*
10 *tified in the strategy under subsection (c).*

11 (c) *STRATEGY.—*

12 (1) *REQUIREMENT.—Not later than 180 days*
13 *after the date of the enactment of this Act, the Sec-*
14 *retary of Defense shall submit to the appropriate con-*
15 *gressional committees a strategy to coordinate the po-*
16 *tential use of test facilities and ranges identified*
17 *under subsection (b)(2) to evaluate hypersonic tech-*
18 *nologies.*

19 (2) *ELEMENTS.—The strategy under paragraph*
20 *(1) shall—*

21 (A) *be based on the assessment under sub-*
22 *section (a);*

23 (B) *address how the Secretary will coordi-*
24 *nate with other departments and agencies of the*
25 *Federal Government, including the National Aer-*

1 *onautics and Space Administration, to plan for*
2 *and schedule the potential use of other Federal*
3 *Government-owned test facilities and ranges, as*
4 *available, to evaluate the hypersonic technologies*
5 *of the Department of Defense;*

6 *(C) to the extent practicable, address in*
7 *what cases the Secretary can use test facilities*
8 *identified under subsection (b)(2) to fill any ex-*
9 *isting testing requirement gaps to enhance and*
10 *accelerate flight qualification of critical*
11 *hypersonic technologies of the Department;*

12 *(D) identify—*

13 *(i) the resources needed to improve the*
14 *frequency and capacity for testing*
15 *hypersonic technologies of the Department*
16 *at ground-based test facilities and flight test*
17 *ranges, including estimated costs for con-*
18 *ducting at least one full-scale, operationally*
19 *relevant, live-fire, hypersonic weapon test of*
20 *each hypersonic weapon system that is*
21 *under development each year by each of the*
22 *Air Force, the Army, and the Navy, once*
23 *such system reaches initial operational ca-*
24 *pability;*

1 (ii) the resources needed to reimburse
2 other departments and agencies of the Fed-
3 eral Government for the use of the test fa-
4 cilities and ranges of those departments or
5 agencies to test the hypersonics technologies
6 of the Department;

7 (iii) the requirements, approval proc-
8 esses, and resources needed to enhance, as
9 appropriate, the testing capabilities and ca-
10 pacity of other Federal Government-owned
11 test facilities and flight ranges, in coordina-
12 tion with the heads of the relevant depart-
13 ments and agencies;

14 (iv) investments that the Secretary can
15 make to incorporate test facilities identified
16 under subsection (b)(2) into the overall
17 hypersonic test infrastructure of the Depart-
18 ment of Defense; and

19 (v) the environmental conditions, test-
20 ing sizes, and duration required for flight
21 qualification of both hypersonic cruise and
22 hypersonic boost-glide technologies of the
23 Department; and

24 (E) address all advanced or emerging tech-
25 nologies that could shorten timelines and reduce

1 *costs for hypersonic missile testing, including*
2 *with respect to—*

3 *(i) 3D printing of hypersonic test mis-*
4 *sile components including the frame, war-*
5 *head, and propulsion systems;*

6 *(ii) reusable hypersonic test beds, in-*
7 *cluding air-launched, sea-launched, and*
8 *ground-launched options;*

9 *(iii) additive manufacturing solutions;*

10 *(iv) the potential use of airborne plat-*
11 *forms other than the B-52 aircraft to im-*
12 *prove flight schedules for such testing; and*

13 *(v) other relevant technologies.*

14 (3) *COORDINATION.*—*The Secretary of Defense*
15 *shall develop the strategy under paragraph (1) in co-*
16 *ordination with the Program Director of the Joint*
17 *Hypersonics Transition Office, the Administrator of*
18 *the National Aeronautics and Space Administration,*
19 *the research laboratories of the military departments,*
20 *and the Department of Defense Test Resource Man-*
21 *agement Center.*

22 (d) *REPORT ON ESTIMATED COSTS OF CONDUCTING*
23 *A MINIMUM FREQUENCY OF HYPERSONIC WEAPONS TEST-*
24 *ING.*—*Not later than 180 days after the date of the enact-*
25 *ment of this Act, the Secretary of Defense shall submit to*

1 *the appropriate congressional committees a report that in-*
2 *cludes an estimate of the costs of conducting at least one*
3 *full-scale, operationally relevant, live-fire, hypersonic weap-*
4 *on test of each hypersonic weapon system that is under de-*
5 *velopment each year by each of the Air Force, the Army,*
6 *and the Navy, once such system reaches initial operational*
7 *capability.*

8 *(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
9 *FINED.—The term “appropriate congressional committees”*
10 *means the following:*

11 *(1) The congressional defense committees.*

12 *(2) The Committee on Science, Space, and Tech-*
13 *nology of the House of Representatives and the Com-*
14 *mittee on Commerce, Science, and Transportation of*
15 *the Senate.*

16 **SEC. 238. ANNUAL REPORT ON STUDIES AND REPORTS OF**
17 **FEDERALLY FUNDED RESEARCH AND DEVEL-**
18 **OPMENT CENTERS.**

19 *(a) ANNUAL REPORT REQUIRED.—On an annual*
20 *basis, the Secretary of Defense shall submit to the Commit-*
21 *tees on Armed Services of the Senate and the House of Rep-*
22 *resentatives a report that identifies and provides informa-*
23 *tion about the studies and reports undertaken for the De-*
24 *partment of Defense by federally funded research and devel-*
25 *opment centers.*

1 (b) *ELEMENTS.*—Each report submitted under sub-
2 section (a) shall set forth the following:

3 (1) A list identifying each study and report un-
4 dertaken by a federally funded research center for the
5 Department of Defense—

6 (A) that has been completed during the pe-
7 riod covered by the report under subsection (a);
8 or

9 (B) that is in progress as of the date of the
10 report under subsection (a).

11 (2) For each study and report listed under para-
12 graph (1), the following:

13 (A) The title of the study or report.

14 (B) The federally funded research and devel-
15 opment center undertaking the study or report.

16 (C) The amount of funding provided to the
17 federally funded research and development center
18 under the contract or other agreement pursuant
19 to which the study or report is being produced
20 or conducted.

21 (D) The completion date or anticipated
22 completion date of the study or report.

23 (c) *EXCEPTIONS.*—The report required by subsection
24 (a) shall not apply to the following:

25 (1) Classified reports or studies.

1 (2) *Technical reports associated with scientific*
2 *research or technical development activities.*

3 (3) *Any report or study undertaken pursuant to*
4 *a contract or other agreement between a federally*
5 *funded research and development center and an entity*
6 *outside the Department of Defense.*

7 (4) *Reports or studies that are in draft form or*
8 *that have not undergone a peer-review or prepublica-*
9 *tion security review process established by the feder-*
10 *ally funded research and development center con-*
11 *cerned.*

12 (d) *SPECIAL RULE.—Each report under subsection (a)*
13 *shall be generated using the products and processes gen-*
14 *erated pursuant to section 908 of the William M. (Mac)*
15 *Thornberry National Defense Authorization Act for Fiscal*
16 *Year 2021 (Public Law 116–283; 10 U.S.C. 111 note).*

17 (e) *TERMINATION.—The requirement to submit annual*
18 *reports under subsection (a) shall terminate on the date that*
19 *is three years after the date of the enactment of this Act.*

20 **SEC. 239. REPORT ON RECOMMENDATIONS FROM ARMY FU-**
21 **TURES COMMAND RESEARCH PROGRAM RE-**
22 **ALIGNMENT STUDY.**

23 (a) *REPORT REQUIRED.—Not later than 180 days*
24 *after the date of the enactment of this Act, the Secretary*
25 *of the Army shall submit to the congressional defense com-*

1 *mittees a report on the recommendations set forth in the*
2 *publication of the National Academies of Sciences, Engi-*
3 *neering, and Medicine titled “Consensus Study Report:*
4 *U.S. Army Futures Command Research Program Realign-*
5 *ment” and dated April 23, 2022.*

6 (b) *CONTENTS.—The report submitted under sub-*
7 *section (a) shall include the following:*

8 (1) *A description of each recommendation de-*
9 *scribed in such subsection that has already been im-*
10 *plemented.*

11 (2) *A description of each recommendation de-*
12 *scribed in such subsection that the Secretary has com-*
13 *menced implementing, including a justification for*
14 *determining to commence implementing the rec-*
15 *ommendation.*

16 (3) *A description of each recommendation de-*
17 *scribed in such subsection that the Secretary has not*
18 *implemented or commenced implementing and a de-*
19 *termination as to whether or not to implement the*
20 *recommendation.*

21 (4) *For each recommendation under paragraph*
22 *(3) the Secretary determines to implement, the fol-*
23 *lowing:*

24 (A) *A timeline for implementation.*

1 (B) *A description of any additional re-*
2 *sources or authorities required for implementa-*
3 *tion.*

4 (C) *The plan for implementation.*

5 (5) *For each recommendation under paragraph*
6 *(3) the Secretary determines not to implement, a jus-*
7 *tification for the determination not to implement.*

8 (c) *FORMAT.—The report required by subsection (a)*
9 *shall be submitted in unclassified form, but may include*
10 *a classified annex.*

11 **SEC. 240. REPORT ON POTENTIAL FOR INCREASED UTILIZA-**
12 **TION OF THE ELECTRONIC PROVING**
13 **GROUNDS TESTING RANGE.**

14 (a) *REPORT REQUIRED.—Not later than 180 days*
15 *after the date of the enactment of this Act, the Secretary*
16 *of Defense, acting through the Chair of the Electronic War-*
17 *fare Executive Committee of the Department of Defense,*
18 *shall submit to the congressional defense committees a re-*
19 *port on the Electronic Proving Grounds testing range lo-*
20 *cated at Fort Huachuca, Arizona.*

21 (b) *ELEMENTS.—The report under subsection (a) shall*
22 *address—*

23 (1) *the amount and types of testing activities*
24 *conducted at the Electronic Proving Grounds testing*
25 *range;*

1 (2) *any shortfalls in the facilities and equipment*
2 *of the range;*

3 (3) *the capacity of the range to be used for addi-*
4 *tional testing activities;*

5 (4) *the possibility of using the range for the test-*
6 *ing activities of other Armed Forces, Federal agencies,*
7 *and private-sector entities in the United States;*

8 (5) *the capacity of the range to be used for real-*
9 *istic electronic warfare training;*

10 (6) *electronic warfare training shortfalls at do-*
11 *mestic military installations generally; and*

12 (7) *the feasibility and advisability of providing*
13 *a dedicated training area for electronic warfare capa-*
14 *bilities.*

15 (c) *CONSULTATION.—In preparing the report under*
16 *subsection (a), the Chair of the Electronic Warfare Execu-*
17 *tive Committee shall consult with the following:*

18 (1) *The Under Secretary of Defense for Research*
19 *and Engineering.*

20 (2) *The Chief Information Officer of the Depart-*
21 *ment of Defense.*

22 (3) *The Director of Operational Test and Eval-*
23 *uation of the Department of Defense.*

24 (4) *The Commander of the United States Stra-*
25 *tegic Command.*

1 (5) *The Secretary of the Army.*

2 (6) *The Electromagnetic Spectrum Operations*
3 *Cross-Functional Team established pursuant to sec-*
4 *tion 911(c) of the National Defense Authorization Act*
5 *for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.*
6 *111 note).*

7 (7) *The governments of Cochise County and Si-*
8 *erra Vista, Arizona.*

9 **SEC. 241. STUDY ON COSTS ASSOCIATED WITH UNDERPER-**
10 **FORMING SOFTWARE AND INFORMATION**
11 **TECHNOLOGY.**

12 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
13 *seek to enter into a contract or other agreement with an*
14 *eligible entity to conduct an independent study on the chal-*
15 *lenges associated with the use of software and information*
16 *technology in the Department of Defense, the effects of such*
17 *challenges, and potential solutions to such 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 de-*
22 *partment to identify the most important software and*
23 *information technology challenges that result in lost*
24 *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 service-*
5 *member and employee retention; and*

6 (C) *any negative effects of each challenge on*
7 *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 De-*
21 *fense and its component organizations. Such a frame-*
22 *work shall enable the assessment of underperforming*
23 *software and information technology based on—*

24 (A) *designs, interfaces, and functionality*
25 *which prioritize user experience and efficacy;*

1 (B) costs due to lost productivity;

2 (C) reliability and sustainability;

3 (D) comparisons between—

4 (i) outdated or outmoded information
5 technologies, software, and applications;
6 and

7 (ii) modern information technologies,
8 software, and applications;

9 (E) overhead costs for software and infor-
10 mation technology in the Department compared
11 to the overhead costs for comparable software and
12 information technology in the private sector;

13 (F) comparison of the amounts the Depart-
14 ment planned to expend on software and infor-
15 mation technology services versus the amounts
16 actually spent for such software and services;

17 (G) the mean amount of time it takes to re-
18 solve technical problems reported by users;

19 (H) the average rate, expressed in time, for
20 remediating or patching weaknesses or flaws in
21 information technologies, software, and applica-
22 tions;

23 (I) workforce training time; and

24 (J) customer satisfaction.

25 (4) The development of recommendations—

1 (A) to address the challenges identified
2 under paragraph (1); and

3 (B) to improve the processes through which
4 the Secretary provides software and information
5 technology throughout the Department, including
6 through—

7 (i) business processes reengineering;

8 (ii) improvement of procurement or
9 sustainment processes;

10 (iii) remediation of hardware and soft-
11 ware technology gaps; and

12 (iv) the development of more detailed
13 and effective cost estimates.

14 (c) *REPORT REQUIRED.*—Not later than one year after
15 the date of the enactment of this Act, the eligible entity that
16 conducts the study under subsection (a) shall submit to the
17 Secretary of Defense and the congressional defense commit-
18 tees a report on the results of such study.

19 (d) *DEFINITIONS.*—In this section:

20 (1) The term “eligible entity” means an inde-
21 pendent entity not under the direction or control of
22 the Secretary of Defense, which may include a depart-
23 ment or agency of the Federal Government outside the
24 Department of Defense.

1 (2) *The term “software and information tech-*
2 *nology” does not include embedded software and in-*
3 *formation technology used for weapon systems.*

4 **SEC. 242. STUDY AND REPORT ON SUFFICIENCY OF OPER-**
5 **ATIONAL TEST AND EVALUATION RESOURCES**
6 **SUPPORTING CERTAIN MAJOR DEFENSE AC-**
7 **QUISITION PROGRAMS.**

8 (a) *STUDY.*—*The Director of Operational Test and*
9 *Evaluation of the Department of Defense shall conduct a*
10 *study of at least one major defense acquisition program*
11 *within each covered Armed Force to determine the suffi-*
12 *ciency of the operational test and evaluation resources sup-*
13 *porting such program.*

14 (b) *ELEMENTS.*—*The study under subsection (a) shall*
15 *include, with respect to each major defense acquisition pro-*
16 *gram evaluated as part of the study, the following:*

17 (1) *Identification and assessment of the oper-*
18 *ational test and evaluation resources supporting the*
19 *program—*

20 (A) *as of the date of the study;*

21 (B) *during the five-year period preceding*
22 *the date of the study; and*

23 (C) *over the period covered by the most re-*
24 *cent future-years defense program submitted to*

1 *Congress under section 221 of title 10, United*
2 *States Code.*

3 (2) *For any operational test and evaluation re-*
4 *sources determined to be insufficient to meet the needs*
5 *of the program, an evaluation of the amount of addi-*
6 *tional funding and any other support that may be re-*
7 *quired to ensure the sufficiency of such resources.*

8 (3) *The amount of Government-funded, con-*
9 *tractor-provided operational test and evaluation re-*
10 *sources—*

11 (A) *provided for the program as of the date*
12 *of the study; and*

13 (B) *that are planned to be provided for the*
14 *program after such date.*

15 (4) *Such other matters as the Director of Oper-*
16 *ational Test and Evaluation determines to be relevant*
17 *to the study.*

18 (c) *REPORT.—Not later than one year after the date*
19 *of the enactment of this Act, the Director of Operational*
20 *Test and Evaluation shall submit to the congressional de-*
21 *fense committees a report on the results of the study con-*
22 *ducted under subsection (a).*

23 (d) *DEFINITIONS.—In this section:*

1 (1) *The term “covered Armed Force” means the*
 2 *Army, the Navy, the Marine Corps, the Air Force,*
 3 *and the Space Force.*

4 (2) *The term “major defense acquisition pro-*
 5 *gram” has the meaning given that term in section*
 6 *4201 of title 10, United States Code.*

7 (3) *The term “operational test and evaluation*
 8 *resources” means the facilities, specialized test assets,*
 9 *schedule, workforce, and any other resources sup-*
 10 *porting operational test and evaluation activities*
 11 *under a major defense acquisition program.*

12 **TITLE III—OPERATION AND**
 13 **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 en-
ergy 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 re-
newable 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 fis-*
5 *cal year 2023 for the use of the Armed Forces and other*
6 *activities and agencies of the Department of Defense for ex-*
7 *penses, not otherwise provided for, for operation and main-*
8 *tenance, as specified in the funding table in section 4301.*

9 **Subtitle B—Energy and**
10 **Environment**

11 **SEC. 311. CENTER FOR EXCELLENCE IN ENVIRONMENTAL**
12 **SECURITY.**

13 *Chapter 7 of title 10, United States Code, is amended*
14 *by inserting after section 182 the following new section (and*
15 *conforming the table of sections at the beginning of such*
16 *chapter accordingly):*

17 **“§ 182a. Center for Excellence in Environmental Secu-**
18 **urity**

19 *“(a) ESTABLISHMENT.—The Secretary of Defense may*
20 *operate a Center for Excellence in Environmental Security*
21 *(in this section referred to as the ‘Center’).*

22 *“(b) MISSIONS.—(1) The Center shall be used to pro-*
23 *vide and facilitate education, training, and research in*
24 *civil-military operations, particularly operations that re-*

1 *quire international assistance and operations that require*
2 *coordination between the Department of Defense and other*
3 *Federal agencies.*

4 “(2) *The Center shall be used to provide and facilitate*
5 *education, training, interagency coordination, and research*
6 *on the following additional matters:*

7 “(A) *Management of the consequences of environ-*
8 *mental insecurity with respect to—*

9 “(i) *access to water, food, and energy;*

10 “(ii) *related health matters; and*

11 “(iii) *matters relating to when, how, and*
12 *why environmental stresses to human safety,*
13 *health, water, energy, and food will cascade to*
14 *economic, social, political, or national security*
15 *events.*

16 “(B) *Appropriate roles for the reserve compo-*
17 *nents in response to environmental insecurity result-*
18 *ing from natural disasters.*

19 “(C) *Meeting requirements for information in*
20 *connection with regional and global disasters, includ-*
21 *ing through the use of advanced communications tech-*
22 *nology as a virtual library.*

23 “(3) *The Center shall perform such other missions as*
24 *the Secretary of Defense may specify.*

1 “(4) *To assist the Center in carrying out the missions*
2 *under this subsection, upon request of the Center, the head*
3 *of any Federal agency may grant to the Center access to*
4 *the data, archives, and other physical resources (including*
5 *facilities) of that agency, and may detail any personnel of*
6 *that agency to the Center, for the purpose of enabling the*
7 *development of global environmental indicators.*

8 “(c) *JOINT OPERATION WITH EDUCATIONAL INSTITU-*
9 *TION AUTHORIZED.—The Secretary of Defense may enter*
10 *into an agreement with appropriate officials of an institu-*
11 *tion of higher education to provide for the operation of the*
12 *Center. Any such agreement shall provide for the institution*
13 *to furnish necessary administrative services for the Center,*
14 *including by directly providing such services or providing*
15 *the funds for such services.*

16 “(d) *ACCEPTANCE OF DONATIONS.—(1) Except as pro-*
17 *vided in paragraph (2), the Secretary of Defense may ac-*
18 *cept, on behalf of the Center, donations to be used to defray*
19 *the costs of the Center or to enhance the operation of the*
20 *Center. Such donations may be accepted from any agency*
21 *of the Federal Government, any State or local government,*
22 *any foreign government, any foundation or other charitable*
23 *organization (including any that is organized or operates*
24 *under the laws of a foreign country), or any other private*
25 *source in the United States or a foreign country.*

1 “(2) *The Secretary may not accept a donation under*
2 *paragraph (1) if the acceptance of the donation would com-*
3 *promise or appear to compromise—*

4 “(A) *the ability of the Department of Defense,*
5 *any employee of the Department, or any member of*
6 *the armed forces, to carry out any responsibility or*
7 *duty of the Department or the armed forces in a fair*
8 *and objective manner; or*

9 “(B) *the integrity of any program of the Depart-*
10 *ment of Defense or of any person involved in such a*
11 *program.*

12 “(3) *The Secretary shall prescribe written guidance*
13 *setting forth the criteria to be used in determining whether*
14 *or not the acceptance of a foreign donation under para-*
15 *graph (1) would have a result described in paragraph (2).*

16 “(4) *Funds accepted by the Secretary under paragraph*
17 *(1) as a donation on behalf of the Center shall be credited*
18 *to appropriations available to the Department of Defense*
19 *for the Center. Funds so credited shall be merged with the*
20 *appropriations to which credited and shall be available for*
21 *the Center for the same purposes and the same period as*
22 *the appropriations with which merged.”.*

1 **SEC. 312. PARTICIPATION IN POLLUTANT BANKS AND**
2 **WATER QUALITY TRADING.**

3 (a) *IN GENERAL.*—Chapter 159 of title 10, United
4 States Code, is amended by inserting after section 2694c
5 the following new section:

6 **“§2694d. Participation in pollutant banks and water**
7 **quality trading**

8 “(a) *AUTHORITY TO PARTICIPATE.*—The Secretary of
9 a military department, and the Secretary of Defense with
10 respect to matters concerning a Defense Agency, when en-
11 gaged in an authorized activity that may or will result in
12 the discharge of pollutants, may make payments to a pollut-
13 ant banking program or water quality trading program ap-
14 proved in accordance with the Water Quality Trading Pol-
15 icy dated January 13, 2003, set forth by the Office of Water
16 of the Environmental Protection Agency, or any successor
17 administrative guidance or regulation.

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

22 “(c) *DISCHARGE OF POLLUTANTS DEFINED.*—In this
23 section, the term ‘discharge of pollutants’ has the meaning
24 given that term in section 502(12) of the Federal Water Pol-
25 lution Control Act (33 U.S.C. 1362(12)) (commonly referred
26 to as the ‘Clean Water Act’).”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by inserting after*
 3 *the item relating to section 2694c following new item:*

“2694d. *Participation in pollutant banks and water quality trading.*”.

4 **SEC. 313. CONSIDERATION UNDER DEFENSE ENVIRON-**
 5 **MENTAL RESTORATION PROGRAM FOR**
 6 **STATE-OWNED FACILITIES OF THE NATIONAL**
 7 **GUARD WITH PROVEN EXPOSURE OF HAZ-**
 8 **ARDOUS SUBSTANCES AND WASTE.**

9 (a) *DEFINITION OF STATE-OWNED NATIONAL GUARD*
 10 *FACILITY.*—*Section 2700 of title 10, United States Code,*
 11 *is amended by adding at the end the following new para-*
 12 *graph:*

13 “(4) *The term ‘State-owned National Guard fa-*
 14 *cility’ includes land owned and operated by a State*
 15 *when such land is used for training the National*
 16 *Guard pursuant to chapter 5 of title 32 with funds*
 17 *provided by the Secretary of Defense or the Secretary*
 18 *of a military department, even though such land is*
 19 *not under the jurisdiction of the Department of De-*
 20 *fense.*”.

21 (b) *AUTHORITY FOR DEFENSE ENVIRONMENTAL RES-*
 22 *TORATION PROGRAM.*—*Section 2701(a)(1) of such title is*
 23 *amended, in the first sentence, by inserting “and at State-*
 24 *owned National Guard facilities” before the period.*

1 (c) *RESPONSIBILITY FOR RESPONSE ACTIONS.*—Section
2 *tion 2701(c)(1) of such title is amended by adding at the*
3 *end the following new subparagraph:*

4 “(D) *Each State-owned National Guard fa-*
5 *cility being used for training the National*
6 *Guard pursuant to chapter 5 of title 32 with*
7 *funds provided by the Secretary of Defense or the*
8 *Secretary of a military department at the time*
9 *of actions leading to contamination by haz-*
10 *ardous substances or pollutants or contami-*
11 *nants.”.*

12 **SEC. 314. RENEWAL OF ANNUAL ENVIRONMENTAL AND EN-**
13 **ERGY REPORTS OF DEPARTMENT OF DE-**
14 **FENSE.**

15 (a) *ENVIRONMENTAL REPORT.*—Section 2711 of title
16 *10, United States Code, is amended by striking subsections*
17 *(a) and (b) and inserting the following new subsections:*

18 “(a) *REPORT REQUIRED.*—Not later than March 31
19 *of each year, the Secretary of Defense shall submit to Con-*
20 *gress a report on progress made by environmental programs*
21 *of the Department of Defense during the preceding fiscal*
22 *year.*

23 “(b) *ELEMENTS.*—Each report under subsection (a)
24 *shall include, for the year covered by the report, the fol-*
25 *lowing:*

1 “(1) *With respect to environmental restoration*
2 *activities of the Department of Defense, and for each*
3 *of the military departments, information on the De-*
4 *fense Environmental Restoration Program under sec-*
5 *tion 2701 of this title, including—*

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

8 “(B) *the progress of remediation for sites*
9 *that have not yet completed cleanup;*

10 “(C) *the remaining cost to complete cleanup*
11 *of known sites; and*

12 “(D) *an assessment by the Secretary of De-*
13 *fense of the overall progress of such program.*

14 “(2) *An assessment by the Secretary of achieve-*
15 *ments for environmental conservation and planning*
16 *by the Department.*

17 “(3) *An assessment by the Secretary of achieve-*
18 *ments for environmental compliance by the Depart-*
19 *ment.*

20 “(4) *An assessment by the Secretary of achieve-*
21 *ments for climate resiliency by the Department.*

22 “(5) *An assessment by the Secretary of the*
23 *progress made by the Department in achieving the ob-*
24 *jectives and goals of the Environmental Technology*
25 *Program of the Department.*

1 “(c) *CONSOLIDATION.*—*The Secretary of Defense may*
2 *consolidate, attach with, or otherwise include in any report*
3 *required under subsection (a) any annual report or other*
4 *requirement that is aligned or associated with, or would*
5 *be better understood if presented as part of a consolidated*
6 *report addressing environmental restoration, compliance,*
7 *and resilience.*”.

8 (b) *ENERGY REPORT.*—

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

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

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

17 “(a) *REPORT REQUIRED.*—*Not later than 240 days*
18 *after the end of each fiscal year, the Secretary of Defense*
19 *shall submit to the congressional defense committees a re-*
20 *port detailing the fulfillment during that fiscal year of the*
21 *authorities and requirements under sections 2688, 2911,*
22 *2912, 2920, and 2926 of this title, including progress on*
23 *energy resilience at military installations and the use of*
24 *operational energy in combat platforms and at contingency*
25 *locations.*”.

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

3 “(1) *For the year covered by the report, the fol-*
4 *lowing:*

5 “(A) *A description of the progress made to*
6 *achieve the goals of the Energy Policy Act of*
7 *2005 (Public Law 109–58), section 2911(g) of*
8 *this title, and the Energy Independence and Se-*
9 *curity Act of 2007 (Public Law 110–140).*

10 “(B) *A description of the energy savings, re-*
11 *turn on investment, and enhancements to instal-*
12 *lation mission assurance realized by the fulfill-*
13 *ment of the goals described in subparagraph (A).*

14 “(C) *A description of and progress toward*
15 *the energy security, resilience, and performance*
16 *goals and master planning for the Department of*
17 *Defense, including associated metrics pursuant*
18 *to subsections (c) and (d) of section 2911 of this*
19 *title and requirements under section 2688(g) of*
20 *this title.*

21 “(D) *An evaluation of progress made by the*
22 *Department in implementing the operational en-*
23 *ergy strategy of the Department, including the*
24 *progress of key initiatives and technology invest-*

1 *ments related to operational energy demand and*
2 *management.*

3 *“(E) Details of the amounts of any funds*
4 *transferred by the Secretary of Defense pursuant*
5 *to section 2912 of this title, including a detailed*
6 *description of the purpose for which such*
7 *amounts have been used.*

8 *“(2) Statistical information on operational en-*
9 *ergy demands of the Department, in terms of expendi-*
10 *tures and consumption, for the preceding five fiscal*
11 *years, including information on funding made avail-*
12 *able in regular defense appropriations Acts and any*
13 *supplemental appropriations Acts.*

14 *“(3) A description of each initiative related to*
15 *the operational energy strategy of the Department*
16 *and a summary of funds appropriated for each ini-*
17 *tiative in the previous fiscal year and current fiscal*
18 *year and requested for each initiative for the next five*
19 *fiscal years.*

20 *“(4) Such recommendations as the Secretary*
21 *considers appropriate for additional changes in orga-*
22 *nization or authority within the Department to en-*
23 *able further implementation of the energy strategy*
24 *and such other comments and recommendations as the*
25 *Secretary considers appropriate.*

1 “(c) *CLASSIFIED FORM.*—If a report under subsection
2 (a) is submitted in classified form, the Secretary of Defense
3 shall, concurrently with such report, submit to the congress-
4 sional defense committees an unclassified version of the re-
5 port.

6 “(d) *CONSOLIDATION.*—The Secretary of Defense may
7 consolidate, attach with, or otherwise include in any report
8 required under subsection (a) any annual report or other
9 requirement that is aligned or associated with, or would
10 be better understood if presented as part of a consolidated
11 report addressing energy performance, resilience, and readi-
12 ness.”.

13 (2) *CLERICAL AMENDMENT.*—The table of sec-
14 tions at the beginning of subchapter III of chapter
15 173 of such title is amended by striking the item re-
16 lating to section 2925 and inserting the following new
17 item:

“2925. Annual report on energy performance, resilience, and readiness of Depart-
ment of Defense.”.

18 (c) *CONTINUATION OF REPORTING REQUIREMENTS.*—

19 (1) *IN GENERAL.*—Section 1080(a) of the Na-
20 tional Defense Authorization Act for Fiscal Year 2016
21 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111
22 note) does not apply to the following reports:

1 (A) *The report required to be submitted to*
2 *Congress under section 2711 of title 10, United*
3 *States Code.*

4 (B) *The report required to be submitted to*
5 *Congress under section 2925 of title 10, United*
6 *States Code.*

7 (2) *CONFORMING REPEAL.—Section 1061(c) of*
8 *National Defense Authorization Act for Fiscal Year*
9 *2017 (Public Law 114–328; 10 U.S.C. 111 note) is*
10 *amended by striking paragraphs (51) and (54).*

11 **SEC. 315. AGGREGATION OF ENERGY CONSERVATION MEAS-**
12 **URES AND FUNDING.**

13 *Section 2911 of title 10, United States Code, is amend-*
14 *ed by adding at the end the following new subsection:*

15 “(j) *AGGREGATE ENERGY CONSERVATION MEASURES*
16 *AND FUNDING.—(1) To the maximum extent practicable,*
17 *the Secretary concerned shall take a holistic view of the en-*
18 *ergy project opportunities on installations under the juris-*
19 *isdiction of such Secretary and shall consider aggregate en-*
20 *ergy conservation measures, including energy conservation*
21 *measures with quick payback, with energy resilience en-*
22 *hancement projects and other projects that may have a*
23 *longer payback period.*

24 “(2) *In considering aggregate energy conservation*
25 *measures under paragraph (1), the Secretary concerned*

1 *shall incorporate all funding available to such Secretary for*
2 *such measures, including—*

3 *“(A) appropriated funds, such as—*

4 *“(i) funds appropriated for the Energy Re-*
5 *silience and Conservation Investment Program of*
6 *the Department; and*

7 *“(ii) funds appropriated for the Facilities*
8 *Sustainment, Restoration, and Modernization*
9 *program of the Department; and*

10 *“(B) funding available under performance con-*
11 *tracts, such as energy savings performance contracts*
12 *and utility energy service contracts.”.*

13 **SEC. 316. ADDITIONAL SPECIAL CONSIDERATIONS FOR EN-**
14 **ERGY PERFORMANCE GOALS AND ENERGY**
15 **PERFORMANCE MASTER PLAN.**

16 *Section 2911(e) of title 10, United States Code, is*
17 *amended by adding at the end the following new para-*
18 *graphs:*

19 *“(14) The reliability and security of energy re-*
20 *sources in the event of a military conflict.*

21 *“(15) The value of resourcing energy from part-*
22 *ners and allies of the United States.”.*

1 **SEC. 317. PURCHASE OR LEASE OF ELECTRIC, ZERO EMIS-**
2 **SION, ADVANCED-BIOFUEL-POWERED, OR HY-**
3 **DROGEN-POWERED VEHICLES FOR THE DE-**
4 **PARTMENT OF DEFENSE.**

5 (a) *REQUIREMENT.*—Section 2922g of title 10, United
6 States Code, is amended—

7 (1) in the heading, by striking “**systems**” and
8 inserting “**systems; purchase or lease of cer-**
9 **tain electric and other vehicles**”;

10 (2) in subsection (a), by striking “In leasing”
11 and inserting “During the period preceding October
12 1, 2035, in leasing”;

13 (3) in subsection (c), by inserting “, during the
14 period specified in subsection (a),” after “from au-
15 thORIZING”; and

16 (4) by adding at the end the following new sub-
17 sections:

18 “(d) *REQUIREMENT.*—Except as provided in sub-
19 section (e), beginning on October 1, 2035, each covered non-
20 tactical vehicle purchased or leased by or for the use of the
21 Department of Defense shall be—

22 “(1) an electric or zero emission vehicle that uses
23 a charging connector type (or other means to trans-
24 mit electricity to the vehicle) that meets applicable in-
25 dustry accepted standards for interoperability and
26 safety;

1 “(2) *an advanced-biofuel-powered vehicle; or*

2 “(3) *a hydrogen-powered vehicle.*

3 “(e) *RELATION TO OTHER VEHICLE TECHNOLOGIES*

4 *THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—Not-*

5 *withstanding the requirement under subsection (d), begin-*

6 *ning on October 1, 2035, the Secretary of Defense may au-*

7 *thorize the purchase or lease of a covered nontactical vehicle*

8 *that is not described in such subsection if the Secretary de-*

9 *termines, on a case-by-case basis, that—*

10 “(1) *the technology used in the vehicle to be pur-*

11 *chased or leased reduces the consumption of fossil*

12 *fuels compared to vehicles that use conventional inter-*

13 *nal combustion technology;*

14 “(2) *the purchase or lease of such vehicle is con-*

15 *sistent with the energy performance goals and plan of*

16 *the Department of Defense required by section 2911 of*

17 *this title; and*

18 “(3) *the purchase or lease of a vehicle described*

19 *in subsection (d) is impracticable under the cir-*

20 *cumstances.*

21 “(f) *WAIVER.—(1) The Secretary of Defense may*

22 *waive the requirement under subsection (d).*

23 “(2) *The Secretary of Defense may not delegate the*

24 *waiver authority under paragraph (1).*

25 “(g) *DEFINITIONS.—In this section:*

1 “(1) *The term ‘advanced-biofuel-powered vehicle’*
2 *includes a vehicle that uses a fuel described in section*
3 *9001(3)(A) of the Farm Security and Rural Invest-*
4 *ment Act of 2202 (7 U.S.C. 8101(3)(A)).*

5 “(2) *The term ‘covered nontactical vehicle’ means*
6 *any vehicle—*

7 “(A) *that is not a tactical vehicle designed*
8 *for use in combat; and*

9 “(B) *that is purchased or leased by the De-*
10 *partment of Defense pursuant to a contract en-*
11 *tered into, renewed, modified, or amended on or*
12 *after October 1, 2035.*

13 “(3) *The term ‘hydrogen-powered vehicle’ means*
14 *a vehicle that uses hydrogen as the main source of*
15 *motive power, either through a fuel cell or internal*
16 *combustion.”.*

17 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
18 *the beginning of subchapter II of chapter 173 of such title*
19 *is amended by striking the item relating to section 2922g*
20 *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.”.

1 **SEC. 318. CLARIFICATION AND REQUIREMENT FOR DEPART-**
2 **MENT OF DEFENSE RELATING TO RENEW-**
3 **ABLE BIOMASS AND BIOGAS.**

4 *Section 2924 of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) in paragraph (6)—*

7 *(A) by redesignating subparagraphs (D)*
8 *through (I) as subparagraphs (E) through (J),*
9 *respectively; and*

10 *(B) by inserting after subparagraph (C) the*
11 *following new subparagraph (D):*

12 *“(D) Biogas.”; and*

13 *(2) by adding at the end the following new para-*
14 *graphs:*

15 *“(7) The term ‘biomass’ has the meaning given*
16 *the term ‘renewable biomass’ in section 211(o)(1) of*
17 *the Clean Air Act (42 U.S.C. 7545(o)(1)).*

18 *“(8) The term ‘biogas’ means biogas as such term*
19 *is used in section 211(o)(1)(B)(ii)(V) of the Clean Air*
20 *Act (42 U.S.C. 7545(o)(1)(B)(ii)(V)).”.*

21 **SEC. 319. PROGRAMS OF MILITARY DEPARTMENTS ON RE-**
22 **DUCTION OF FUEL RELIANCE AND PRO-**
23 **MOTION OF ENERGY-AWARE BEHAVIORS.**

24 *(a) ESTABLISHMENT.—Subchapter III of chapter 173*
25 *of title 10, United States Code, is amended by adding at*

1 *the end the following new section (and conforming the table*
2 *of sections at the beginning of such subchapter accordingly):*

3 **“§2928. Programs on reduction of fuel reliance and**
4 ***promotion of energy-aware behaviors***

5 “(a) *ESTABLISHMENT.—Each Secretary of a military*
6 *department shall establish a program for the promotion of*
7 *energy-aware behaviors and the reduction of unnecessary*
8 *fuel consumption within that military department.*

9 “(b) *GOALS.—The goals of the programs established*
10 *under subsection (a) shall be as follows:*

11 “(1) *To increase operational energy resiliency.*

12 “(2) *To decrease energy-related strategic*
13 *vulnerabilities and enhance military readiness.*

14 “(3) *To integrate sustainability features for new*
15 *and existing military installations and other facilities*
16 *of the Department.*

17 “(c) *MINIMUM REQUIRED ELEMENTS.—Under the*
18 *program of a military department under subsection (a), the*
19 *Secretary of the military department shall carry out, with*
20 *respect to the military department, and at a minimum, the*
21 *following:*

22 “(1) *The development and implementation of a*
23 *strategy for the collection and analysis of data on fuel*
24 *consumption, to identify operational inefficiencies*

1 *and enable data-driven decision making with respect*
2 *to fuel logistics and the reduction of fuel consumption.*

3 *“(2) The fostering of an energy-aware culture*
4 *across the military department to reduce fuel con-*
5 *sumption, including through—*

6 *“(A) the incorporation of energy conserva-*
7 *tion and resiliency principles into training cur-*
8 *ricula and other training materials of the mili-*
9 *tary department, including by updating such*
10 *materials to include information on the effect of*
11 *energy-aware behaviors on improving readiness*
12 *and combat capability; and*

13 *“(B) the review of standard operating pro-*
14 *cedures, and other operational manuals and pro-*
15 *cedures, of the military department, to identify*
16 *procedures that increase fuel consumption with*
17 *no operational benefit.*

18 *“(3) The integration of operational energy fac-*
19 *tors into the wargaming of the military department*
20 *and related training activities that involve the mod-*
21 *eling of scenarios, in accordance with subsection (d),*
22 *to provide to participants in such activities realistic*
23 *data on the risks and challenges relating to oper-*
24 *ational energy and fuel logistics.*

1 “(4) *The implementation of data-driven proce-*
2 *dures, operations planning, and logistics, to optimize*
3 *cargo transport and refueling operations within the*
4 *military department.*

5 “(d) *WARGAMING ELEMENTS.—In integrating oper-*
6 *ational energy factors into the wargaming and related*
7 *training activities of a military department under sub-*
8 *section (c)(3), the Secretary of the military department*
9 *shall seek to ensure that the planning, design, and execution*
10 *of such activities include—*

11 “(1) *coordination with the elements of the mili-*
12 *tary department responsible for fuel and logistics*
13 *matters, to ensure the modeling of energy demand and*
14 *network risk during such activities are accurate, tak-*
15 *ing into account potential shortfalls and the direct*
16 *and indirect effects of the efforts of foreign adversaries*
17 *to target fuel supply chains; and*

18 “(2) *a focus on improving integrated life-cycle*
19 *management processes and fuel supply logistics.”.*

20 “(b) *DEADLINE FOR ESTABLISHMENT.—The programs*
21 *required under section 2928 of title 10, United States Code,*
22 *as added by subsection (a), shall be established by not later*
23 *than 180 days after the date of the enactment of this Act.*

24 “(c) *BRIEFING.—Not later than 180 days after the date*
25 *of enactment of this Act, each Secretary of a military de-*

1 *partment shall provide to the congressional defense commit-*
2 *tees a briefing on the establishment of the program of the*
3 *military department required under such section 2928.*

4 **SEC. 320. ESTABLISHMENT OF JOINT WORKING GROUP TO**
5 **DETERMINE JOINT REQUIREMENTS FOR FU-**
6 **TURE OPERATIONAL ENERGY NEEDS OF DE-**
7 **PARTMENT OF DEFENSE.**

8 *Section 352 of the National Defense Authorization Act*
9 *for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1653)*
10 *is amended by adding at the end the following new sub-*
11 *section:*

12 *“(e) ESTABLISHMENT OF JOINT WORKING GROUP TO*
13 *DETERMINE JOINT REQUIREMENTS FOR FUTURE OPER-*
14 *ATIONAL ENERGY NEEDS OF DEPARTMENT OF DEFENSE.—*

15 *“(1) ESTABLISHMENT.—The Secretary of Defense*
16 *shall establish a joint working group (in this sub-*
17 *section referred to as the ‘working group’) to deter-*
18 *mine joint requirements for future operational energy*
19 *needs of the Department of Defense.*

20 *“(2) EXECUTIVE AGENT.—The Secretary of the*
21 *Air Force shall serve as the executive agent of the*
22 *working group.*

23 *“(3) REQUIREMENTS SPECIFIED.—*

24 *“(A) IN GENERAL.—In determining joint*
25 *requirements under paragraph (1), the working*

1 *group shall address the operational energy needs*
2 *of each military department and combatant com-*
3 *mand to meet energy needs in all domains of*
4 *warfare, including land, air, sea, space, cyber-*
5 *space, subsea, and subterranean environments.*

6 “(B) *PRIORITY FOR CERTAIN SYSTEMS.—*
7 *Priority for joint requirements under paragraph*
8 *(1) shall be given to independent operational en-*
9 *ergy systems that—*

10 “(i) *are capable of operating in austere*
11 *and isolated environments with quick de-*
12 *ployment capabilities; and*

13 “(ii) *may reduce conventional air pol-*
14 *lution and greenhouse gas emissions com-*
15 *parable to systems already in use.*

16 “(4) *EXISTING OR NEW PROGRAMS.—The work-*
17 *ing group shall address the feasibility of meeting joint*
18 *requirements determined under paragraph (1)*
19 *through the existing energy programs of the Depart-*
20 *ment and make recommendations for new programs*
21 *to meet such requirements.*

22 “(5) *FOCUS AREAS.—In carrying out the re-*
23 *quirements under this subsection, the working group*
24 *shall focus the efforts of the working group on oper-*
25 *ational energy, including—*

1 “(A) *micro-reactors and small modular re-*
2 *actors;*

3 “(B) *hydrogen-based fuel systems, including*
4 *hydrogen fuel cells and hydrogen-based combus-*
5 *tion engines;*

6 “(C) *battery storage;*

7 “(D) *renewable energy sources;*

8 “(E) *retrofits to existing platforms that*
9 *shall increase efficiencies; and*

10 “(F) *other technologies and resources that*
11 *meet joint requirements determined under para-*
12 *graph (1).*

13 “(6) *RECOMMENDED PLAN OF ACTION.—*

14 “(A) *IN GENERAL.—Not later than 180*
15 *days after the date of the enactment of this sub-*
16 *section, the Secretary shall submit to the congress-*
17 *sional defense committees a report, and provide*
18 *to the congressional defense committees a classi-*
19 *fied briefing, outlining recommendations for pro-*
20 *grams to meet joint requirements for future oper-*
21 *ational energy needs of the Department of De-*
22 *fense by 2025, 2030, and 2040.*

23 “(B) *FOCUS ON READINESS AND FLEXI-*
24 *BILITY.—In submitting the report and providing*

1 *the briefing under subparagraph (A), the Sec-*
2 *retary shall—*

3 *“(i) address each element of the report*
4 *or briefing, as the case may be, in the con-*
5 *text of maintaining or increasing the readi-*
6 *ness levels of the Armed Forces and the*
7 *flexibility of operational elements within the*
8 *Department; and*

9 *“(ii) disregard energy sources that do*
10 *not increase such readiness and flexibility,*
11 *with an explanation for the reason such*
12 *sources were disregarded.*

13 *“(C) FORM.—The report under subpara-*
14 *graph (A) shall be submitted in unclassified*
15 *form, but may include a classified annex.*

16 *“(7) DEFINITIONS.—In this subsection:*

17 *“(A) The term ‘advanced nuclear reactor’*
18 *has the meaning given that term in section*
19 *951(b) of the Energy Policy Act of 2005 (42*
20 *U.S.C. 16271(b)).*

21 *“(B) The term ‘micro-reactor’ means an ad-*
22 *vanced nuclear reactor that has an electric power*
23 *production capacity that is not greater than 50*
24 *megawatts that can be transported via land, air,*
25 *or sea transport and can be redeployed.*

1 “(C) The term ‘small modular reactor’
2 means an advanced nuclear reactor—

3 “(i) with a rated capacity of less than
4 300 electrical megawatts; or

5 “(ii) that can be constructed and oper-
6 ated in combination with similar reactors
7 at a single site.”.

8 **SEC. 321. AMENDMENT TO BUDGETING OF DEPARTMENT OF**
9 **DEFENSE RELATING TO EXTREME WEATHER.**

10 Section 328(a) of the National Defense Authorization
11 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
12 221 note) is amended—

13 (1) in paragraph (1), by striking “; and” and
14 inserting a semicolon;

15 (2) in paragraph (2), by striking the period at
16 the end and inserting “; and”; and

17 (3) by inserting after paragraph (2) the fol-
18 lowing new paragraph:

19 “(3) a calculation of the annual costs to the De-
20 partment for—

21 “(A) assistance that is—

22 “(i) provided to the Federal Emergency
23 Management Agency or any Federal land
24 management agency (as such term is de-
25 fined in section 802 of the Federal Lands

1 *Recreation Enhancement Act (16 U.S.C.*
2 *6801)) pursuant to a request for such assist-*
3 *ance and in consultation with the National*
4 *Interagency Fire Center; or*

5 “(ii) provided under title 10 or title
6 32, United States Code, to any State, terri-
7 tory, or possession of the United States, re-
8 garding extreme weather; and

9 “(B) resourcing required to support—

10 “(i) wildfire response, recovery, or res-
11 toration efforts occurring within military
12 installations or other facilities of the De-
13 partment; or

14 “(ii) any Federal agency other than
15 the Department (including the Federal
16 Emergency Management Agency and the
17 National Interagency Fire Center) with re-
18 spect to wildfire response, recovery, or res-
19 toration efforts, where such resourcing is not
20 reimbursed.”.

21 **SEC. 322. PROTOTYPE AND DEMONSTRATION PROJECTS**
22 **FOR ENERGY RESILIENCE AT CERTAIN MILI-**
23 **TARY INSTALLATIONS.**

24 (a) *IN GENERAL.*—Subject to the availability of appro-
25 priations for such purpose, each Secretary of a military de-

1 *partment shall ensure that covered prototype and dem-*
2 *onstration projects are conducted at each military installa-*
3 *tion under the jurisdiction of that Secretary that is des-*
4 *ignated by the Secretary of Defense as an “Energy Resil-*
5 *ience Testbed” pursuant to subsection (b).*

6 *(b) SELECTION OF MILITARY INSTALLATIONS.—*

7 *(1) NOMINATION.—Each Secretary of a military*
8 *department shall nominate military installations*
9 *under the jurisdiction of that Secretary for selection*
10 *under paragraph (2), and submit to the Secretary of*
11 *Defense a list of such nominations.*

12 *(2) SELECTION.—Not later than one year after*
13 *the date of the enactment of this Act, the Secretary of*
14 *Defense shall select, from among the lists of nomi-*
15 *nated military installations provided by the Secre-*
16 *taries of the military departments under paragraph*
17 *(1), at least one such nominated military installation*
18 *per military department for designation pursuant to*
19 *paragraph (4).*

20 *(3) CONSIDERATIONS.—In selecting military in-*
21 *stallations under paragraph (2), the Secretary of De-*
22 *fense shall, to the extent practicable, take into consid-*
23 *eration the following:*

24 *(A) The mission of the installation.*

1 (B) *The geographic terrain of the installa-*
2 *tion and of the community surrounding the in-*
3 *stallation.*

4 (C) *The energy resources available to sup-*
5 *port the installation.*

6 (D) *An assessment of any extreme weather*
7 *risks or vulnerabilities at the installation and*
8 *the community surrounding the installation.*

9 (4) *DESIGNATION AS ENERGY RESILIENCE*
10 *TESTBED.—Each military installation selected under*
11 *paragraph (2) shall be known as an “Energy Resil-*
12 *ience Testbed”.*

13 (c) *COVERED TECHNOLOGIES.—Covered prototype and*
14 *demonstration projects conducted at military installations*
15 *designated pursuant to subsection (b) shall include the pro-*
16 *totype and demonstration of technologies in the following*
17 *areas:*

18 (1) *Energy storage technologies, including long-*
19 *duration energy storage systems.*

20 (2) *Technologies to improve building energy effi-*
21 *ciency in a cyber-secure manner, such as advanced*
22 *lighting controls, high-performance cooling systems,*
23 *and technologies for waste heat recovery.*

24 (3) *Technologies to improve building energy*
25 *management and control in a cyber-secure manner.*

1 (4) *Tools and processes for design, assessment,*
2 *and decision making on the installation with respect*
3 *to all hazards resilience and hazard analysis, energy*
4 *use, management, and the construction of resilient*
5 *buildings and infrastructure.*

6 (5) *Carbon sequestration technologies.*

7 (6) *Technologies relating to on-site resilient en-*
8 *ergy generation, including the following:*

9 (A) *Advanced geothermal technologies.*

10 (B) *Advanced nuclear technologies, includ-*
11 *ing small modular reactors.*

12 (7) *Port electrification and surrounding defense*
13 *community infrastructure.*

14 (8) *Tidal and wave power technologies.*

15 (9) *Distributed ledger technologies.*

16 (d) *BRIEFING.—Not later than one year after the date*
17 *of the enactment of this Act, the Secretary of Defense, in*
18 *consultation with the Secretaries of the military depart-*
19 *ments, shall provide to the appropriate congressional com-*
20 *mittees a briefing on the conduct of covered prototype and*
21 *demonstration projects at each military installation des-*
22 *ignated pursuant to subsection (b). Such briefing shall in-*
23 *clude the following:*

24 (1) *An identification of each military installa-*
25 *tion so designated.*

1 (2) *A justification as to why each military in-*
2 *stallation so designated was selected for such designa-*
3 *tion.*

4 (3) *A strategy for commencing the conduct of*
5 *such projects at each military installation so des-*
6 *ignated by not later than one year after the date of*
7 *the enactment of this Act.*

8 (e) *DEADLINE FOR COMMENCEMENT OF PROJECTS.—*
9 *Beginning not later than one year after the date of the en-*
10 *actment of this Act, covered prototype and demonstration*
11 *projects shall be conducted at, and such conduct shall be*
12 *incorporated into the mission of, each military installation*
13 *designated pursuant to subsection (b).*

14 (f) *RESPONSIBILITY FOR ADMINISTRATION AND OVER-*
15 *SIGHT.—Notwithstanding the responsibility of the Sec-*
16 *retary of Defense to select each military installation for des-*
17 *ignation pursuant to subsection (b)(2), the administration*
18 *and oversight of the conduct of covered prototype and dem-*
19 *onstration projects at a military installation so designated,*
20 *as required under subsection (a), shall be the responsibility*
21 *of the Secretary of the military department with jurisdic-*
22 *tion over that military installation.*

23 (g) *CONSORTIUMS.—*

24 (1) *IN GENERAL.—Each Secretary of a military*
25 *department may enter into a partnership with, or*

1 *seek to establish, a consortium of industry, academia,*
2 *and other entities described in paragraph (2) to con-*
3 *duct covered prototype and demonstration projects at*
4 *a military installation that is under the jurisdiction*
5 *of that Secretary and designated by the Secretary of*
6 *Defense pursuant to subsection (b).*

7 (2) *CONSORTIUM ENTITIES.—The entities de-*
8 *scribed in this paragraph are as follows:*

9 (A) *National laboratories.*

10 (B) *Industry entities the primary work of*
11 *which relates to technologies and business models*
12 *relating to energy resilience and all hazards re-*
13 *silience.*

14 (h) *AUTHORITIES.—*

15 (1) *IN GENERAL.—Covered prototype and dem-*
16 *onstration projects required under this section may be*
17 *conducted as part of the program for operational en-*
18 *ergy prototyping established under section 324(c) of*
19 *the William M. (Mac) Thornberry National Defense*
20 *Authorization Act for Fiscal Year 2021 (Public Law*
21 *116–283; 134 Stat. 3523; 10 U.S.C. 2911 note) (in-*
22 *cluding by using funds available under the Oper-*
23 *ational Energy Prototyping Fund established pursu-*
24 *ant to such section), using the other transactions au-*
25 *thority under section 4021 or 4022 of title 10, United*

1 *States Code, or using any other available authority or*
2 *funding source the Secretary of Defense determines*
3 *appropriate.*

4 (2) *FOLLOW-ON PRODUCTION CONTRACTS OR*
5 *TRANSACTIONS.—Each Secretary of a military de-*
6 *partment shall ensure that, to the extent practicable,*
7 *any transaction entered into under the other trans-*
8 *actions authority under section 4022 of title 10,*
9 *United States Code, for the conduct of a covered pro-*
10 *totype and demonstration project under this section*
11 *shall provide for the award of a follow-on production*
12 *contract or transaction pursuant to subsection (f) of*
13 *such section 4022.*

14 (i) *INTERAGENCY COLLABORATION.—In carrying out*
15 *this section, to the extent practicable, the Secretary of De-*
16 *fense shall collaborate with the Secretary of Energy and the*
17 *heads of such other Federal departments and agencies as*
18 *the Secretary of Defense may determine appropriate, in-*
19 *cluding by entering into relevant memoranda of under-*
20 *standing.*

21 (j) *RULE OF CONSTRUCTION.—Nothing in this section*
22 *shall be construed as precluding any Secretary of a military*
23 *department from carrying out any activity, including con-*
24 *ducting a project or making an investment, relating to the*

1 *improvement of energy resilience or all hazards resilience*
2 *under an authority other than this section.*

3 *(k) DEFINITIONS.—In this section:*

4 *(1) The term “appropriate congressional com-*
5 *mittees” means—*

6 *(A) the Committee on Armed Services and*
7 *the Committee on Energy and Commerce of the*
8 *House of Representatives; and*

9 *(B) the Committee on Armed Services and*
10 *the Committee on Energy and Natural Resources*
11 *of the Senate.*

12 *(2) The term “community infrastructure” has*
13 *the meaning given that term in section 2391(e) of*
14 *title 10, United States Code.*

15 *(3) The term “covered prototype and demonstra-*
16 *tion project” means a project to prototype and dem-*
17 *onstrate advanced technologies to enhance energy re-*
18 *silience, including with respect to energy supply dis-*
19 *ruptions, and all hazards resilience at a military in-*
20 *stallation.*

21 *(4) The term “military installation” has the*
22 *meaning given that term in section 2867 of title 10,*
23 *United States Code.*

1 **SEC. 323. PILOT PROGRAM FOR DEVELOPMENT OF ELEC-**
2 **TRIC VEHICLE CHARGING SOLUTIONS TO**
3 **MITIGATE GRID STRESS.**

4 (a) *IN GENERAL.*—*The Secretary of Defense, in coordi-*
5 *nation with the Secretaries of the military departments,*
6 *and in consultation with the Secretary of Energy, shall*
7 *carry out a pilot program to develop and test covered infra-*
8 *structure to mitigate grid stress caused by electric vehicles*
9 *through the implementation and maintenance on certain*
10 *military installations of charging stations, microgrids, and*
11 *other covered infrastructure sufficient to cover the energy*
12 *demand at such installations.*

13 (b) *SELECTION OF MILITARY INSTALLATIONS.*—

14 (1) *SELECTION.*—*Not later than 180 days after*
15 *the date of the enactment of this Act, each Secretary*
16 *of a military department shall—*

17 (A) *select at least one military installation*
18 *of each Armed Force under the jurisdiction of*
19 *that Secretary at which to carry out the pilot*
20 *program under subsection (a); and*

21 (B) *submit to the Committees on Armed*
22 *Services of the House of Representatives and the*
23 *Senate a notification containing an identifica-*
24 *tion of each such selected installation.*

25 (2) *CONSIDERATIONS.*—*In choosing a military*
26 *installation for selection pursuant to paragraph (1),*

1 *each Secretary of a military department shall take*
2 *into account the following:*

3 *(A) A calculation of existing loads at the*
4 *installation and the existing capacity of the in-*
5 *stallation for the charging of electric vehicles, in-*
6 *cluding (as applicable) light duty trucks.*

7 *(B) Any required upgrades to covered infra-*
8 *structure on the installation, including electrical*
9 *wiring, anticipated by the Secretary.*

10 *(C) The ownership, financing, operation,*
11 *and maintenance models of existing and planned*
12 *covered infrastructure on the installation.*

13 *(D) An assessment of local grid needs, and*
14 *any required updates relating to such needs an-*
15 *ticipated by the Secretary.*

16 *(c) REPORT.—*

17 *(1) IN GENERAL.—Not later than one year after*
18 *the date on which a Secretary of a military depart-*
19 *ment submits a notification identifying a selected*
20 *military installation under subsection (b), that Sec-*
21 *retary shall submit to the Committee on Armed Serv-*
22 *ices and the Committee on Energy and Commerce of*
23 *the House of Representatives and the Committee on*
24 *Armed Services of the Senate a report on—*

1 (A) the covered infrastructure to be imple-
2 mented under the pilot program at the installa-
3 tion;

4 (B) the methodology by which each type of
5 covered infrastructure so implemented shall be
6 assessed for efficacy and efficiency at providing
7 sufficient energy to cover the anticipated energy
8 demand of the electric vehicle fleet at the instal-
9 lation and mitigating grid stress; and

10 (C) the maintenance on the military instal-
11 lation of charging stations and other covered in-
12 frastructure, including a microgrid, that will be
13 sufficient to—

14 (i) cover the anticipated electricity de-
15 mand of such fleet; and

16 (ii) improve installation energy resil-
17 ience.

18 (2) *ELEMENTS.*—Each report under paragraph
19 (1) shall include, with respect to the selected military
20 installation for which the report is submitted, the fol-
21 lowing:

22 (A) A determination of the type and num-
23 ber of charging stations to implement on the in-
24 stallation, taking into account the interoper-
25 ability of chargers and the potential future needs

1 or applications for chargers, such as vehicle-to-
2 grid or vehicle-to-building applications.

3 (B) A determination of the optimal owner-
4 ship model to provide charging stations on the
5 installation, taking into account the following:

6 (i) Use of Government-owned (pur-
7 chased, installed, and maintained) charging
8 stations.

9 (ii) Use of third-party financed, in-
10 stalled, operated, and maintained charging
11 stations.

12 (iii) Use of financing models in which
13 energy and charging infrastructure oper-
14 ations and maintenance are treated as a
15 service.

16 (iv) Cyber and physical security con-
17 siderations and best practices associated
18 with different ownership, network, and con-
19 trol models.

20 (C) A determination of the optimal power
21 source to provide charging stations at the instal-
22 lation, taking into account the following:

23 (i) Transformer and substation re-
24 quirements.

1 (ii) *Microgrids and distributed energy*
2 *to support both charging requirements and*
3 *energy storage.*

4 (3) *SOURCE OF SERVICES.*—*Each Secretary of a*
5 *military department may use expertise within the*
6 *military department or enter into a contract with a*
7 *non-Department of Defense entity to make the deter-*
8 *minations specified in paragraph (2).*

9 (d) *FINAL REPORT.*—*Not later than January 1, 2025,*
10 *the Secretary of Defense shall submit to the congressional*
11 *committees specified in subsection (c)(1) a final report on*
12 *the pilot program under subsection (a). Such report shall*
13 *include the observations and findings of the Department re-*
14 *lating to the charging stations and other covered infrastruc-*
15 *ture implemented and maintained under such pilot pro-*
16 *gram, including with respect to the elements specified in*
17 *subsection (c)(2).*

18 (e) *DEFINITIONS.*—*In this section:*

19 (1) *The terms “Armed Forces” and “military de-*
20 *partments” have the meanings given those terms in*
21 *section 101 of title 10, United States Code.*

22 (2) *The term “charging station” means a collec-*
23 *tion of one or more electric vehicle supply equipment*
24 *units serving the purpose of charging an electric vehi-*
25 *cle battery.*

1 (3) *The term “covered infrastructure”—*

2 (A) *means infrastructure that the Secretary*
3 *of Defense determines may be used to—*

4 (i) *charge electric vehicles, including*
5 *by transmitting electricity to such vehicles*
6 *directly; or*

7 (ii) *support the charging of electric ve-*
8 *hicles, including by supporting the resil-*
9 *ience of grids or other systems for delivering*
10 *energy to such vehicles (such as through the*
11 *mitigation of grid stress); and*

12 (B) *includes—*

13 (i) *charging stations;*

14 (ii) *batteries;*

15 (iii) *battery-swapping systems;*

16 (iv) *microgrids;*

17 (v) *off-grid charging systems; and*

18 (vi) *other apparatuses installed for the*
19 *specific purpose of delivering energy to an*
20 *electric vehicle or to a battery intended to be*
21 *used in an electric vehicle, including wire-*
22 *less charging technologies.*

23 (4) *The term “electric vehicle” includes—*

24 (A) *a plug-in hybrid electric vehicle that*
25 *uses a combination of electric and gas powered*

1 *engine that can use either gasoline or electricity*
2 *as a fuel source; and*

3 *(B) a plug-in electric vehicle that runs sole-*
4 *ly on electricity and does not contain an inter-*
5 *nal combustion engine or gas tank.*

6 *(5) The term “electric vehicle supply equipment*
7 *unit” means the port that supplies electricity to one*
8 *vehicle at a time.*

9 *(6) The term “microgrid” means a group of*
10 *interconnected loads and distributed energy resources*
11 *within clearly defined electrical boundaries that acts*
12 *as a single controllable entity with respect to the grid.*

13 *(7) The term “military installation” has the*
14 *meaning given that term in section 2801 of title 10,*
15 *United States Code.*

16 *(8) The term “wireless charging” means the*
17 *charging of a battery by inductive charging or by any*
18 *means in which a battery is charged without a wire,*
19 *or plug-in wire, connecting the power source and bat-*
20 *tery.*

21 **SEC. 324. PILOT PROGRAM ON USE OF SUSTAINABLE AVIA-**
22 **TION FUEL.**

23 *(a) PILOT PROGRAM REQUIRED.—*

24 *(1) IN GENERAL.—Subject to the availability of*
25 *appropriations for such purpose, the Secretary of De-*

1 *fense shall conduct a pilot program on the use of sus-*
2 *tainable aviation fuel by the Department of Defense*
3 *(in this section referred to as the “pilot program”).*

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 by*
8 *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 fuel.*

16 (b) *SELECTION OF FACILITIES.—*

17 (1) *SELECTION.—*

18 (A) *IN GENERAL.—Not later than one year*
19 *after the date of the enactment of this Act, the*
20 *Secretary of Defense shall select not fewer than*
21 *two geographically diverse facilities of the De-*
22 *partment at which to carry out the pilot pro-*
23 *gram.*

24 (B) *ONSITE REFINERY.—Not fewer than one*
25 *facility selected under subparagraph (A) shall be*

1 *a facility with an onsite refinery that is located*
2 *in proximity to not fewer than one major com-*
3 *mercial airport that is also actively seeking to*
4 *increase the use of sustainable aviation fuel.*

5 (2) *NOTICE TO CONGRESS.*—*Upon the selection*
6 *of each facility under paragraph (1), the Secretary*
7 *shall submit to the appropriate congressional commit-*
8 *tees notice of the selection, including an identification*
9 *of the facility selected.*

10 (c) *USE OF SUSTAINABLE AVIATION FUEL.*—

11 (1) *PLANS.*—*For each facility selected under sub-*
12 *section (b), not later than one year after the selection*
13 *of the facility, the Secretary shall—*

14 (A) *develop a plan on how to implement, by*
15 *September 30, 2028, a target of exclusively using*
16 *at the facility aviation fuel that is blended to*
17 *contain not less than 10 percent sustainable*
18 *aviation fuel;*

19 (B) *submit the plan developed under sub-*
20 *paragraph (A) to the appropriate congressional*
21 *committees; and*

22 (C) *provide to the appropriate congressional*
23 *committees a briefing on such plan that includes,*
24 *at a minimum—*

1 (i) a description of any operational,
2 infrastructure, or logistical requirements,
3 and recommendations, for the blending and
4 use of sustainable aviation fuel; and

5 (ii) a description of any stakeholder
6 engagement in the development of the plan,
7 including any consultations with nearby
8 commercial airport owners or operators.

9 (2) *IMPLEMENTATION OF PLANS.*—For each facil-
10 ity selected under subsection (b), during the period be-
11 ginning on a date that is not later than September
12 30, 2028, and for five years thereafter, the Secretary
13 shall require, in accordance with the respective plan
14 developed under paragraph (1), the exclusive use at
15 the facility of aviation fuel that is blended to contain
16 not less than 10 percent sustainable aviation fuel.

17 (d) *CRITERIA FOR SUSTAINABLE AVIATION FUEL.*—
18 Sustainable aviation fuel used under the pilot program
19 shall meet the following criteria:

20 (1) Such fuel shall be produced in the United
21 States from domestic feedstock sources.

22 (2) Such fuel shall constitute drop-in fuel that
23 meets all specifications and performance requirements
24 of the Department of Defense and the Armed Forces.

1 (e) *WAIVER.*—*The Secretary may waive the use of sus-*
2 *tainable aviation fuel at a facility under the pilot program*
3 *if the Secretary—*

4 (1) *determines such use is not feasible due to a*
5 *lack of domestic availability of sustainable aviation*
6 *fuel or a national security contingency; and*

7 (2) *submits to the congressional defense commit-*
8 *tees notice of such waiver and the reasons for such*
9 *waiver.*

10 (f) *FINAL REPORT.*—

11 (1) *IN GENERAL.*—*At the conclusion of the pilot*
12 *program, the Assistant Secretary of Defense for En-*
13 *ergy, Installations, and Environment shall submit to*
14 *the appropriate congressional committees a final re-*
15 *port on the pilot program.*

16 (2) *ELEMENTS.*—*The report under paragraph*
17 *(1) shall include each of the following:*

18 (A) *An assessment of the effect of using sus-*
19 *tainable aviation fuel on the overall fuel costs of*
20 *blended fuel.*

21 (B) *A description of any operational, infra-*
22 *structure, or logistical requirements, and rec-*
23 *ommendations, for the blending and use of sus-*
24 *tainable aviation fuel, with a focus on scaling up*

1 *adoption of such fuel throughout the Armed*
2 *Forces.*

3 *(C) Recommendations with respect to how*
4 *military installations can leverage proximity to*
5 *commercial airports and other jet fuel consumers*
6 *to increase the rate of use of sustainable aviation*
7 *fuel, for both military and non-military use, in-*
8 *cluding potential collaboration on innovative fi-*
9 *nancing or purchasing and shared supply chain*
10 *infrastructure.*

11 *(D) A description of the effects on perform-*
12 *ance and operation of aircraft using sustainable*
13 *aviation fuel, including—*

14 *(i) if used, considerations of various*
15 *blending ratios and the associated benefits*
16 *thereof;*

17 *(ii) efficiency and distance improve-*
18 *ments of flights using sustainable aviation*
19 *fuel;*

20 *(iii) weight savings on large transpor-*
21 *tation aircraft and other types of aircraft*
22 *by using blended fuel with higher concentra-*
23 *tions of sustainable aviation fuel;*

1 (iv) maintenance benefits of using sus-
2 tainable aviation fuel, including with re-
3 spect to engine longevity;

4 (v) the effect of the use of sustainable
5 aviation fuel on emissions and air quality;

6 (vi) the effect of the use of sustainable
7 aviation fuel on the environment and on
8 surrounding communities, including envi-
9 ronmental justice factors that are created by
10 the demand for and use of sustainable avia-
11 tion fuel by the Department of Defense; and

12 (vii) benefits with respect to job cre-
13 ation in the sustainable aviation fuel pro-
14 duction and supply chain.

15 (g) *DEFINITIONS.*—*In this section:*

16 (1) The term “appropriate congressional com-
17 mittees” means the following:

18 (A) The Committee on Armed Services and
19 the Committee on Transportation and Infra-
20 structure of the House of Representatives.

21 (B) The Committee on Armed Services and
22 the Committee on Commerce, Science, and
23 Transportation of the Senate.

24 (2) The term “sustainable aviation fuel” has the
25 meaning given such term in section 40007(e) of the

1 *Act titled ‘An Act to provide for reconciliation pursu-*
2 *ant to title II of S. Con. Res. 14’ (Public Law 117–*
3 *169).*

4 **SEC. 325. POLICY TO INCREASE DISPOSITION OF SPENT AD-**
5 **VANCED BATTERIES THROUGH RECYCLING.**

6 *(a) POLICY REQUIRED.—Not later than one year after*
7 *the date of the enactment of this Act, the Assistant Secretary*
8 *of Defense for Energy, Installations, and Environment, in*
9 *coordination with the Director of the Defense Logistics*
10 *Agency, shall establish a policy to increase the disposition*
11 *of spent advanced batteries of the Department of Defense*
12 *through recycling (including by updating the Department*
13 *of Defense Manual 4160.21, titled “Defense Material Dis-*
14 *position: Disposal Guidance and Procedures”, or such suc-*
15 *cessor document, accordingly), for the purpose of supporting*
16 *the reclamation and return of precious metals, rare earth*
17 *metals, and elements of strategic importance (such as cobalt*
18 *and lithium) into the supply chain or strategic reserves of*
19 *the United States.*

20 *(b) CONSIDERATIONS.—In developing the policy under*
21 *subsection (a), the Assistant Secretary shall consider, at a*
22 *minimum, the following recycling methods:*

23 *(1) Pyroprocessing.*

24 *(2) Hydroprocessing.*

1 (3) *Direct cathode recycling, relithiation, and*
2 *upcycling.*

3 **SEC. 326. GUIDANCE AND TARGET GOAL RELATING TO FOR-**
4 **MERLY USED DEFENSE SITES PROGRAMS.**

5 (a) *GUIDANCE RELATING TO SITE PRIORITIZATION.—*
6 *The Assistant Secretary of Defense for Energy, Installa-*
7 *tions, and Environment shall issue guidance setting forth*
8 *how, in prioritizing sites for activities funded under the*
9 *“Environmental Restoration Account, Formerly Used De-*
10 *fense Sites” account established under section 2703(a)(5) of*
11 *title 10, United States Code, the Assistant Secretary shall*
12 *weigh the relative risk or other factors between Installation*
13 *Restoration Program sites and Military Munitions Re-*
14 *sponse Program sites.*

15 (b) *TARGET GOAL FOR MILITARY MUNITIONS RE-*
16 *SPONSE PROGRAM.—The Assistant Secretary of Defense for*
17 *Energy, Installations, and Environment shall establish a*
18 *target goal for the completion of the cleanup of all Military*
19 *Munitions Response Program sites.*

20 **SEC. 327. ANALYSIS AND PLAN FOR ADDRESSING HEAT IS-**
21 **LAND EFFECT ON MILITARY INSTALLATIONS.**

22 (a) *INSTALLATION ANALYSIS.—Each Secretary of a*
23 *military department shall conduct an analysis of the mili-*
24 *tary installations under the jurisdiction of that Secretary*
25 *to assess the extent to which heat islands affect readiness,*

1 *infrastructure service life, and utilities costs. Each such*
2 *analysis shall contain each of the following:*

3 (1) *An analysis of how heat islands exacerbate*
4 *summer heat conditions and necessitate the increased*
5 *use of air conditioning on the installations, including*
6 *an estimate of the cost of such increased usage with*
7 *respect to both utilities costs and shortened service life*
8 *of air conditioning units.*

9 (2) *An assessment of any readiness effects related*
10 *to heat islands, including the loss of training hours*
11 *due to black flag conditions, and the corresponding*
12 *cost of such effects.*

13 (b) *PLAN.—Based on the results of the analyses con-*
14 *ducted under subsection (a), the Secretaries of the military*
15 *departments shall jointly—*

16 (1) *develop a plan for mitigating the effects of*
17 *heat islands at the most severely affected installations,*
18 *including by increasing tree coverage, installing cool*
19 *roofs or green roofs, and painting asphalt; and*

20 (2) *promulgate best practices enterprise-wide for*
21 *cost avoidance and reduction of the effects of heat is-*
22 *lands.*

23 (c) *BRIEFING.—Not later than September 30, 2024, the*
24 *Secretaries of the military departments shall jointly provide*
25 *to the congressional defense committees a briefing on—*

1 (1) *the findings of each analysis conducted under*
2 *subsection (a);*

3 (2) *the plan developed under subsection (b); and*

4 (3) *such other matters as the Secretaries deter-*
5 *mine appropriate.*

6 (d) *HEAT ISLAND DEFINED.*—*The term “heat island”*
7 *means an area with a high concentration of structures (such*
8 *as building, roads, and other infrastructure) that absorb*
9 *and re-emit the sun’s heat more than natural landscapes*
10 *such as forests or bodies of water.*

11 **SEC. 328. LIMITATION ON REPLACEMENT OF NON-TACTICAL**
12 **VEHICLE FLEET OF DEPARTMENT OF DE-**
13 **FENSE WITH ELECTRIC VEHICLES, AD-**
14 **VANCED-BIOFUEL-POWERED VEHICLES, OR**
15 **HYDROGEN-POWERED VEHICLES.**

16 (a) *IN GENERAL.*—*Until the date on which the Sec-*
17 *retary of Defense submits to the Committees on Armed Serv-*
18 *ices of the House of Representatives and the Senate the re-*
19 *port described in subsection (b), the Secretary may not*
20 *enter into an indefinite delivery-indefinite quantity deliv-*
21 *ery order contract to procure and replace the existing non-*
22 *tactical vehicle fleet of the Department of Defense with elec-*
23 *tric vehicles, advanced-biofuel-powered vehicles, or hydro-*
24 *gen-powered vehicles.*

1 (b) *ELEMENTS.*—*The report described in this sub-*
2 *section shall include the following:*

3 (1) *A cost estimate for the procurement by the*
4 *Secretary of Defense, or through contract mechanisms*
5 *used by the Department (such as energy savings per-*
6 *formance contracts), of electric non-tactical vehicles to*
7 *replace the existing non-tactical vehicle fleet of the*
8 *Department, which shall include—*

9 (A) *an estimated cost per unit and number*
10 *of units to be procured of each type of electric*
11 *non-tactical vehicle (such as trucks, buses, and*
12 *vans);*

13 (B) *the cost associated with building the re-*
14 *quired infrastructure to support electric non-tac-*
15 *tical vehicles, including charging stations and*
16 *electric grid requirements;*

17 (C) *a lifecycle cost comparison between elec-*
18 *tric vehicles and combustion engine vehicles of*
19 *each type (such as an electric truck versus a con-*
20 *ventional truck);*

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

24 (E) *for each military department, a cost*
25 *comparison over periods of three, five, and 10*

1 *years of pursuing an electric non-tactical vehicle*
2 *fleet versus continuing with combustion engine*
3 *non-tactical vehicles.*

4 *(2) An assessment of the current and projected*
5 *supply chain shortfalls, including critical minerals,*
6 *for electric vehicles and combustion engine vehicles.*

7 *(3) An assessment of the security risks associated*
8 *with data collection conducted with respect to electric*
9 *vehicles, combustion engine vehicles, and the related*
10 *computer systems for each.*

11 *(4) An assessment of the current range require-*
12 *ments for electric vehicles compared to combustion en-*
13 *gine vehicles and the average life of vehicles of the De-*
14 *partment necessary to maintain current readiness re-*
15 *quirements of the Department.*

16 *(5) An identification of components for electric*
17 *non-tactical vehicles, advanced-biofuel-powered vehi-*
18 *cles, hydrogen-powered vehicles, and combustion en-*
19 *gine vehicles that are currently being sourced from the*
20 *People's Republic of China.*

21 *(6) An assessment of the mid- and long-term*
22 *costs and benefits to the Department of falling behind*
23 *industry trends related to the adoption of alternative*
24 *fuel vehicles including electric vehicles, hydrogen-pow-*
25 *ered vehicles, and advanced-biofuel-powered vehicles.*

1 (7) *An assessment of the long-term availability*
2 *to the Department of internal combustion engines and*
3 *spare parts for such engines, including whether or not*
4 *such engines and spare parts will be manufactured in*
5 *the United States or repairable with parts made in*
6 *the United States and labor in the United States.*

7 (8) *An assessment of the relative risks associated*
8 *with parking and storing electric vehicles, hydrogen-*
9 *powered vehicles, advanced-biofuel-powered vehicles,*
10 *and combustion engine vehicles inside parking struc-*
11 *tures, including fire risk and water damage.*

12 (c) *ADDITIONAL PROHIBITION.*—*None of the funds au-*
13 *thorized to be appropriated by this Act or otherwise made*
14 *available for the Department of Defense may be obligated*
15 *or expended to procure non-tactical vehicles that are electric*
16 *vehicles, advanced-biofuel-powered vehicles, or hydrogen-*
17 *powered vehicles, or any components or spare parts associ-*
18 *ated with such vehicles, that are not in compliance with*
19 *subpart 22.15 of the Federal Acquisition Regulation (or any*
20 *successor regulations).*

21 (d) *DEFINITIONS.*—*In this section:*

22 (1) *The term “advanced-biofuel-powered vehicle”*
23 *includes a vehicle that uses a fuel described in section*
24 *9001(3)(A) of the Farm Security and Rural Invest-*
25 *ment Act of 2202 (7 U.S.C. 8101(3)(A)).*

1 (2) *The term “charging station” means a park-*
2 *ing space with electric vehicle supply equipment that*
3 *supplies electric energy for the recharging of electric*
4 *vehicles with at least a level two charger.*

5 (3) *The term “electric grid requirements” means*
6 *the power grid and infrastructure requirements need-*
7 *ed to support plug-in electric vehicles and vehicle-to-*
8 *grid requirements.*

9 (4) *The term “electric non-tactical vehicle”*
10 *means a non-tactical vehicle that is an electric vehi-*
11 *cle.*

12 (5) *The terms “electric vehicle” includes—*

13 (A) *a plug-in hybrid electric vehicle that*
14 *uses a combination of electric and gas powered*
15 *engine that can use either gasoline or electricity*
16 *as a fuel source; and*

17 (B) *a plug-in electric vehicle that runs sole-*
18 *ly on electricity and does not contain an inter-*
19 *nal combustion engine or gas tank.*

20 (6) *The term “hydrogen-powered vehicle” means*
21 *a vehicle that uses hydrogen as the main source of*
22 *motive power, either through a fuel cell or internal*
23 *combustion.*

24 (7) *The term “non-tactical vehicle” means a ve-*
25 *hicle other than a tactical vehicle.*

1 (8) *The term “tactical vehicle” means a motor*
2 *vehicle designed to military specification, or a com-*
3 *mercial design motor vehicle modified to military*
4 *specification, to provide direct transportation support*
5 *of combat or tactical operations, or for the training*
6 *of personnel for such operations.*

7 ***Subtitle C—Red Hill Bulk Fuel***
8 ***Storage Facility***

9 ***SEC. 331. DEFUELING OF RED HILL BULK FUEL STORAGE***
10 ***FACILITY.***

11 ***(a) DEADLINE FOR COMPLETION OF DEFUELING.—***

12 ***(1) IN GENERAL.—****The Secretary of Defense shall*
13 *complete the defueling of the Red Hill Bulk Fuel Stor-*
14 *age Facility in a safe and expeditious manner by a*
15 *deadline that is approved by the State of Hawaii De-*
16 *partment of Health.*

17 ***(2) REPORT.—****Not later than 30 days after the*
18 *date of the enactment of this Act, and quarterly there-*
19 *after until the completion of the defueling of the Red*
20 *Hill Bulk Fuel Storage Facility, the Secretary of De-*
21 *fense shall submit to the congressional defense com-*
22 *mittees, and make publicly available on an appro-*
23 *priate website of the Department of Defense, a report*
24 *on the status of such defueling.*

1 (b) *PLANNING AND IMPLEMENTATION OF*
2 *DEFUELING.*—*The Secretary of Defense shall plan for and*
3 *implement the defueling of the Red Hill Bulk Fuel Storage*
4 *Facility in consultation with the Administrator of the En-*
5 *vironmental Protection Agency and the State of Hawaii*
6 *Department of Health.*

7 (c) *NOTIFICATION REQUIREMENT.*—*The Secretary of*
8 *Defense may not begin the process of defueling the Red Hill*
9 *Bulk Storage Facility until the date on which the Secretary*
10 *submits to the congressional defense committees a notifica-*
11 *tion that such defueling would not adversely affect the abil-*
12 *ity of the Department of Defense to provide fuel to support*
13 *military operations in the area of responsibility of the*
14 *United States Indo-Pacific Command.*

15 **SEC. 332. AUTHORIZATION OF CLOSURE OF UNDERGROUND**
16 **STORAGE TANK SYSTEM AT RED HILL BULK**
17 **FUEL STORAGE FACILITY.**

18 (a) *AUTHORIZATION.*—*The Secretary of Defense may*
19 *close the underground storage tank system at the Red Hill*
20 *Bulk Fuel Storage Facility of the Department of Defense*
21 *located in Hawaii (in this section referred to as the “Facil-*
22 *ity”).*

23 (b) *PLAN FOR FACILITY CLOSURE AND POST-CLOSURE*
24 *CARE.*—

1 (1) *IN GENERAL.*—Not later than 60 days after
2 the date of the enactment of this Act, the Secretary of
3 the Navy shall submit to the Committees on Armed
4 Services of the House of Representatives and the Sen-
5 ate a plan for—

6 (A) the closure of the Facility, along with a
7 report on the cost projections for such closure;

8 (B) monitoring of the Facility following clo-
9 sure;

10 (C) corrective actions to mitigate fuel re-
11 leases of groundwater at the Facility, including
12 resources necessary for the Secretary of the Navy
13 to conduct such actions at the Facility;

14 (D) coordination and communication with
15 applicable Federal and State regulatory authori-
16 ties, and surrounding communities, on release
17 response and remediation activities conducted by
18 the Secretary of the Navy at the Facility;

19 (E) improvements to processes, procedures,
20 organization, training, leadership, education, fa-
21 cilities, and policy of the Department of Defense
22 related to best practices for the remediation and
23 closure of the Facility; and

24 (F) measures to ensure that future strategic
25 level assets of the Department of Defense are

1 *properly maintained and critical environmental*
2 *assets are protected.*

3 (2) *PREPARATION OF PLAN.*—*The Secretary of*
4 *the Navy shall prepare the plan required under para-*
5 *graph (1) in consultation with the following:*

6 (A) *The Environmental Protection Agency.*

7 (B) *The Hawaii Department of Health.*

8 (C) *The United States Geological Survey.*

9 (D) *Any other relevant Federal or State*
10 *agencies the Secretary considers appropriate.*

11 (c) *IDENTIFICATION OF POINT OF CONTACT AT DE-*
12 *PARTMENT OF DEFENSE.*—*Not later than 60 days after the*
13 *date of the enactment of this Act, to ensure clear and con-*
14 *sistent communication relating to defueling, closure, and re-*
15 *lease response, the Secretary of Defense shall identify a sin-*
16 *gle point of contact within the Office of the Secretary of*
17 *Defense to oversee and communicate with the public and*
18 *Members of Congress regarding the status of the Facility.*

19 (d) *WATER MONITORING BRIEFING.*—*Not later than*
20 *60 days after the date of the enactment of this Act, the Sec-*
21 *retary of the Navy shall provide to the Committees on*
22 *Armed Services of the House of Representatives and the*
23 *Senate a briefing on the status of the ground water moni-*
24 *toring program—*

1 (1) *to monitor movement of the fuel plume in the*
2 *aquifer surrounding the Facility;*

3 (2) *to monitor long-term impacts to such aquifer*
4 *and local water bodies resulting from fuel releases*
5 *from the Facility; and*

6 (3) *to coordinate with the Agency for Toxic Sub-*
7 *stances and Disease Registry of the Department of*
8 *Health and Human Services as the Agency conducts*
9 *a follow up to the previously conducted voluntary sur-*
10 *vey of individuals and entities potentially impacted*
11 *by fuel releases from the Facility.*

12 **SEC. 333. REPORT ON BULK FUEL REQUIREMENTS APPLICA-**
13 **BLE TO UNITED STATES INDO-PACIFIC COM-**
14 **MAND.**

15 (a) *LIMITATION.*—*Of the funds authorized to be appro-*
16 *priated by this Act or otherwise made available for fiscal*
17 *year 2023 for the Office of the Secretary of Defense for ad-*
18 *ministration and service-wide activities, not more than 90*
19 *percent may be obligated or expended until the Secretary*
20 *of Defense submits to the congressional defense committees*
21 *a report that includes the following elements:*

22 (1) *The bulk fuel requirements of the United*
23 *States Indo-Pacific Command associated with the*
24 *operational plans of the command that involve the*
25 *most stress on bulk fuel, disaggregated by theater com-*

1 ponent commander, as such term is defined in section
2 1513 of title 10, United States Code, implementing
3 the requirement.

4 (2) *The hardening requirements of the United*
5 *States Indo-Pacific Command associated with the dis-*
6 *tribution of bulk fuel to support the proposed force*
7 *laydown in the area of responsibility of such com-*
8 *mand.*

9 (3) *A bulk fuels connector strategy to reposition*
10 *fuels within the area of responsibility of such com-*
11 *mand, which shall include a specific assessment of the*
12 *following:*

13 (A) *The overall bulk fuel requirements for*
14 *the force structure of the surface fleet tankers of*
15 *the Navy and any specific requirements associ-*
16 *ated with the proposed force laydown specified in*
17 *paragraph (2).*

18 (B) *The intra-theater connector strategy of*
19 *the Department of Defense to logistically support*
20 *theater-specific bulk fuel requirements.*

21 (C) *The bulk fuel requirements for light am-*
22 *phibious warfare ships.*

23 (4) *An identification of the funding mechanisms*
24 *used, or proposed to be used, to meet each of the re-*
25 *quirements specified in paragraphs (1) through (3),*

1 *including programmed and unfunded requirements,*
2 *and a description of any additional staffing or re-*
3 *sources necessary to meet such requirements.*

4 *(5) A risk assessment of the potential risk associ-*
5 *ated with the denial of access to bulk fuel storage fa-*
6 *cilities located in foreign countries, including a spe-*
7 *cific assessment of clauses in contracts entered into by*
8 *the Director of the Defense Logistics Agency that pro-*
9 *vide for surety of access to such storage facilities, tak-*
10 *ing into account the insurance sought with respect to*
11 *such surety and the anticipated penalties for failing*
12 *to provide such surety.*

13 *(b) INCLUSION IN SEPARATE REPORTS.—An element*
14 *listed in paragraphs (1) through (5) of subsection (a) shall*
15 *be deemed to be included in the report under subsection (a)*
16 *if included in a separate report submitted to the congres-*
17 *sional defense committees on or before the date of the sub-*
18 *mission of the report under such subsection.*

19 *(c) FORM.—The report under subsection (a) shall be*
20 *submitted in an unclassified and publicly releasable form,*
21 *but may contain a classified annex.*

1 **SEC. 334. PLACEMENT OF SENTINEL OR MONITORING**
2 **WELLS IN PROXIMITY TO RED HILL BULK**
3 **FUEL STORAGE FACILITY.**

4 (a) *IN GENERAL.*—Not later than April 1, 2023, the
5 Secretary of the Navy, in coordination with the Director
6 of the United States Geological Survey and the Adminis-
7 trator of the Environmental Protection Agency, shall sub-
8 mit to the congressional defense committees a report on the
9 placement of sentinel or monitoring wells in proximity to
10 the Red Hill Bulk Fuel Storage Facility for the purpose
11 of monitoring and tracking the movement of fuel that has
12 escaped the Facility. Such report shall include—

13 (1) *the number and location of new wells that*
14 *have been established during the 12-month period pre-*
15 *ceding the date of the submission of the report;*

16 (2) *an identification of any new wells proposed*
17 *to be established;*

18 (3) *an analysis of the need for any other wells;*

19 (4) *the proposed number and location of any*
20 *such additional wells; and*

21 (5) *the priority level of each proposed well based*
22 *on—*

23 (A) *the optimal locations for new wells; and*

24 (B) *the capability of a proposed well to as-*
25 *sist in monitoring and tracking the movement of*

1 *fuel toward the Halawa shaft, the Halawa Well,*
2 *and the Aiea Well.*

3 **(b) QUARTERLY BRIEFINGS.**—*Not later than 30 days*
4 *after the submission of the report under subsection (a), and*
5 *every 90 days thereafter for 12 months, the Secretary of the*
6 *Navy shall provide to the congressional defense committees*
7 *a briefing on the progress of the Department of the Navy*
8 *toward installing the wells described in paragraphs (2) and*
9 *(3) of subsection (a).*

10 **SEC. 335. STUDIES RELATING TO WATER NEEDS OF THE**
11 **ARMED FORCES ON OAHU.**

12 **(a) STUDY ON FUTURE WATER NEEDS OF OAHU.**—

13 **(1) IN GENERAL.**—*Not later than July 31, 2023,*
14 *the Secretary of Defense shall conduct a study on how*
15 *the Department of Defense may best address the fu-*
16 *ture water needs of the Armed Forces on the island*
17 *of Oahu. Such study shall include consideration of—*

18 **(A)** *the construction of a new water treat-*
19 *ment plant or plants;*

20 **(B)** *the construction of a new well for use*
21 *by members of the Armed Forces and the civilian*
22 *population;*

23 **(C)** *the construction of a new well for the*
24 *exclusive use of members of the Armed Forces;*

1 (D) transferring ownership and operation of
2 existing Department of Defense utilities to a mu-
3 nicipality or existing publicly owned utility;

4 (E) conveying certain Navy utilities to the
5 Honolulu Board of Water Supply; and

6 (F) any other water solutions the Secretary
7 of Defense determines appropriate.

8 (2) CONSULTATION.—In carrying out the study
9 under paragraph (1), the Secretary of Defense shall
10 consult with the Administrator of the Environmental
11 Protection Agency, the State of Hawaii, the Honolulu
12 Board of Water Supply, and any other entity the Sec-
13 retary of Defense determines appropriate.

14 (3) REPORT; BRIEFING.—Upon completion of the
15 study under paragraph (1), the Secretary of Defense
16 shall—

17 (A) submit to the appropriate congressional
18 committees a report on the findings of the study;
19 and

20 (B) provide to the appropriate congressional
21 committees a briefing on such findings.

22 (b) HYDROLOGICAL STUDIES.—

23 (1) GROUNDWATER FLOW MODEL STUDY.—Not
24 later than July 31, 2023, the Secretary of the Navy,
25 in consultation with the Administrator of the Envi-

1 *ronmental Protection Agency, the Director of the*
2 *United States Geological Survey, and the State of*
3 *Hawaii, shall commence the conduct of a new study,*
4 *or continue an existing study, to further refine the*
5 *modeling of groundwater flow in the area sur-*
6 *rounding the Red Hill Bulk Fuel Storage Facility.*
7 *Such study shall be designed to—*

8 *(A) seek to improve the understanding of*
9 *the direction and rate of groundwater flow and*
10 *dissolved fuel migration within the aquifers in*
11 *the area surrounding the facility;*

12 *(B) reflect site-specific data, including*
13 *available data of the heterogeneous subsurface*
14 *geologic system of such area; and*

15 *(C) address previously identified defi-*
16 *ciencies in existing groundwater flow models.*

17 (2) *DEADLINES FOR COMPLETION.—*

18 *(A) GROUNDWATER FLOW MODEL STUDY.—*

19 *The study under paragraph (1) shall be com-*
20 *pleted by not later than one year after the date*
21 *of the enactment of this Act.*

22 *(B) SUBSEQUENT STUDY.—Not later than*
23 *one year after the date on which the study under*
24 *paragraph (1) is completed, the Secretary of the*
25 *Navy shall complete a subsequent study to model*

1 *contaminant fate and transport in the area sur-*
2 *rounding the Red Hill Bulk Fuel Storage Facil-*
3 *ity.*

4 (3) *REPORTS; BRIEFINGS.*—*Upon completion of*
5 *a study under this subsection, the Secretary of the*
6 *Navy shall—*

7 (A) *submit to the congressional defense com-*
8 *mittees a report on the findings of the study; and*

9 (B) *provide to the congressional defense*
10 *committees a briefing on such findings.*

11 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
12 *FINED.*—*In this section, the term “appropriate congres-*
13 *sional committees” means the following:*

14 (1) *The congressional defense committees.*

15 (2) *The Committee on Energy and Commerce of*
16 *the House of Representatives.*

17 (3) *The Committee on Environment and Public*
18 *Works of the Senate.*

19 **SEC. 336. STUDY ON ALTERNATIVE USES FOR RED HILL**
20 **BULK FUEL STORAGE FACILITY.**

21 (a) *STUDY REQUIRED.*—

22 (1) *IN GENERAL.*—*Not later than 30 days after*
23 *the date of the enactment of this Act, the Secretary of*
24 *Defense shall seek to enter into an agreement with a*
25 *federally funded research and development center that*

1 *meets the criteria specified in paragraph (2) under*
2 *which such center will conduct a study to determine*
3 *the range of feasible alternative Department of De-*
4 *fense uses for the Red Hill Bulk Fuel Storage Facility*
5 *and provide to the Secretary a report on the findings*
6 *of the study. The conduct of such study shall in-*
7 *clude—*

8 *(A) engagement with stakeholders;*

9 *(B) a review of historical alternative uses of*
10 *facilities with similar characteristics; and*

11 *(C) such other modalities as determined*
12 *necessary to appropriately identify alternative*
13 *use options, including data and information col-*
14 *lected from various stakeholders and through site*
15 *visits to physically inspect the facility.*

16 *(2) CRITERIA FOR FFRDC.—The federally funded*
17 *research and development center with which the Sec-*
18 *retary seeks to enter into an agreement under para-*
19 *graph (1) shall meet the following criteria:*

20 *(A) A primary focus on studies and anal-*
21 *ysis.*

22 *(B) A record of conducting research and*
23 *analysis using a multidisciplinary approach.*

24 *(C) Demonstrated specific competencies*
25 *in—*

- 1 (i) *life cycle cost-benefit analysis;*
- 2 (ii) *military facilities and how such*
- 3 *facilities support missions; and*
- 4 (iii) *the measurement of environmental*
- 5 *impacts.*

6 (D) *A strong reputation for publishing pub-*
7 *licly releasable analysis to inform public debate.*

8 (b) *COST-BENEFIT ANALYSIS.—An agreement entered*
9 *into pursuant to subsection (a) shall specify that the study*
10 *conducted under the agreement will include a cost-benefit*
11 *analysis of the feasible Department of Defense alternative*
12 *uses considered under the study. Such cost-benefit analysis*
13 *shall cover each of the following for each such alternative*
14 *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 of*
20 *the facility.*

21 (3) *Any potential military benefits.*

22 (4) *Any potential benefits for the local economy,*
23 *including any potential employment opportunities for*
24 *members of the community.*

1 (5) *A determination of environmental impact*
2 *analysis requirements.*

3 (6) *The effects of the use on future mitigation ef-*
4 *forts.*

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 by*
11 *not later than February 1, 2024.*

12 (d) *BRIEFING.*—*Upon completion of a study conducted*
13 *under an agreement entered into pursuant to subsection (a),*
14 *the Secretary shall provide to the Committees on Armed*
15 *Services of the Senate and House of Representatives a brief-*
16 *ing on the findings of the study.*

17 (e) *PUBLIC AVAILABILITY.*—

18 (1) *FFRDC.*—*An agreement entered into pursu-*
19 *ant to subsection (a) shall specify that the federally*
20 *funded research and development center shall make an*
21 *unclassified version of the report provided to the Sec-*
22 *retary publicly available on an appropriate website of*
23 *the center.*

24 (2) *DEPARTMENT OF DEFENSE.*—*Upon receipt of*
25 *such report, the Secretary shall make an unclassified*

1 *version of the report publicly available on an appro-*
2 *priate 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, in*
9 *consultation with the Secretary of Health and Human*
10 *Services, shall provide to the congressional defense commit-*
11 *tees a briefing on the efforts of the Secretary of Defense to*
12 *appropriately track the health implications of fuel leaks at*
13 *the Red Hill Bulk Fuel Storage Facility for members of*
14 *the Armed Forces and dependents thereof, including mem-*
15 *bers of each Armed Force and dependents thereof. The brief-*
16 *ing shall include each of the following:*

17 *(1) A plan to coordinate with the Director of the*
18 *Centers for Disease Control and Prevention to align*
19 *such efforts with the public health assessment and*
20 *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 from*
25 *the State of Hawaii Department of Health and data*

1 *from other non-Department of Defense sources can*
2 *and should be used in any long-term health study re-*
3 *lating to fuel leaks at the Red Hill Bulk Fuel Storage*
4 *Facility.*

5 (4) *A description of the potential health implica-*
6 *tions of contaminants, including fuel, detected in the*
7 *drinking water distribution system at the Red Hill*
8 *Bulk Fuel Storage Facility during testing after the*
9 *fuel leaks at such facility that occurred in May and*
10 *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 in*
23 *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 180*
9 *days after the date of the enactment of this Act, Sec-*
10 *retary of Defense shall publish on the publicly avail-*
11 *able website established under section 331(b) of the*
12 *National Defense Authorization Act for Fiscal Year*
13 *2020 (Public Law 116–92; 10 U.S.C. 2701 note)*
14 *timely and regularly updated information on the re-*
15 *search efforts of the Department of Defense relating to*
16 *perfluoroalkyl substances or polyfluoroalkyl sub-*
17 *stances, which shall include the following:*

18 (A) *A description of any research collabora-*
19 *tion or data sharing by the Department with the*
20 *Department of Veterans Affairs, the Agency for*
21 *Toxic Substances and Disease Registry, or any*
22 *other agency (as defined in section 551 of title*
23 *5, United States Code), State, academic institu-*
24 *tion, nongovernmental organization, or other en-*
25 *tity.*

1 (B) Regularly updated information on re-
2 search projects supported or conducted by the De-
3 partment of Defense pertaining to the develop-
4 ment, testing, and evaluation of a fluorine-free
5 firefighting foam or any other alternative to
6 aqueous film forming foam that contains
7 perfluoroalkyl substances or polyfluoroalkyl sub-
8 stances, excluding any proprietary information
9 that is business confidential.

10 (C) Regularly updated information on re-
11 search projects supported or conducted by the De-
12 partment pertaining to the health effects of
13 perfluoroalkyl substances or polyfluoroalkyl sub-
14 stances, including information relating to the
15 impact of such substances on firefighters, vet-
16 erans, and military families, and excluding any
17 personally identifiable information.

18 (D) Regularly updated information on re-
19 search projects supported or conducted by the De-
20 partment pertaining to treatment options for
21 drinking water, surface water, ground water,
22 and the safe disposal of perfluoroalkyl substances
23 or polyfluoroalkyl substances.

24 (E) Budget information, including specific
25 spending information for the research projects re-

1 *lating to perfluoroalkyl substances or*
2 *polyfluoroalkyl substances that are supported or*
3 *conducted by the Department.*

4 *(F) Such other matters as may be relevant*
5 *to ongoing research projects supported or con-*
6 *ducted by the Department to address the use of*
7 *perfluoroalkyl substances or polyfluoroalkyl sub-*
8 *stances and the health effects of the use of such*
9 *substances.*

10 (2) *FORMAT.—The information published under*
11 *paragraph (1) shall be made available in a*
12 *downloadable, machine-readable, open, and user-*
13 *friendly format.*

14 (3) *DEFINITIONS.—In this subsection:*

15 (A) *The term “military installation” in-*
16 *cludes active, inactive, and former military in-*
17 *stallations.*

18 (B) *The term “perfluoroalkyl substance”*
19 *means a man-made chemical of which all of the*
20 *carbon atoms are fully fluorinated carbon atoms.*

21 (C) *The term “polyfluoroalkyl substance”*
22 *means a man-made chemical containing a mix*
23 *of fully fluorinated carbon atoms, partially*
24 *fluorinated carbon atoms, and nonfluorinated*
25 *carbon atoms.*

1 (b) *INCLUSION OF RESEARCH DUTIES IN*
2 *PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL*
3 *SUBSTANCES TASK FORCE.*—Section 2714(e) of title 10,
4 *United States Code, is amended by adding at the end the*
5 *following new paragraphs:*

6 “(5) *Supporting research efforts relating to*
7 *perfluoroalkyl substances or polyfluoroalkyl sub-*
8 *stances.*”

9 “(6) *Establishing practices to ensure the timely*
10 *and complete dissemination of research findings and*
11 *related data relating to perfluoroalkyl substances or*
12 *polyfluoroalkyl substances to the general public.*”

13 **SEC. 342. INCREASE OF TRANSFER AUTHORITY FOR FUND-**
14 **ING OF STUDY AND ASSESSMENT ON HEALTH**
15 **IMPLICATIONS OF PER- AND**
16 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**
17 **NATION IN DRINKING WATER BY AGENCY FOR**
18 **TOXIC SUBSTANCES AND DISEASE REGISTRY.**

19 Section 316(a)(2)(B) of the *National Defense Author-*
20 *ization Act for Fiscal Year 2018 (Public Law 115–91; 131*
21 *Stat. 1350), as amended by section 315(a) of the John S.*
22 *McCain National Defense Authorization Act for Fiscal Year*
23 *2019 (Public Law 115–232; 132 Stat. 1713), section 321*
24 *of the National Defense Authorization Act for Fiscal Year*
25 *2020 (Public Law 116–92; 133 Stat. 1307), section 337 of*

1 *the William M. (Mac) Thornberry National Defense Author-*
2 *ization Act for Fiscal Year 2021 (Public Law 116–283; 134*
3 *Stat. 3533), and section 342 of the National Defense Au-*
4 *thorization Act for Fiscal Year 2022 (Public Law 117–81;*
5 *135 Stat. 1643), is further amended—*

6 (1) *in clause (ii), by striking “2023” and insert-*
7 *ing “2022”; and*

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

10 *“(iii) Without regard to section 2215 of title*
11 *10, United States Code, the Secretary of Defense*
12 *may transfer not more than \$20,000,000 during*
13 *fiscal year 2023 to the Secretary of Health and*
14 *Human Services to pay for the study and assess-*
15 *ment required by this section.”.*

16 **SEC. 343. PRIZES FOR DEVELOPMENT OF NON-PFAS-CON-**
17 **TAINING TURNOUT GEAR.**

18 *Section 330 of the National Defense Authorization Act*
19 *for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3528;*
20 *10 U.S.C. 2661 note prec.) is amended—*

21 (1) *in subsection (a)—*

22 (A) *by striking “of a non-PFAS-con-*
23 *taining” and inserting “of the following:”*

24 *“(1) A non-PFAS-containing”; and*

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

3 “(2) Covered personal protective firefighting
4 equipment that does not contain an intentionally
5 added perfluoroalkyl substance or polyfluoroalkyl sub-
6 stance.”; and

7 (2) by amending subsection (f) to read as follows:

8 “(f) DEFINITIONS.—In this section:

9 “(1) The term ‘perfluoroalkyl substance’ means a
10 man-made chemical of which all of the carbon atoms
11 are fully fluorinated carbon atoms.

12 “(2) The term ‘polyfluoroalkyl substance’ means
13 a man-made chemical containing at least one fully
14 fluorinated carbon atom and at least one non-fully
15 fluorinated carbon atom.

16 “(3) The term ‘covered personal protective fire-
17 fighting equipment’ means the following:

18 “(A) Turnout gear jacket or coat.

19 “(B) Turnout gear pants.

20 “(C) Turnout coveralls.

21 “(D) Any other personal protective fire-
22 fighting equipment, as determined by the Sec-
23 retary of Defense, in consultation with the Ad-
24 ministrators of the United States Fire Adminis-
25 tration.”.

1 **SEC. 344. MODIFICATION OF LIMITATION ON DISCLOSURE**
2 **OF RESULTS OF TESTING FOR**
3 **PERFLUOROALKYL OR POLYFLUOROALKYL**
4 **SUBSTANCES ON PRIVATE PROPERTY.**

5 *Section 345(a)(2) of the National Defense Authoriza-*
6 *tion Act for Fiscal Year 2022 (Public Law 117–81; 10*
7 *U.S.C. 2715 note) is amended by inserting “personally*
8 *identifiable information in connection with” after “publicly*
9 *disclose”.*

10 **SEC. 345. RESTRICTION ON PROCUREMENT OR PUR-**
11 **CHASING BY DEPARTMENT OF DEFENSE OF**
12 **TURNOUT GEAR FOR FIREFIGHTERS CON-**
13 **TAINING PERFLUOROALKYL SUBSTANCES OR**
14 **POLYFLUOROALKYL SUBSTANCES.**

15 *(a) PROHIBITION ON PROCUREMENT AND PUR-*
16 *CHASING.—Subject to subsection (d), beginning on October*
17 *1, 2026, the Secretary of Defense may not enter into a con-*
18 *tract to procure or purchase covered personal protective fire-*
19 *fighting equipment for use by Federal or civilian fire-*
20 *fighters if such equipment contains an intentionally added*
21 *perfluoroalkyl substance or polyfluoroalkyl substance.*

22 *(b) IMPLEMENTATION.—*

23 *(1) INCLUSION IN CONTRACTS.—The Secretary of*
24 *Defense shall include the prohibition under subsection*
25 *(a) in any contract entered into by the Department*
26 *of Defense to procure covered personal protective fire-*

1 *fighting equipment for use by Federal or civilian fire-*
2 *fighters.*

3 (2) *NO OBLIGATION TO TEST.*—*In carrying out*
4 *the prohibition under subsection (a), the Secretary*
5 *shall not have an obligation to test covered personal*
6 *protective firefighting equipment to confirm the ab-*
7 *sence of perfluoroalkyl substances or polyfluoroalkyl*
8 *substances.*

9 (c) *EXISTING INVENTORY.*—*Nothing in this section*
10 *shall impact existing inventories of covered personal protec-*
11 *tive firefighting equipment.*

12 (d) *AVAILABILITY OF ALTERNATIVES.*—

13 (1) *IN GENERAL.*—*The requirement under sub-*
14 *section (a) shall be subject to the availability of suffi-*
15 *ciently protective covered personal protective fire-*
16 *fighting equipment that does not contain inten-*
17 *tionally added perfluoroalkyl substances or*
18 *polyfluoroalkyl substances.*

19 (2) *EXTENSION OF EFFECTIVE DATE.*—*If the*
20 *Secretary of Defense determines that no sufficiently*
21 *protective covered personal protective firefighting*
22 *equipment that does not contain intentionally added*
23 *perfluoroalkyl substances or polyfluoroalkyl substances*
24 *is available, the deadline under subsection (a) shall be*
25 *extended until the Secretary determines that such cov-*

1 *ered personal protective firefighting equipment is*
2 *available.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) The term “covered personal protective fire-*
5 *fighting equipment” means—*

6 *(A) any product that provides protection to*
7 *the upper and lower torso, arms, legs, head,*
8 *hands, and feet; or*

9 *(B) any other personal protective fire-*
10 *fighting equipment, as determined by the Sec-*
11 *retary of Defense.*

12 *(2) The term “perfluoroalkyl substance” means a*
13 *man-made chemical of which all of the carbon atoms*
14 *are fully fluorinated carbon atoms.*

15 *(3) The term “polyfluoroalkyl substance” means*
16 *a man-made chemical containing at least one fully*
17 *fluorinated carbon atom and at least one non-fully*
18 *fluorinated carbon atom.*

19 **SEC. 346. ANNUAL REPORT ON PFAS CONTAMINATION AT**
20 **CERTAIN MILITARY INSTALLATIONS FROM**
21 **SOURCES OTHER THAN AQUEOUS FILM-**
22 **FORMING FOAM.**

23 *Not later than one year after the date of the enactment*
24 *of this Act, and annually thereafter for the following four*
25 *years, the Under Secretary of Defense for Acquisition and*

1 *Sustainment shall submit to the congressional defense com-*
2 *mittees a report on any known or suspected contamination*
3 *on or around military installations located in the United*
4 *States resulting from the release of any perfluoroalkyl sub-*
5 *stance or polyfluoroalkyl substance originating from a*
6 *source other than aqueous film-forming foam.*

7 **SEC. 347. REPORT ON CRITICAL PFAS USES; BRIEFINGS ON**
8 **DEPARTMENT OF DEFENSE PROCUREMENT**
9 **OF CERTAIN ITEMS CONTAINING PFOS OR**
10 **PFOA.**

11 *(a) IDENTIFICATION OF CRITICAL USES.—Not later*
12 *than June 1, 2023, the Secretary of Defense, in consultation*
13 *with the Defense Critical Supply Chain Task Force and*
14 *the Chemical and Material Risk Management Program of*
15 *the Department of Defense, shall submit to the Committees*
16 *on Armed Services of the House of Representatives and the*
17 *Senate a report outlining the uses of perfluoroalkyl sub-*
18 *stances and polyfluoroalkyl substances that are critical to*
19 *the national security of the United States, with a focus on*
20 *such critical uses in—*

21 *(1) the sectors outlined in the February 2022 re-*
22 *port of the Department of Defense titled “Securing*
23 *Defense-Critical Supply Chains”; and*

24 *(2) sectors of strategic importance for domestic*
25 *production and investment to build supply chain re-*

1 *silience, including kinetic capabilities, energy storage*
2 *and batteries, and microelectronics and semiconduc-*
3 *tors.*

4 *(b) ANNUAL BRIEFINGS.—Not later than 270 days*
5 *after the date of the enactment of this Act, and annually*
6 *thereafter, the Secretary of Defense shall provide to the*
7 *Committees on Armed Services of the House of Representa-*
8 *tives and the Senate a briefing that includes a description*
9 *of each of the following:*

10 *(1) Steps taken to identify covered items pro-*
11 *cured by the Department of Defense that contain*
12 *perfluorooctane sulfonate (PFOS) or perfluorooctanoic*
13 *acid (PFOA).*

14 *(2) Steps taken to identify products and vendors*
15 *of covered items that do not contain PFOS or PFOA.*

16 *(3) Steps taken to limit the procurement by the*
17 *Department of covered items that contain PFOS or*
18 *PFOA.*

19 *(4) Steps the Secretary intends to take to limit*
20 *the procurement of covered items that contain PFOS*
21 *or PFOA.*

22 *(c) COVERED ITEM DEFINED.—In this section, the*
23 *term “covered item” means—*

24 *(1) nonstick cookware or cooking utensils for use*
25 *in galleys or dining facilities; and*

1 (2) upholstered furniture, carpets, and rugs that
2 have been treated with stain-resistant coatings.

3 **Subtitle E—Logistics and**
4 **Sustainment**

5 **SEC. 351. RESOURCES REQUIRED FOR ACHIEVING MATE-**
6 **RIEL READINESS METRICS AND OBJECTIVES**
7 **FOR MAJOR DEFENSE ACQUISITION PRO-**
8 **GRAMS.**

9 (a) *IN GENERAL.*—Section 118 of title 10, United
10 *States Code, is amended:*

11 (1) *in subsection (d)(2), by striking “objectives”*
12 *and inserting “objectives, such as infrastructure,*
13 *workforce, or supply chain considerations”;*

14 (2) *redesignating subsection (e) as subsection (f);*
15 *and*

16 (3) *inserting after subsection (d) the following*
17 *new subsection (e):*

18 “(e) *FUNDING ESTIMATES.*—Not later than five days
19 *after the date on which the Secretary of Defense submits*
20 *to Congress the materials in support of the budget of the*
21 *President for a fiscal year, the Director of Cost Assessment*
22 *and Performance Evaluation shall submit to the congres-*
23 *sional defense committees a comprehensive estimate of the*
24 *funds necessary to meet the materiel readiness objectives re-*
25 *quired by subsection (c) through the period covered by the*

1 *most recent future-years defense program. At a minimum,*
2 *the Director shall provide, for each major weapon system,*
3 *by designated mission design series, variant, or class, a*
4 *comprehensive estimate of the funds necessary to meet such*
5 *objectives that—*

6 “(1) *have been obligated by subactivity group*
7 *within the operation and maintenance accounts for*
8 *the second fiscal year preceding the budget year;*

9 “(2) *the Director estimates will have been obli-*
10 *gated by subactivity group within the operation and*
11 *maintenance accounts by the end of the fiscal year*
12 *preceding the budget year; and*

13 “(3) *have been budgeted and programmed across*
14 *the future years defense program within the operation*
15 *and maintenance accounts by subactivity group.”.*

16 **(b) PHASED IMPLEMENTATION.**—*The Director of Cost*
17 *Assessment and Performance Evaluation may meet the re-*
18 *quirements of subsection (e) of section 118 of title 10,*
19 *United States Code, as added by subsection (a), through a*
20 *phased submission of the funding estimates required under*
21 *such subsection. In conducting a phased implementation,*
22 *the Director shall ensure that—*

23 (1) *for the budget request for fiscal year 2024,*
24 *funding estimates are provided for a representative*

1 *sample by military department of at least one-third*
2 *of the major weapon systems;*

3 (2) *for the budget request for fiscal year 2025,*
4 *funding estimates are provided for an additional one-*
5 *third of the major weapon systems; and*

6 (3) *full implementation for all major weapons*
7 *systems is completed not later than five days after the*
8 *date on which the Secretary of Defense submits to*
9 *Congress the materials in support of the budget of the*
10 *President for fiscal year 2026.*

11 **SEC. 352. ANNUAL PLAN FOR MAINTENANCE AND MOD-**
12 **ERNIZATION OF NAVAL VESSELS.**

13 (a) *ANNUAL PLAN.*—Section 231 of title 10, United
14 *States Code, is amended—*

15 (1) *in the heading, by inserting “, **mainte-***
16 ***nance, and modernization**” after “**construc-***
17 ***tion**”;*

18 (2) *by redesignating subsections (d) through (f)*
19 *as subsections (e) through (g), respectively;*

20 (3) *by inserting after subsection (c) the following*
21 *new subsection:*

22 “(d) *ANNUAL PLAN FOR MAINTENANCE AND MOD-*
23 *ERNIZATION OF NAVAL VESSELS.*—*In addition to the plan*
24 *included under subsection (a)(1), the Secretary of Defense*

1 *shall include with the defense budget materials for a fiscal*
2 *year each of the following:*

3 “(1) *A plan for the maintenance and moderniza-*
4 *tion of naval vessels that includes the following:*

5 “(A) *A forecast of the maintenance and*
6 *modernization requirements for both the naval*
7 *vessels in the inventory of the Navy and the ves-*
8 *sels required to be delivered under the naval ves-*
9 *sel construction plan under subsection (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 base*
15 *capability and capacity, shipyard level-loading,*
16 *and facility improvements) receive sufficient*
17 *resourcing, and are including in appropriate*
18 *planning, to facilitate the requirements specified*
19 *in subparagraph (A).*

20 “(2) *A certification by the Secretary that both*
21 *the budget for that fiscal year and the future-years de-*
22 *fense program submitted to Congress in relation to*
23 *such budget under section 221 of this title provide for*
24 *funding for the maintenance and modernization of*
25 *naval vessels at a level that is sufficient for such*

1 *maintenance and modernization in accordance with*
 2 *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 at*
 7 *the beginning of chapter 9 of title 10, United States Code,*
 8 *is amended by striking the item relating to section 231 and*
 9 *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 2019*
 22 *(Public Law 115–232; 132 Stat. 1817) prepared by*
 23 *the Joint Staff Surgeon, with a mitigation plan to*
 24 *correct any readiness problem or deficiency and the*

1 *timeline, cost, and any legislative action required to*
2 *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, is*
8 *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 PUBLIC-**
21 **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 Infrastruc-*
10 *ture Optimization Plan of the Navy, including by*
11 *measuring the effectiveness of capital investments;*

12 (2) *ensure that the shipyard optimization pro-*
13 *gram office of the Navy—*

14 (A) *includes all costs, such as inflation, pro-*
15 *gram office activities, utilities, roads, environ-*
16 *mental remediation, historic preservation, and*
17 *alternative workspace when developing a detailed*
18 *cost estimate; and*

19 (B) *uses cost estimating best practices in*
20 *developing a detailed cost estimate, including—*

21 (i) *a program baseline;*

22 (ii) *a work breakdown structure;*

23 (iii) *a description of the methodology*
24 *and key assumptions;*

25 (iv) *a consideration of inflation;*

1 (v) a full assessment of risk and uncer-
2 tainty; and

3 (vi) a sensitivity analysis; and

4 (3) obtain independent cost estimates for projects
5 under the shipyard optimization program that are es-
6 timated to exceed \$250,000,000, to validate the cost
7 estimates of the Navy developed for such projects pur-
8 suant to paragraph (2) and inform the prioritization
9 of projects under such program.

10 (b) *BRIEFING.*—If the Secretary of the Navy is unable
11 to implement the requirements under subsection (a) by
12 March 1, 2023, the Secretary shall brief the Committees on
13 Armed Services of the Senate and the House of Representa-
14 tives before such date on—

15 (1) the current progress of the Secretary toward
16 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 Act
25 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 ex-
3 pended until the Secretary of Defense submits to the con-
4 gressional 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 and
16 procedures of the Department; and

17 (7) coordinating activities with the Global En-
18 gagement Center of the Department of State and other
19 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 Navy
25 regarding retention rates for contracts for Navy ship repair

1 *until a period of 15 days has elapsed following the date*
2 *on which the Assistant Secretary of the Navy for Research,*
3 *Development, and Acquisition submits to the congressional*
4 *defense committees a notification that includes, with respect*
5 *to such modification, the following information:*

6 (1) *An identification of any considerations that*
7 *informed the decision to so modify.*

8 (2) *A description of the desired effect of the*
9 *modification on the Navy ship repair industrial base.*

10 (b) *TERMINATION.*—*This section, and the requirements*
11 *thereof, shall terminate on September 30, 2025.*

12 **SEC. 359. RESEARCH AND ANALYSIS ON CAPACITY OF PRI-**
13 **VATE SHIPYARDS IN UNITED STATES AND EF-**
14 **FECT OF THOSE SHIPYARDS ON NAVAL FLEET**
15 **READINESS.**

16 (a) *IN GENERAL.*—*Not later than 60 days after the*
17 *date of the enactment of this Act, the Secretary of the Navy*
18 *shall seek to enter into an agreement with a nonprofit entity*
19 *or a federally funded research and development center to*
20 *conduct research and analysis regarding the capacity and*
21 *capability of private shipyards in the United States to re-*
22 *pair, maintain, and modernize surface combatants and*
23 *support ships of the Navy to ensure fleet readiness.*

24 (b) *ELEMENTS.*—*The research and analysis conducted*
25 *under subsection (a) shall include the following:*

1 (1) *An assessment of the maintenance needs of*
2 *the Navy during the five-year period preceding the*
3 *date of the enactment of this Act, including the fre-*
4 *quency of unplanned maintenance and the average*
5 *time it takes to repair ships.*

6 (2) *An assessment of the projected maintenance*
7 *needs of the Navy during the 10-year period following*
8 *such date of enactment.*

9 (3) *An assessment of whether current private*
10 *shipyards in the United States have the capacity to*
11 *meet current and anticipated needs of the Navy to*
12 *maintain and repair ships, including whether there*
13 *are adequate ship repair facilities and a sufficiently*
14 *trained workforce.*

15 (4) *An identification of barriers limiting the*
16 *success of intermediate-level and depot-level mainte-*
17 *nance availabilities, including constraints of adding*
18 *private depot capacity and capability.*

19 (5) *Recommendations based on the findings of*
20 *paragraphs (1) through (4) regarding actions the Sec-*
21 *retary of the Navy can take to ensure there is an in-*
22 *dustrial base of private ship repair facilities to meet*
23 *the needs of the Navy and ensure fleet readiness, in-*
24 *cluding whether the Secretary should institute a new*
25 *force generation model, establish additional homeport*

1 *facilities, or establish new hub-type maintenance fa-*
2 *cilities.*

3 *(c) INPUT FROM PRIVATE SHIPYARDS.—In conducting*
4 *research and analysis under subsection (a), the nonprofit*
5 *entity or federally funded research and development center*
6 *with which the Secretary of the Navy enters into an agree-*
7 *ment under subsection (a) shall consult with private ship-*
8 *yards regarding—*

9 *(1) the fleet maintenance needs of surface com-*
10 *batant and support ships of the Navy;*

11 *(2) private shipyard capacity, including work-*
12 *force; and*

13 *(3) additional investment in private shipyards*
14 *necessary to meet the needs of the Navy.*

15 *(d) REPORT.—*

16 *(1) IN GENERAL.—Not later than 180 days after*
17 *the date of the enactment of this Act, the nonprofit en-*
18 *tity or federally funded research and development cen-*
19 *ter with which the Secretary of the Navy enters into*
20 *an agreement under subsection (a) shall submit to the*
21 *Secretary a report on the results of the research and*
22 *analysis undertaken under such subsection.*

23 *(2) SUBMISSION TO CONGRESS.—Not later than*
24 *30 days after the Secretary receives the report under*

1 *paragraph (1), the Secretary shall submit to the con-*
2 *gressional defense committees a copy of the report.*

3 **SEC. 360. INDEPENDENT STUDY RELATING TO FUEL DIS-**
4 **TRIBUTION LOGISTICS ACROSS UNITED**
5 **STATES INDO-PACIFIC COMMAND.**

6 *(a) STUDY.—Not later than 30 days after the date of*
7 *the enactment of this Act, the Secretary of Defense shall seek*
8 *to enter into a contract with a federally funded research*
9 *and development center that meets the criteria under sub-*
10 *section (b) to conduct a study on fuel distribution logistics*
11 *in the area of responsibility of the United States Indo-Pa-*
12 *cific Command.*

13 *(b) CRITERIA FOR FFRDC.—The criteria under this*
14 *subsection are the following:*

15 *(1) A primary focus on the conduct of studies*
16 *and analysis.*

17 *(2) A demonstrated record of conducting research*
18 *and analysis using a multidisciplinary approach.*

19 *(3) A strong reputation for publishing publicly*
20 *releasable analysis to inform public debate.*

21 *(c) IDA STRATEGIC FUEL ASSESSMENT.—In con-*
22 *ducting the study pursuant to a contract under subsection*
23 *(a), the federally funded research and development center*
24 *shall use the results of the July 1, 2020, report of the Insti-*
25 *tute for Defense Analyses titled “INDOPACOM Strategic*

1 *Fuel Assessment*” as a baseline to inform its analysis of
2 *fuel distribution logistics in the area of responsibility of the*
3 *United States Indo-Pacific Command.*

4 (d) *ELEMENTS.*—A contract under subsection (a) shall
5 *provide that a study conducted under the contract shall in-*
6 *clude, with respect to the area of responsibility of the United*
7 *States Indo-Pacific Command, the following:*

8 (1) *An evaluation of the vulnerabilities associ-*
9 *ated with the production, refinement, and distribu-*
10 *tion of fuel by the Armed Forces during periods of*
11 *conflict and in contested logistics environments with-*
12 *in the area, including with respect to the capability*
13 *of the Armed Forces to sustain operational flights by*
14 *aircraft and joint force distributed operations.*

15 (2) *An assessment of potential adversary capa-*
16 *bilities to disrupt such fuel distribution in the area*
17 *through a variety of means, including financial*
18 *means, cyber means, and conventional kinetic attacks.*

19 (3) *An assessment of any gaps in the capability*
20 *or capacity of inter- or intra-theater fuel distribution,*
21 *including any gaps relating to storage, transfer plat-*
22 *forms, manning for platforms, command and control,*
23 *or fuel handling.*

24 (4) *An evaluation of the positioning of defense*
25 *fuel support points in the area, including with respect*

1 *to operational suitability and vulnerability to a vari-*
2 *ety of kinetic threats.*

3 *(5) An assessment of the readiness of allies and*
4 *partners of the United States to support the supply,*
5 *storage, and distribution of fuel by the Armed Forces*
6 *in the area, including a review of any relevant secu-*
7 *rity cooperation agreements entered into between the*
8 *United States and such allies and partners.*

9 *(6) An assessment of potential actions to miti-*
10 *gate any vulnerabilities identified pursuant to the*
11 *study.*

12 *(e) REPORT.—*

13 *(1) SUBMISSION TO SECRETARY OF DEFENSE.—*

14 *(A) IN GENERAL.—A contract under sub-*
15 *section (a) shall provide that a study conducted*
16 *under the contract shall require that the federally*
17 *funded research and development center submit*
18 *to the Secretary a report containing the findings*
19 *of such study.*

20 *(B) FORM.—The report under subpara-*
21 *graph (A) shall be submitted in an unclassified*
22 *and publicly releasable form, but may include a*
23 *classified annex.*

24 *(2) SUBMISSION TO CONGRESS.—Not later than*
25 *30 days after the date on which the Secretary receives*

1 *the report under paragraph (1)(A), the Secretary*
2 *shall submit to the appropriate congressional commit-*
3 *tees a copy of such report, submitted without change.*

4 (f) *DEFINITIONS.—In this section:*

5 (1) *The term “appropriate congressional com-*
6 *mittees” means—*

7 (A) *the congressional defense committees;*

8 (B) *the Committee on Transportation and*
9 *Infrastructure of the House of Representatives;*
10 *and*

11 (C) *the Committee on Commerce, Science,*
12 *and Transportation of the Senate.*

13 (2) *The term “contested logistics environment”*
14 *has the meaning given such term in section 2926 of*
15 *title 10, United States Code.*

16 **SEC. 361. QUARTERLY BRIEFINGS ON EXPENDITURES FOR**
17 **ESTABLISHMENT OF FUEL DISTRIBUTION**
18 **POINTS IN UNITED STATES INDO-PACIFIC**
19 **COMMAND AREA OF RESPONSIBILITY.**

20 (a) *QUARTERLY BRIEFINGS.—On a quarterly basis*
21 *until the date that is two years after the date of the enact-*
22 *ment of this Act, the Commander of United States Indo-*
23 *Pacific Command shall provide to the congressional defense*
24 *committees briefings on the use of the funds described in*
25 *subsection (c).*

1 (b) *CONTENTS OF BRIEFINGS.*—Each briefing under
2 subsection (a) shall include an expenditure plan for the es-
3 tablishment of fuel distribution points in the area of respon-
4 sibility of United States Indo-Pacific Command relating to
5 the defueling and closure of the Red Hill Bulk Fuel Storage
6 Facility.

7 (c) *FUNDS DESCRIBED.*—The funds described in this
8 subsection are the amounts authorized to be appropriated
9 or otherwise made available for fiscal year 2023 for Mili-
10 tary Construction, Defense-wide for Planning and Design
11 for United States Indo-Pacific Command.

12 ***Subtitle F—Matters Relating to De-***
13 ***pots and Ammunition Produc-***
14 ***tion Facilities***

15 ***SEC. 371. BUDGETING FOR DEPOT AND AMMUNITION PRO-***
16 ***DUCTION FACILITY MAINTENANCE AND RE-***
17 ***PAIR: ANNUAL REPORT.***

18 Chapter 9 of title 10, United States Code, is amended
19 by adding at the end the following new section (and con-
20 forming the table of sections at the beginning of such chap-
21 ter accordingly):

1 **“§ 239d. Budgeting for depot and ammunition produc-**
2 **tion facility maintenance and repair: an-**
3 **nual report**

4 “(a) *ANNUAL REPORT.*—*The Secretary of Defense, in*
5 *coordination with the Secretaries of the military depart-*
6 *ments, shall include with the defense budget materials for*
7 *each fiscal year a report regarding the maintenance and*
8 *repair of covered facilities.*

9 “(b) *ELEMENTS.*—*Each report required under sub-*
10 *section (a) shall include, at a minimum, the following*
11 *(disaggregated by military department):*

12 “(1) *With respect to each of the three fiscal years*
13 *preceding the fiscal year covered by the defense budget*
14 *materials with which the report is included, revenue*
15 *data for that fiscal year for the maintenance, repair,*
16 *and overhaul workload funded at all the depots of the*
17 *military department.*

18 “(2) *With respect to the fiscal year covered by*
19 *the defense budget materials with which the report is*
20 *included and each of the two fiscal years prior, an*
21 *identification of the following:*

22 “(A) *The amount of appropriations budg-*
23 *eted for that fiscal year for depots, further*
24 *disaggregated by the type of appropriation.*

25 “(B) *The amount budgeted for that fiscal*
26 *year for working-capital fund investments by the*

1 *Secretary of the military department for the cap-*
2 *ital budgets of the covered depots of the military*
3 *department, shown in total and further*
4 *disaggregated by whether the investment relates*
5 *to the efficiency of depot facilities, work environ-*
6 *ment, equipment, equipment (non-capital invest-*
7 *ment program), or processes.*

8 “(C) *The total amount required to be in-*
9 *vested by the Secretary of the military depart-*
10 *ment for that fiscal year for the capital budgets*
11 *of covered depots pursuant to section 2476(a) of*
12 *this title.*

13 “(D) *A comparison of the budgeted amount*
14 *identified under subparagraph (B) with the total*
15 *required amount identified under subparagraph*
16 *(C).*

17 “(E) *For each covered depot of the military*
18 *department, of the total required amount identi-*
19 *fied under subparagraph (C), the percentage of*
20 *such amount allocated, or projected to be allo-*
21 *cated, to the covered depot for that fiscal year.*

22 “(3) *For each covered facility of the military de-*
23 *partment, the following:*

24 “(A) *Information on the average facility*
25 *condition, average critical facility condition, res-*

1 *toration and maintenance project backlog, and*
2 *average equipment age, including a description*
3 *of any changes in such metrics from previous*
4 *years.*

5 *“(B) Information on the status of the imple-*
6 *mentation at the covered facility of the plans*
7 *and strategies of the Department of Defense re-*
8 *lating to covered facility improvement, includ-*
9 *ing, as applicable, the implementation of the*
10 *strategy required under section 359 of the Na-*
11 *tional Defense Authorization Act for Fiscal Year*
12 *2020 (Public Law 116–92; 133 Stat. 1323; 10*
13 *U.S.C. 2460 note).*

14 *“(c) DEFINITIONS.—In this section:*

15 *“(1) The term ‘ammunition production facility’*
16 *means an ammunition organic industrial base pro-*
17 *duction facility.*

18 *“(2) The terms ‘budget’ and ‘defense budget ma-*
19 *terials’ have the meaning given those terms in section*
20 *234 of this title.*

21 *“(3) The term ‘covered depot’ has the meaning*
22 *given that term in section 2476 of this title.*

23 *“(4) The term ‘covered facility’ means a covered*
24 *depot or an ammunition production facility.”.*

1 **SEC. 372. EXTENSION OF AUTHORIZATION OF DEPOT WORK-**
2 **ING CAPITAL FUNDS FOR UNSPECIFIED**
3 **MINOR MILITARY CONSTRUCTION.**

4 *Section 2208(u)(4) of title 10, United States Code, is*
5 *amended by striking “2023” and inserting “2025”.*

6 **SEC. 373. FIVE-YEAR PLANS FOR IMPROVEMENTS TO DEPOT**
7 **AND AMMUNITION PRODUCTION FACILITY IN-**
8 **FRASTRUCTURE.**

9 *Chapter 146 of title 10, United States Code, is amend-*
10 *ed by inserting after section 2742 the following new section*
11 *(and conforming the table of sections at the beginning of*
12 *such chapter accordingly):*

13 **“§2473. Annual five-year plans on improvement of**
14 **depot infrastructure**

15 *“(a) SUBMISSION.—As part of the annual budget sub-*
16 *mission of the President under section 1105(a) of title 31,*
17 *each Secretary of a military department shall submit to*
18 *the congressional defense committees a plan describing the*
19 *objectives of that Secretary to improve depot infrastructure*
20 *during the five fiscal years following the fiscal year for*
21 *which such budget is submitted.*

22 *“(b) ELEMENTS.—Each plan submitted by a Secretary*
23 *of a military department under subsection (a) shall include*
24 *the following:*

25 *“(1) With respect to the five-year period covered*
26 *by the plan, an identification of the major lines of ef-*

1 *fort, milestones, and specific goals of the Secretary*
2 *over such period relating to the improvement of depot*
3 *infrastructure and a description of how such goals*
4 *support the goals outlined in section 359(b)(1)(B) of*
5 *the National Defense Authorization Act for Fiscal*
6 *Year 2020 (Public Law 116–92; 133 Stat. 1324; 10*
7 *U.S.C. 2476 note).*

8 *“(2) The estimated costs of necessary depot infra-*
9 *structure improvements and a description of how such*
10 *costs would be addressed by the Department of De-*
11 *fense budget request submitted during the same year*
12 *as the plan and the applicable future-years defense*
13 *program.*

14 *“(3) Information regarding the plan of the Sec-*
15 *retary to initiate such environmental and engineering*
16 *studies as may be necessary to carry out planned*
17 *depot infrastructure improvements.*

18 *“(4) Detailed information regarding how depot*
19 *infrastructure improvement projects will be paced and*
20 *sequenced to ensure continuous operations.*

21 *“(c) INCORPORATION OF RESULTS-ORIENTED MAN-*
22 *AGEMENT PRACTICES.—Each plan under subsection (a)*
23 *shall incorporate the leading results-oriented management*
24 *practices identified in the report of the Comptroller General*
25 *of the United States titled ‘Actions Needed to Improve Poor*

1 *Conditions of Facilities and Equipment that Affect Maintenance*
2 *Timeliness and Efficiency*’ (GAO–19–242), or any
3 *successor report, including—*

4 “(1) *analytically based goals;*

5 “(2) *results-oriented metrics;*

6 “(3) *the identification of required resources,*
7 *risks, and stakeholders; and*

8 “(4) *regular reporting on progress to decision*
9 *makers.*”.

10 **SEC. 374. MODIFICATION TO MINIMUM CAPITAL INVEST-**
11 **MENT FOR CERTAIN DEPOTS.**

12 (a) *MODIFICATION.*—Section 2476 of title 10, United
13 *States Code, is amended—*

14 (1) *in subsection (a)—*

15 (A) *by striking “Each fiscal year” and in-*
16 *serting “(1) Each fiscal year”;*

17 (B) *by striking “six” and inserting “eight”;*
18 *and*

19 (C) *by inserting after paragraph (1), as*
20 *designated by subparagraph (A), the following*
21 *new paragraph:*

22 “(2) *Of the amount required to be invested in the cap-*
23 *ital budgets of the covered depots of a military department*
24 *under paragraph (1) for each fiscal year—*

1 “(A) 75 percent shall be used for the moderniza-
2 tion or improvement of the efficiency of depot facili-
3 ties, equipment, work environment, or processes in di-
4 rect support of depot operations; and

5 “(B) 25 percent shall be used for the
6 sustainment, restoration, and modernization (as such
7 terms are defined in the Department of Defense Fi-
8 nancial Management Regulation 7000.14–R, or suc-
9 cessor regulation) of existing facilities or infrastruc-
10 ture.”;

11 (2) in subsection (b), by striking “, but does not
12 include funds spent for sustainment of existing facili-
13 ties, infrastructure, or equipment”;

14 (3) by redesignating subsections (c) through (e)
15 as subsections (d) through (f);

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

18 “(c) *COMPLIANCE WITH CERTAIN REQUIREMENTS RE-*
19 *LATING TO PERSONNEL AND TOTAL FORCE MANAGE-*
20 *MENT.—In identifying amounts to invest pursuant to the*
21 *requirement under subsection (a)(1), the Secretary of a*
22 *military department shall comply with all applicable re-*
23 *quirements of sections 129 and 129a of this title.”; and*

1 (5) in subsection (e)(2), as redesignated by para-
2 graph (3), by adding at the end the following new
3 subparagraph:

4 “(F) A table enumerating, for the period covered
5 by the report, the amounts invested to meet the re-
6 quirement under subsection (a)(1), disaggregated by
7 funding source and whether the amount is allocated
8 pursuant to subparagraph (A) or subparagraph (B)
9 of subsection (a)(2).”.

10 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

11 (1) *IN GENERAL.*—Such section is further
12 amended in subsections (d) and (e), as redesignated
13 by subsection (a)(3), by striking “subsection (a)” and
14 inserting “subsection (a)(1)” each place it appears.

15 (2) *ADDITIONAL TECHNICAL AND CONFORMING*
16 *AMENDMENTS.*—Section 2861(b) of title 10, United
17 States Code, is amended—

18 (A) by striking “subsection (e) of section
19 2476” and inserting “subsection (f) of section
20 2476”; and

21 (B) by striking “subsection (a) of such sec-
22 tion” and inserting “subsection (a)(1) of such
23 section”.

1 (c) *APPLICABILITY.*—*The amendments made by this*
2 *section shall apply with respect to fiscal years beginning*
3 *on or after October 1, 2023.*

4 **SEC. 375. CONTINUATION OF REQUIREMENT FOR BIENNIAL**
5 **REPORT ON CORE DEPOT-LEVEL MAINTENANCE AND REPAIR.**
6

7 (a) *IN GENERAL.*—*Section 1080(a) of the National De-*
8 *fense Authorization Act for Fiscal Year 2016 (Public Law*
9 *114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply*
10 *to the report required to be submitted to Congress under*
11 *section 2464(d) of title 10, United States Code.*

12 (b) *CONFORMING REPEAL.*—*Section 1061(c) of the Na-*
13 *tional Defense Authorization Act for Fiscal Year 2017 (Pub-*
14 *lic Law 114–328; 130 Stat. 2401; 10 U.S.C. 111 note) is*
15 *amended by striking paragraph (45).*

16 **SEC. 376. CONTINUATION OF REQUIREMENT FOR ANNUAL**
17 **REPORT ON FUNDS EXPENDED FOR PER-**
18 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**
19 **AND REPAIR WORKLOADS.**

20 (a) *IN GENERAL.*—*Section 1080(a) of the National De-*
21 *fense Authorization Act for Fiscal Year 2016 (Public Law*
22 *114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply*
23 *to the report required to be submitted to Congress under*
24 *section 2466(d) of title 10, United States Code.*

1 (b) *CONFORMING REPEAL.*—Section 1061(c) of the Na-
2 tional Defense Authorization Act for Fiscal Year 2017 (Pub-
3 lic Law 114–328; 130 Stat. 2401; 10 U.S.C. 111 note) is
4 amended by striking paragraph (46).

5 **SEC. 377. CLARIFICATION OF CALCULATION FOR CERTAIN**
6 **WORKLOAD CARRYOVER OF DEPARTMENT OF**
7 **THE ARMY.**

8 *For purposes of calculating the amount of workload*
9 *carryover with respect to the depots and arsenals of the De-*
10 *partment of the Army, the Secretary of Defense shall au-*
11 *thorize the Secretary of the Army to use a calculation for*
12 *such carryover that applies a material end of period exclu-*
13 *sion.*

14 **Subtitle G—Other Matters**

15 **SEC. 381. ANNUAL REPORTS BY DEPUTY SECRETARY OF DE-**
16 **FENSE ON ACTIVITIES OF JOINT SAFETY**
17 **COUNCIL.**

18 Section 184(k) of title 10, United States Code is
19 amended—

20 (1) by striking “REPORT.—The Chair” and in-
21 serting “REPORTS.—(1) The Chair”; and

22 (2) by adding at the end the following new para-
23 graph:

24 “(2) Not later than March 31, 2023, and not later than
25 December 31 of each year thereafter, the Deputy Secretary

1 of Defense shall submit to the congressional defense commit-
2 tees a report containing—

3 “(A) a summary of the goals and priorities of
4 the Deputy Secretary for the year following the date
5 of the submission of the report with respect to the ac-
6 tivities of the Council; and

7 “(B) an assessment by the Deputy Secretary of
8 the activities of the Council carried out during the
9 year preceding the date of such submission.”.

10 **SEC. 382. ACCOUNTABILITY FOR DEPARTMENT OF DEFENSE**
11 **CONTRACTORS USING MILITARY WORKING**
12 **DOGS.**

13 (a) *IN GENERAL.*—Chapter 50 of title 10, United
14 States Code, is amended by adding at the end the following
15 new section (and conforming the table of sections at the be-
16 ginning of such chapter accordingly):

17 **“§995. Accountability for contractors using military**
18 **working dogs**

19 “(a) *ANNUAL REPORTING REQUIREMENT FOR CON-*
20 *TRACTORS.*—Each covered contract shall specify that the
21 contractor is required to submit to the Under Secretary of
22 Defense (Comptroller), on an annual basis for the duration
23 of the covered contract, a report containing an identifica-
24 tion of—

1 “(1) *the number of military working dogs that*
2 *are in the possession of the covered contractor and lo-*
3 *cated outside of the continental United States in sup-*
4 *port of a military operation, if any; and*

5 “(2) *the primary location of any such military*
6 *working dogs.*

7 “(b) *COVERED CONTRACT DEFINED.—In this section*
8 *the term ‘covered contract’ means a contract that the Sec-*
9 *retary of Defense determines involves military working*
10 *dogs.’”.*

11 “(b) *APPLICABILITY.—Section 995 of title 10, United*
12 *States Code, as added by subsection (a), shall apply with*
13 *respect to a contract entered into on or after the date of*
14 *the enactment of this Act.*

15 “(c) *BRIEFING REQUIREMENT.—Not later than March*
16 *1, 2023, and annually thereafter for each of the subsequent*
17 *three years, the Secretary of Defense shall provide to the*
18 *congressional defense committees a briefing on the imple-*
19 *mentation of section 995 of title 10, United States Code,*
20 *as added by subsection (a).*

21 “(d) *DEADLINE FOR GUIDANCE.—Not later than 180*
22 *days after the date of the enactment of this Act, the Under*
23 *Secretary of Defense (Comptroller) shall issue the guidance*
24 *on the annual reporting requirement under section 995 of*
25 *title 10, United States Code, as added by subsection (a).*

1 (e) *REGULATIONS TO PROHIBIT ABANDONMENT.*—Not
2 later than two years after the date of the enactment of this
3 Act, the Secretary of Defense shall issue regulations to pro-
4 hibit the abandonment of military working dogs used in
5 support of a military operation outside of the continental
6 United States.

7 **SEC. 383. MEMBERSHIP OF COAST GUARD ON JOINT SAFETY**
8 **COUNCIL.**

9 Section 184(b)(1) of title 10, United States Code, is
10 amended—

11 (1) by redesignating subparagraph (D) as sub-
12 paragraph (E); and

13 (2) by inserting after subparagraph (C) the fol-
14 lowing new subparagraph:

15 “(D) During periods in which the Coast Guard
16 is not operating as a service in the Department of the
17 Navy, an officer of the Coast Guard, appointed by the
18 Secretary of Homeland Security.”.

19 **SEC. 384. INCLUSION IN REPORT ON UNFUNDED PRIOR-**
20 **ITIES NATIONAL GUARD RESPONSIBILITIES**
21 **IN CONNECTION WITH NATURAL AND MAN-**
22 **MADE DISASTERS.**

23 (a) *IN GENERAL.*—In the report required under section
24 222a of title 10, United States Code, for fiscal year 2024,
25 the officer specified under subsection (b)(7) of such section

1 *shall include as part of the National Guard unfunded prior-*
2 *ities described in subsection (c)(3) of such section unfunded*
3 *priorities that relate to non-Federal National Guard re-*
4 *sponsibilities in connection with natural and man-made*
5 *disasters.*

6 (b) *TECHNICAL AMENDMENT.*—Section 222a(c)(3) of
7 title 10, United States Code, is amended by striking “sub-
8 section (b)(6)” both places it appears and inserting “sub-
9 section (b)(7)”.

10 **SEC. 385. SUPPORT FOR TRAINING OF NATIONAL GUARD**
11 **PERSONNEL ON WILDFIRE PREVENTION AND**
12 **RESPONSE.**

13 *Section 351 of the National Defense Authorization Act*
14 *for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1367;*
15 *32 U.S.C. 501 note) is amended to read as follows:*

16 **“SEC. 351. TRAINING OF NATIONAL GUARD PERSONNEL ON**
17 **WILDFIRE PREVENTION AND RESPONSE.**

18 *“The Secretary of the Army and the Secretary of the*
19 *Air Force, in consultation with the Chief of the National*
20 *Guard Bureau, may provide support for the training of ap-*
21 *propriate personnel of the National Guard on wildfire pre-*
22 *vention and response. In carrying out this section, the Sec-*
23 *retaries—*

24 *“(1) shall give a preference to personnel assigned*
25 *to military installations with the highest wildfire*

1 *suppression needs, as determined by the Secretaries;*
2 *and*
3 “(2) *may consult with the Executive Board of*
4 *the National Interagency Fire Center.*”.

5 **SEC. 386. INTERAGENCY COLLABORATION AND EXTENSION**
6 **OF PILOT PROGRAM ON MILITARY WORKING**
7 **DOGS AND EXPLOSIVES DETECTION.**

8 *(a) EXTENSION OF PILOT PROGRAM.—Section 381(b)*
9 *of the National Defense Authorization Act for Fiscal Year*
10 *2022 (Public Law 117–81; 135 Stat. 1672; 10 U.S.C. 3062*
11 *note) is amended by striking “2024” and inserting “2025”.*

12 *(b) REVIEW OF RESEARCH EFFORTS OF DEPARTMENT*
13 *OF DEFENSE AND DEPARTMENT OF HOMELAND SECUR-*
14 *RITY.—*

15 *(1) REVIEW.—The Secretary of Defense, in co-*
16 *ordination with the Secretary of Homeland Security,*
17 *shall conduct a review of the recent and ongoing re-*
18 *search, testing, and evaluation efforts of the Depart-*
19 *ment of Defense and the Department of Homeland Se-*
20 *curity, respectively, regarding explosives detection*
21 *working dogs.*

22 *(2) MATTERS.—The review under paragraph (1)*
23 *shall include an analysis of the following:*

24 *(A) Any recent or ongoing research efforts of*
25 *the Department of Defense or the Department of*

1 *Homeland Security, respectively, relating to ex-*
2 *plosives detection working dogs, and any simi-*
3 *larities between such efforts.*

4 *(B) Any recent or ongoing veterinary re-*
5 *search efforts of the Department of Defense or the*
6 *Department of Homeland Security, respectively,*
7 *relating to working dogs, canines, or other areas*
8 *that may be relevant to the improvement of the*
9 *breeding, health, performance, or training of ex-*
10 *plosives detection working dogs.*

11 *(C) Any research areas relating to explo-*
12 *sives detection working dogs in which there is a*
13 *need for ongoing research but no such ongoing*
14 *research is being carried out by either the Sec-*
15 *retary of Defense or the Secretary of Homeland*
16 *Security, particularly with respect to the health,*
17 *domestic breeding, and training of explosives de-*
18 *tection working dogs.*

19 *(D) How the recent and ongoing research ef-*
20 *forts of the Department of Defense and the De-*
21 *partment of Homeland Security, respectively,*
22 *may improve the domestic breeding of working*
23 *dogs, including explosives detection working*
24 *dogs, and the health outcomes and performance*
25 *of such domestically bred working dogs, includ-*

1 *ing through coordination with academic or in-*
2 *dustry partners with experience in research re-*
3 *lating to working dogs.*

4 *(E) Potential opportunities for the Sec-*
5 *retary of Defense to collaborate with the Sec-*
6 *retary of Homeland Security on research relat-*
7 *ing to explosives detection working dogs.*

8 *(F) Any research partners of the Depart-*
9 *ment of Defense or the Department of Homeland*
10 *Security, or both, that may be beneficial in as-*
11 *suming with the research efforts and areas de-*
12 *scribed in this subsection.*

13 *(c) PLAN REQUIRED.—Not later than 180 days of the*
14 *date of the enactment of this Act, the Secretary of Defense,*
15 *in coordination with the Secretary of Homeland Security,*
16 *shall submit to the appropriate congressional committees a*
17 *plan for the Secretary of Defense to collaborate, as appro-*
18 *priate, with the Secretary of Homeland Security on re-*
19 *search relating to explosives detection working dogs and*
20 *other relevant matters. Such plan shall include the fol-*
21 *lowing:*

22 *(1) An analysis of potential opportunities for*
23 *collaboration between the Secretary of Defense and the*
24 *Secretary of Homeland Security on the research ef-*
25 *forts and areas described in subsection (a)(2).*

1 (2) *An identification of specific programs or*
2 *areas of research for such collaboration.*

3 (3) *An identification of any additional agree-*
4 *ments or authorities necessary for the Secretaries to*
5 *carry out such collaboration.*

6 (4) *An identification of additional funding nec-*
7 *essary to carry out such collaboration.*

8 (5) *An analysis of potential coordination on the*
9 *research efforts and areas described in subsection*
10 *(a)(2) with academic and industry partners with ex-*
11 *perience in research relating to working dogs, includ-*
12 *ing an identification of potential opportunities for*
13 *such coordination in carrying out the collaboration*
14 *described in paragraph (1).*

15 (6) *A proposed timeline for the Secretary of De-*
16 *fense to engage in such collaboration, including spe-*
17 *cific proposed deadlines.*

18 (7) *A description of how programs carried out*
19 *pursuant to this section seek to address the health and*
20 *welfare issues identified by the Comptroller General of*
21 *the United States in the report titled “Working Dogs:*
22 *Federal Agencies Need to Better Address Health and*
23 *Welfare” published on October 19, 2022 (GAO-23-*
24 *104489).*

1 (8) *Any other matters the Secretary of Defense*
2 *considers appropriate.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *The term “appropriate congressional com-*
5 *mittees” means the following:*

6 (A) *The congressional defense committees.*

7 (B) *The Committee on Homeland Security*
8 *of the House of Representatives.*

9 (C) *The Committee on Homeland Security*
10 *and Governmental Affairs of the Senate.*

11 (2) *The term “explosives detection working dog”*
12 *means a canine that, in connection with the work du-*
13 *ties of the canine performed for a Federal department*
14 *or agency, is certified and trained to detect odors in-*
15 *dicating the presence of explosives in a given object or*
16 *area, in addition to the performance of such other du-*
17 *ties for the Federal department or agency as may be*
18 *assigned.*

19 **SEC. 387. AMENDMENT TO THE SIKES ACT.**

20 (a) *USE OF NATURAL FEATURES.—Section*
21 *101(a)(3)(A) of the Sikes Act (16 U.S.C. 670a(a)(3)(A)) is*
22 *amended—*

23 (1) *by redesignating clauses (ii) and (iii) as*
24 *clauses (iii) and (iv), respectively; and*

25 (2) *by inserting after clause (i) the following:*

1 “(i) the use of natural and nature-based
2 features to maintain or improve military instal-
3 lation resilience;”.

4 (b) *EXPANDING AND MAKING PERMANENT THE PRO-*
5 *GRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY*
6 *INSTALLATIONS.*—Section 101(g) of the Sikes Act (16
7 U.S.C. 670a(g)) is amended—

8 (1) by striking the header and inserting “*PRO-*
9 *GRAM FOR INVASIVE SPECIES MANAGEMENT FOR*
10 *MILITARY INSTALLATIONS*”; and

11 (2) in paragraph (1)—

12 (A) by striking “During fiscal years 2009
13 through 2014, the” and inserting “The”; and

14 (B) by striking “in Guam”.

15 **SEC. 388. NATIONAL STANDARDS FOR FEDERAL FIRE PRO-**
16 **TECTION AT MILITARY INSTALLATIONS.**

17 (a) *STANDARDS REQUIRED.*—Beginning not later
18 than one year after the date of the enactment of this Act,
19 the Secretary of Defense shall ensure that—

20 (1) members of the Armed Forces and employees
21 of Defense Agencies who provide fire protection serv-
22 ices to military installations comply with the na-
23 tional consensus standards developed by the National
24 Fire Protection Association;

1 (2) *the minimum staffing requirement for any*
2 *firefighting vehicle responding to a structural build-*
3 *ing emergency at a military installation is not less*
4 *than four firefighters per vehicle; and*

5 (3) *the minimum staffing requirement for any*
6 *firefighting vehicle responding to an aircraft or air-*
7 *field incident at a military installation is not less*
8 *than three firefighters per vehicle.*

9 (b) *REPORTS REQUIRED.*—*Not later than 180 days*
10 *after the date of the enactment of this Act, each Secretary*
11 *of a military department shall submit to the Committees*
12 *on Armed Services of the House of Representatives and the*
13 *Senate a report that—*

14 (1) *details each instance in which the standards*
15 *of that military department deviate from the national*
16 *consensus standards specified in subsection (a)(1),*
17 *and at what military installation;*

18 (2) *includes, for each military installation under*
19 *the jurisdiction of that Secretary, a detailed descrip-*
20 *tion of response times for emergency services and fire-*
21 *fighting vehicle staffing levels; and*

22 (3) *includes an assessment of the feasibility of re-*
23 *quiring compliance with the national consensus*
24 *standards specified in subsection (a)(1) in accordance*
25 *with such subsection at each military installation*

1 *under the jurisdiction of that Secretary (without ex-*
2 *ception), the cost of requiring such compliance, and*
3 *the estimated timeline for that Secretary to imple-*
4 *ment such requirement.*

5 *(c) DEFINITIONS.—In this section:*

6 *(1) The terms “Armed Forces” and “Defense*
7 *Agency” have the meanings given such terms in sec-*
8 *tion 101 of title 10, United States Code.*

9 *(2) The term “firefighter” has the meaning given*
10 *that term in section 707(b) of the National Defense*
11 *Authorization Act for Fiscal Year 2020 (Pub. L. 116–*
12 *92; 10 U.S.C. 1074m note).*

13 *(3) The term “military installation” has the*
14 *meaning given that term in section 2801 of title 10,*
15 *United States Code.*

16 **SEC. 389. PILOT PROGRAMS FOR TACTICAL VEHICLE SAFE-**
17 **TY DATA COLLECTION.**

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

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

4 (c) *REQUIREMENTS.*—In carrying out a pilot program
5 under this section, the Secretary of the Army and the Sec-
6 retary of the Navy each shall—

7 (1) select not fewer than one military installa-
8 tion in the United States under the jurisdiction of the
9 Secretary that contains the necessary forces, equip-
10 ment, and maneuver training ranges to collect data
11 on drivers and military tactical vehicles during
12 training and routine operation at which to carry out
13 the pilot program;

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

17 (3) select a data recorder capable of collecting
18 and exporting telemetry data, event data, and driver
19 identification data during operation and accidents;

20 (4) establish and maintain a data repository for
21 operation and event data captured by the data re-
22 corder; and

23 (5) establish processes to leverage operation and
24 event data to improve individual vehicle operator per-
25 formance, identify installation hazards that threaten

1 *safe vehicle operation, and identify vehicle-type spe-*
2 *cific operating conditions that increase the risk of ac-*
3 *cidents or mishaps.*

4 *(d) MILITARY TACTICAL VEHICLES SPECIFIED.—Mili-*
5 *tary tactical vehicles specified in this subsection are the fol-*
6 *lowing:*

7 *(1) High Mobility Multipurpose Wheeled Vehi-*
8 *cles.*

9 *(2) Family of Medium Tactical Vehicles.*

10 *(3) Medium Tactical Vehicle Replacements.*

11 *(4) Heavy Expanded Mobility Tactical Trucks.*

12 *(5) Light Armored Vehicles.*

13 *(6) Stryker armored combat vehicles.*

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

17 *(e) CYBER RISK EXEMPTION.—The Secretary of the*
18 *Army or the Secretary of the Navy, as the case may be,*
19 *may exempt from a pilot program under this section a mili-*
20 *tary tactical vehicle specified under subsection (d) if that*
21 *Secretary submits to the Committees on Armed Services of*
22 *the House of Representatives and the Senate a certification*
23 *that, with respect to inclusion of the military tactical vehi-*
24 *cle, there is a high potential of cyber risk as a result of*

1 *the absence of a cross-domain solution capable of segre-*
2 *gating classified and unclassified data.*

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

6 (1) *develop plans for implementing the pilot pro-*
7 *grams under this section; and*

8 (2) *provide to the congressional defense commit-*
9 *tees a briefing on those plans and the estimated cost*
10 *of implementing those plans.*

11 (g) *REPORT REQUIRED.*—*Not later than December 15,*
12 *2024, the Secretary of the Army and the Secretary of the*
13 *Navy shall each submit to the congressional defense commit-*
14 *tees a report on the respective pilot programs carried out*
15 *under this section by the Secretaries, including—*

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

20 (2) *adjustments made, or to be made, to the im-*
21 *plementation plans developed under subsection (f);*
22 *and*

23 (3) *any other matters determined appropriate by*
24 *the Secretaries.*

1 *(h) ASSESSMENT REQUIRED.—Not later than Decem-*
2 *ber 15, 2025, the Secretary of the Army and the Secretary*
3 *of the Navy shall jointly submit to the congressional defense*
4 *committees an assessment of the pilot programs carried out*
5 *under this section, including—*

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

10 *(2) an assessment of the utility of establishing an*
11 *enduring program to use data recorders to monitor,*
12 *assess, and improve readiness and the safe operation*
13 *of military tactical vehicles;*

14 *(3) an assessment of the scope, size, and esti-*
15 *mated cost of such an enduring program; and*

16 *(4) such other matters as the Secretary of the*
17 *Army and the Secretary of the Navy determine ap-*
18 *propriate.*

19 **SEC. 390. REQUIREMENTS RELATING TO REDUCTION OF**
20 **OUT-OF-POCKET COSTS OF MEMBERS OF THE**
21 **ARMED FORCES FOR UNIFORM ITEMS.**

22 *(a) TRACKING REQUIREMENT.—The Secretary of De-*
23 *fense shall take such steps as may be necessary to track the*
24 *expected useful life of uniform items for officers and enlisted*
25 *members of the Armed Forces, for the purposes of—*

1 (1) *estimating the rate at which such uniform*
2 *items are replaced;*

3 (2) *determining the resulting out-of-pocket costs*
4 *for such members over time;*

5 (3) *determining the necessity of establishing a*
6 *uniform replacement allowance for officers of the*
7 *Armed Forces, based on the replacement rate esti-*
8 *mated pursuant to paragraph (1) and the out-of-pock-*
9 *et costs determined pursuant to paragraph (2); and*

10 (4) *determining the adequacy of the uniform al-*
11 *lowance for enlisted members of the Armed Forces.*

12 (b) *REPORT.*—*Not later than 120 days after the date*
13 *of the enactment of this Act, the Secretary of Defense shall*
14 *submit to the congressional defense committees a report on*
15 *the expected useful life of required uniform items for mem-*
16 *bers of the Armed Forces, projected changes to such required*
17 *uniform items, and related costs anticipated by the Sec-*
18 *retary (disaggregated by Armed Force). Such report shall*
19 *include—*

20 (1) *pricing information for each such item, in-*
21 *cluding items that are not considered uniquely mili-*
22 *tary; and*

23 (2) *an assessment of the necessity of establishing*
24 *a uniform replacement allowance for officers of the*

1 *Armed Forces, as determined pursuant to subsection*
2 *(a)(3).*

3 **SEC. 391. IMPLEMENTATION OF RECOMMENDATIONS RE-**
4 **LATING TO ANIMAL FACILITY SANITATION**
5 **AND PLAN FOR HOUSING AND CARE OF**
6 **HORSES.**

7 *(a) IMPLEMENTATION BY SECRETARY OF THE ARMY*
8 *OF CERTAIN RECOMMENDATIONS RELATING TO ANIMAL FA-*
9 *CILITY SANITATION.—Not later than March 1, 2023, the*
10 *Secretary of the Army shall implement the recommenda-*
11 *tions contained in the memorandum of the Department of*
12 *the Army dated February 25, 2022, the subject of which*
13 *is “Animal Facility Sanitation Inspection Findings for the*
14 *Fort Myer Caisson Barns/Paddocks and the Fort Belvoir*
15 *Caisson Pasture Facility” (MHCB–RN).*

16 *(b) PLAN FOR HOUSING AND CARE OF ALL HORSES*
17 *WITHIN CARE OF OLD GUARD.—*

18 *(1) IN GENERAL.—Not later than March 1, 2023,*
19 *the Secretary of the Army shall submit to Congress a*
20 *plan for the housing and care of all horses within the*
21 *care of the 3rd United States Infantry (commonly*
22 *known as the “Old Guard”).*

23 *(2) ELEMENTS.—The plan required by para-*
24 *graph (1) shall include—*

1 (A) a description of each modification
2 planned or underway at the Fort Myer Caisson
3 Barns/Paddocks, the Fort Belvoir Caisson Pas-
4 ture Facility, and any other facility or location
5 under consideration for stabling of the horses de-
6 scribed in paragraph (1);

7 (B) an identification of adequate space at
8 Fort Myer, Virginia, to properly care for the
9 horses described in paragraph (1);

10 (C) a prioritization of the allotment of the
11 space identified under subparagraph (B) over
12 other functions of Fort Myer that could be placed
13 elsewhere;

14 (D) projected timelines and resource re-
15 quirements to execute the plan; and

16 (E) a description of—

17 (i) immediate remedies for the unsani-
18 tary and unsafe conditions present at the
19 locations described in subparagraph (A);
20 and

21 (ii) how long-term quality of life im-
22 provements will be provided for the horses
23 described in paragraph (1).

1 **SEC. 392. CONTINUED DESIGNATION OF SECRETARY OF**
2 **THE NAVY AS EXECUTIVE AGENT FOR NAVAL**
3 **SMALL CRAFT INSTRUCTION AND TECHNICAL**
4 **TRAINING SCHOOL.**

5 *The Secretary of the Navy shall continue, through fis-*
6 *cal year 2023—*

7 *(1) to perform the responsibilities of the Depart-*
8 *ment of Defense executive agent for the Naval Small*
9 *Craft Instruction and Technical Training School pur-*
10 *suant to section 352(b) of title 10, United States*
11 *Code; and*

12 *(2) to provide such support as may be necessary*
13 *for the continued operation of such school.*

14 **SEC. 393. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
15 **MENT OF LEGACY MARITIME MINE COUNTER-**
16 **MEASURES PLATFORMS.**

17 *(a) PROHIBITION.—Except as provided in subsection*
18 *(b), the Secretary of the Navy may not obligate or expend*
19 *funds to discontinue or prepare to discontinue, including*
20 *by making a substantive reduction in training and oper-*
21 *ational employment, any element of the Marine Mammal*
22 *Program of the Navy, that has been used, or is currently*
23 *being used, for—*

24 *(1) port security at Navy bases, known as Mark-*
25 *6 systems; or*

1 (2) *mine search capabilities, known as Mark-7*
2 *systems.*

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

8 (1) *identified a replacement capability and the*
9 *necessary quantity of such capability to meet all oper-*
10 *ational requirements currently being met by the Ma-*
11 *rine Mammal Program, including a detailed expla-*
12 *nation of such capability and quantity;*

13 (2) *achieved initial operational capability of all*
14 *capabilities referred to in paragraph (1), including a*
15 *detailed explanation of such achievement; and*

16 (3) *deployed a sufficient quantity of capabilities*
17 *referred to in paragraph (1) that have achieved ini-*
18 *tial operational capability to continue to meet or ex-*
19 *ceed all operational requirements currently being met*
20 *by Marine Mammal Program, including a detailed*
21 *explanation of such deployment.*

22 ***TITLE IV—MILITARY PERSONNEL***
23 ***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 amend-*
17 *ed by striking the item relating to section 691.*

18 (b) *CERTAIN ACTIVE-DUTY AND SELECTED RESERVE*
19 *STRENGTHS.—Section 115 of such title is amended—*

1 (1) in subsection (f), by striking “increase” each
2 place it appears and inserting “vary”; and

3 (2) in subsection (g)—

4 (A) in paragraph (1), by striking subpara-
5 graphs (A) and (B) and inserting the following
6 new subparagraphs:

7 “(A) vary the end strength pursuant to sub-
8 section (a)(1)(A) for a fiscal year for the armed force
9 or forces under the jurisdiction of that Secretary by
10 a number not equal to more than two percent of such
11 authorized end strength; and

12 “(B) vary the end strength pursuant to sub-
13 section (a)(2) for a fiscal year for the Selected Reserve
14 of the reserve component of the armed force or forces
15 under the jurisdiction of that Secretary by a number
16 equal to not more than one percent of such authorized
17 end strength.”;

18 (B) in paragraph (2), by striking “in-
19 crease” each place it appears and inserting
20 “variance”; and

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

23 “(3) The Secretary of the military department con-
24 cerned shall promptly notify the congressional defense com-
25 mittees if such Secretary exceeds a variance under para-

1 *graph (1), and at least once every 90 days thereafter for*
2 *so long as such end strength is outside such variance. Each*
3 *such notification shall include the following:*

4 “(A) *Modified projected end strengths for active*
5 *and reserve components of the armed force or forces*
6 *for which such Secretary exceeds such variance.*”

7 “(B) *An identification of any budgetary effects*
8 *projected as a result of such modified end strength*
9 *projections.*”

10 “(C) *An explanation of any effects on readiness*
11 *resulting from such modified end strength projec-*
12 *tions.*”

13 **SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE**
14 **END STRENGTH.**

15 (a) *IN GENERAL.*—*Notwithstanding section 115(g) of*
16 *title 10, United States Code, upon determination by the*
17 *Secretary of the Air Force that such action would enhance*
18 *manning and readiness in essential units or in critical spe-*
19 *cialties, the Secretary may vary the end strength authorized*
20 *by Congress for each fiscal year as follows:*

21 (1) *Increase the end strength authorized pursu-*
22 *ant to section 115(a)(1)(A) of such title for a fiscal*
23 *year for the Space Force by a number equal to not*
24 *more than 5 percent of such authorized end strength.*

1 (2) *Decrease the end strength authorized pursu-*
2 *ant to section 115(a)(1)(A) of such title for a fiscal*
3 *year for the Space Force by a number equal to not*
4 *more than 10 percent of such authorized end strength.*

5 (b) *TERMINATION.—The authority provided under sub-*
6 *section (a) shall terminate on December 31, 2023.*

7 ***Subtitle B—Reserve Forces***

8 ***SEC. 411. END STRENGTHS FOR SELECTED RESERVE.***

9 (a) *IN GENERAL.—The Armed Forces are authorized*
10 *strengths for Selected Reserve personnel of the reserve com-*
11 *ponents as of September 30, 2023, as follows:*

12 (1) *The Army National Guard of the United*
13 *States, 325,000.*

14 (2) *The Army Reserve, 177,000.*

15 (3) *The Navy Reserve, 57,000.*

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

17 (5) *The Air National Guard of the United*
18 *States, 108,400.*

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

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

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

24 (1) *the total authorized strength of units orga-*
25 *nized to serve as units of the Selected Reserve of such*

1 *component which are on active duty (other than for*
2 *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 *ipation 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 in-*
14 *creased proportionately by the total authorized strengths of*
15 *such units and by the total number of such individual mem-*
16 *bers.*

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

19 *Within the end strengths prescribed in section 411(a),*
20 *the reserve components of the Armed Forces are authorized,*
21 *as of September 30, 2023, the following number of Reserves*
22 *to be serving on full-time active duty or full-time duty, in*
23 *the case of members of the National Guard, for the purpose*
24 *of organizing, administering, recruiting, instructing, or*
25 *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 MILITARY*
23 *TECHNICIANS (DUAL STATUS).*—*The number of temporary*
24 *military technicians (dual-status) employed under the au-*

1 *thority of subsection (a) may not exceed 25 percent of the*
2 *total authorized number specified in such 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 tech-*
9 *nician (dual status) declines to participate in such realign-*
10 *ment or conversion, no further action will be taken against*
11 *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 who*
17 *may be serving at any time on full-time operational sup-*
18 *port duty under section 115(b) of title 10, United States*
19 *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 are*
8 *hereby authorized to be appropriated for fiscal year 2023*
9 *for the use of the Armed Forces and other activities and*
10 *agencies of the Department of Defense for expenses, not oth-*
11 *erwise provided for, for military personnel, as specified in*
12 *the funding table in section 4401.*

13 (b) *CONSTRUCTION OF AUTHORIZATION.—The author-*
14 *ization of appropriations in subsection (a) supersedes any*
15 *other authorization of appropriations (definite or indefi-*
16 *nite) 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 Policy**

2 **SEC. 501. AUTHORIZED STRENGTHS FOR SPACE FORCE OF-** 3 **FICERS ON ACTIVE DUTY IN GRADES OF** 4 **MAJOR, LIEUTENANT COLONEL, AND COLO-** 5 **NEL.**

6 *The table in subsection (a)(1) of section 523 of title*
 7 *10, United States Code, is amended by inserting after the*
 8 *items relating to the Marine Corps new items relating to*
 9 *the total number of commissioned officers (excluding officers*
 10 *in categories specified in subsection (b) of such section) serv-*
 11 *ing on active duty in the Space Force in the grades of*
 12 *major, lieutenant colonel, and colonel, respectively, as fol-*
 13 *lows:*

“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 amend-*
5 *ed—*

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 pe-*
11 *riod 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 amend-
21 ed—

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 the
11 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 60
17 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 con-
22 secutive deployment outside of the United States
23 to a combat zone (as defined in section 112(c) of
24 the Internal Revenue Code of 1986) or in sup-

1 *port of a contingency operation, not for more*
2 *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 AND**
6 **FLAG OFFICERS.**

7 *During the two-year period beginning on the date of*
8 *the enactment of this Act, the limitations in section 526a(a)*
9 *of title 10, United States Code, as amended by section 504,*
10 *shall not apply to a general or flag officer serving in the*
11 *position of lead special trial counsel pursuant to an ap-*
12 *pointment under section 1044f(a)(2) of such title.*

13 **SEC. 507. CONSTRUCTIVE SERVICE CREDIT FOR CERTAIN**
14 **OFFICERS OF THE ARMED FORCES.**

15 *(a) CONSTRUCTIVE SERVICE CREDIT FOR WARRANT*
16 *OFFICERS.—Section 572 of title 10, United States Code, is*
17 *amended—*

18 *(1) by inserting “(a)” before “For the purposes”;*

19 *and*

20 *(2) by adding at the end the following new sub-*
21 *section:*

22 *“(b) The Secretary concerned shall credit a person who*
23 *is receiving an original appointment as a warrant officer*
24 *in the regular component of an armed force under the juris-*
25 *isdiction of such Secretary concerned, and who has advanced*

1 *education or training or special experience, with construc-*
2 *tive service for such education, training, or experience, as*
3 *follows:*

4 “(1) *For special training or experience in a par-*
5 *ticular warrant officer field designated by the Sec-*
6 *retary concerned, if such training or experience is di-*
7 *rectly related to the operational needs of the armed*
8 *force concerned, as determined by such Secretary con-*
9 *cerned.*”

10 “(2) *For advanced education in a warrant offi-*
11 *cer field designated by the Secretary concerned, if*
12 *such education is directly related to the operational*
13 *needs of the armed force concerned, as determined by*
14 *such Secretary concerned.*”.

15 **(b) REPORT.**—*Not later than February 1, 2027, the*
16 *Secretary of Defense shall submit to the Committees on*
17 *Armed Services of the Senate and House of Representatives*
18 *a report on the amendments made by subsection (a). Such*
19 *report shall include—*

20 (1) *the evaluation of such amendments by the*
21 *Secretary;*

22 (2) *the estimate of the Secretary regarding how*
23 *many individuals are eligible for credit under sub-*
24 *section (b) of such section, as added by subsection (a);*
25 *and*

1 (3) *the determination of the Secretary whether*
2 *existing special pay for such members is adequate.*

3 **SEC. 508. IMPROVEMENTS TO THE SELECTION OF WARRANT**
4 **OFFICERS IN THE MILITARY DEPARTMENTS**
5 **FOR PROMOTION.**

6 (a) *PROMOTION BY SELECTION BOARDS: REC-*
7 *COMMENDATION; EXCLUSION FROM CONSIDERATION.—Sec-*
8 *tion 575 of title 10, United States Code, is amended by add-*
9 *ing at the end the following new subsections:*

10 “(e)(1) *In selecting the warrant officers to be rec-*
11 *ommended for promotion, a selection board shall, when au-*
12 *thorized by the Secretary concerned, recommend warrant*
13 *officers of particular merit, pursuant to guidelines and pro-*
14 *cedures prescribed by the Secretary concerned, from among*
15 *those warrant officers selected for promotion, to be placed*
16 *higher on the promotion list contained in the report of such*
17 *board under section 576(c) of this title.*

18 “(2) *A selection board may recommend that a warrant*
19 *officer be placed higher on a promotion list under para-*
20 *graph (1) only if the warrant officer receives the rec-*
21 *ommendation of at least a majority of the members of the*
22 *board, unless the Secretary concerned establishes an alter-*
23 *native requirement. Any such alternate requirement shall*
24 *be furnished to the board as part of the guidelines furnished*
25 *to the board under section 576 of this title.*

1 “(3) *For the warrant officers recommended to be*
2 *placed higher on a promotion list under paragraph (1), the*
3 *board shall recommend the order in which those warrant*
4 *officers should be placed on the list.*

5 “(f)(1) *Upon the request of a warrant officer, the Sec-*
6 *retary concerned may exclude the warrant officer from con-*
7 *sideration for promotion under this section.*

8 “(2) *The Secretary concerned may approve a request*
9 *of a warrant officer under paragraph (1) only if—*

10 “(A) *the basis for the request is to allow the offi-*
11 *cer to complete—*

12 “(i) *an assignment in support of career*
13 *progression;*

14 “(ii) *advanced education;*

15 “(iii) *an assignment such Secretary deter-*
16 *mines is of significant value to the Armed Force*
17 *concerned; or*

18 “(iv) *a career progression requirement de-*
19 *layed by an assignment or education;*

20 “(B) *such Secretary determines that such exclu-*
21 *sion from consideration is in the best interest of the*
22 *Armed Force concerned; and*

23 “(C) *the officer has not previously failed of selec-*
24 *tion for promotion to the grade for which the officer*
25 *requests exclusion from consideration.”.*

1 **(b) PRIORITY FOR PROMOTION OF WARRANT OFFICERS**
2 *IN REPORT OF SELECTION BOARD.*—Subsection (c) of sec-
3 *tion 576 of such title is amended to read as follows:*

4 “(c) *The names of warrant officers selected for pro-*
5 *motion under this section shall be arranged in the report*
6 *of such board in the following order of priority:*

7 “(1) *Warrant officers recommended under section*
8 *575(e) of this title to be placed higher on the pro-*
9 *motion list, in the order in which the board deter-*
10 *mines.*

11 “(2) *Warrant officers otherwise recommended for*
12 *promotion, in the order of seniority on the warrant*
13 *officer active-duty list.”.*

14 **(c) PROMOTIONS: HOW MADE; EFFECTIVE DATE.**—
15 *Section 578(a) of such title is amended by striking “of the*
16 *seniority of such officers on the warrant officer active-duty*
17 *list” and inserting “set forth in section 576(c) of this title”.*

18 **SEC. 509. ADVICE AND CONSENT REQUIREMENT FOR WAIV-**
19 **ERS OF MANDATORY RETIREMENT FOR SU-**
20 **PERINTENDENTS OF MILITARY SERVICE**
21 **ACADEMIES.**

22 **(a) UNITED STATES MILITARY ACADEMY.**—Section
23 *7321(b) of title 10, United States Code, is amended by add-*
24 *ing at the end the following: “In the event a waiver under*
25 *this subsection is granted, the subsequent nomination and*

1 *appointment of such officer having served as Super-*
2 *intendent of the Academy to a further assignment in lieu*
3 *of retirement shall be subject to the advice and consent of*
4 *the Senate.”.*

5 **(b) UNITED STATES NAVAL ACADEMY.**—Section
6 8371(b) of title 10, United States Code, is amended by add-
7 ing at the end the following: “In the event a waiver under
8 this subsection is granted, the subsequent nomination and
9 appointment of such officer having served as Super-
10 intendent of the Academy to a further assignment in lieu
11 of retirement shall be subject to the advice and consent of
12 the Senate.”.

13 **(c) UNITED STATES AIR FORCE ACADEMY.**—Section
14 9321(b) of title 10, United States Code, is amended by add-
15 ing at the end the following: “In the event a waiver under
16 this subsection is granted, the subsequent nomination and
17 appointment of such officer having served as Super-
18 intendent of the Academy to a further assignment in lieu
19 of retirement shall be subject to the advice and consent of
20 the Senate.”.

1 **SEC. 509A. MODIFICATION OF REPORTS ON AIR FORCE PER-**
2 **SONNEL PERFORMING DUTIES OF A NUCLEAR**
3 **AND MISSILE OPERATIONS OFFICER (13N).**

4 *Section 506(b) of the National Defense Authorization*
5 *Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.*
6 *1682) is amended—*

7 *(1) by redesignating paragraph (8) as para-*
8 *graph (9); and*

9 *(2) by inserting after paragraph (7) the fol-*
10 *lowing new paragraph (8):*

11 *“(8) A staffing plan for managing personnel in*
12 *the 13N career field as the Air Force transitions from*
13 *the Minuteman III weapon system to the Sentinel*
14 *weapon system.”.*

15 **SEC. 509B. ASSESSMENTS OF STAFFING IN THE OFFICE OF**
16 **THE SECRETARY OF DEFENSE AND OTHER**
17 **DEPARTMENT OF DEFENSE HEADQUARTERS**
18 **OFFICES.**

19 *(a) OFFICE OF THE SECRETARY OF DEFENSE.—The*
20 *Secretary of Defense shall conduct an assessment of staffing*
21 *of the Office of the Secretary of Defense. Such assessment*
22 *shall including the following elements:*

23 *(1) A validation of every military staff billet as-*
24 *signed to the Office of the Secretary of Defense against*
25 *existing military personnel requirements.*

1 (2) *The estimated effect of returning 15 percent*
2 *of such military staff billets to operational activities*
3 *of the Armed Forces concerned, over a period of 36*
4 *months, would have on the office of the Secretary of*
5 *Defense and other Department of Defense Head-*
6 *quarters Offices.*

7 (3) *A plan and milestones for how reductions de-*
8 *scribed in paragraph (2) would occur, a schedule for*
9 *such reductions, and the process by which the billets*
10 *would be returned to the operational activities of the*
11 *Armed Forces concerned.*

12 (b) *OFFICE OF THE JOINT CHIEFS OF STAFF.—The*
13 *Chairman of the Joint Chiefs of Staff shall conduct an as-*
14 *essment of staffing of the Office of the Joint Chiefs of Staff.*
15 *Such assessment shall including the following elements:*

16 (1) *A validation of every military staff billet as-*
17 *signed to the Office of the Joint Chiefs of Staff*
18 *against existing military personnel requirements.*

19 (2) *The estimated effect of returning 15 percent*
20 *of such military staff billets to operational activities*
21 *of the Armed Forces concerned, over a period of 36*
22 *months, would have on the office of the Joint Staff*
23 *and the Chairman's Controlled Activities and other*
24 *related Joint Staff Headquarters Offices.*

1 (3) *A plan and milestones for how reductions de-*
2 *scribed in paragraph (2) would occur, a schedule for*
3 *such reductions, and the process by which the billets*
4 *would be returned to the operational activities of the*
5 *Armed Forces concerned.*

6 (c) *INTERIM BRIEFING AND REPORT.—*

7 (1) *INTERIM BRIEFING.—Not later than April 1,*
8 *2023, the Secretary shall provide to the Committees*
9 *on Armed Services of the Senate and House of Rep-*
10 *resentatives an interim briefing on the assessments*
11 *under subsections (a) and (b).*

12 (2) *FINAL REPORT.—Not later than one year*
13 *after the date of the enactment of this Act, the Sec-*
14 *retary shall submit to the Committees on Armed Serv-*
15 *ices of the Senate and House of Representatives a re-*
16 *port on the assessments under subsections (a) and (b).*
17 *Such report shall include the following:*

18 (A) *A validation of every military staff bil-*
19 *let assigned to the Office of the Secretary of De-*
20 *fense and the Joint Staff to include the Chair-*
21 *man’s Controlled Activities against existing*
22 *military personnel requirements.*

23 (B) *The methodology and process through*
24 *which such validation was performed.*

1 (C) *Relevant statistical analysis on mili-*
2 *tary billet fill rates against validated require-*
3 *ments.*

4 (D) *An analysis of unvalidated military*
5 *billets currently performing staff support func-*
6 *tions,*

7 (E) *The rationale for why unvalidated mili-*
8 *tary billets may be required.*

9 (F) *The cost of military staff filling both*
10 *validated and unvalidated billets.*

11 (G) *Lessons learned through the military*
12 *billet validation process and statistical analysis*
13 *under subparagraphs (B) through (F).*

14 (H) *Any other matters the Secretary deter-*
15 *mines relevant to understanding the use of mili-*
16 *tary staff billets described in subsections (a) and*
17 *(b).*

18 (I) *Any legislative, policy or budgetary rec-*
19 *ommendations of the Secretary related to the*
20 *subject matter of the report.*

21 **SEC. 509C. GAO REVIEW OF CERTAIN OFFICER PERFORM-**
22 **ANCE EVALUATIONS.**

23 (a) *REVIEW REQUIRED.*—*Not later than one year after*
24 *the enactment of this Act, the Comptroller General of the*
25 *United States shall review the officer performance reports*

1 *of each Armed Force under the jurisdiction of a Secretary*
2 *of a military department in order to—*

3 (1) *study the fitness report systems used for the*
4 *performance evaluation of officers; and*

5 (2) *provide to the Secretary of Defense and the*
6 *Secretaries of the military departments recommenda-*
7 *tions regarding how to improve such systems.*

8 (b) *ELEMENTS.—The review required under subsection*
9 *(a) shall include the following:*

10 (1) *An analysis of the effectiveness of the fitness*
11 *report systems at evaluating and documenting the*
12 *performance of officers.*

13 (2) *A comparison of the fitness report systems for*
14 *officers of each Armed Force described in subsection*
15 *(a) with best practices for performance evaluations*
16 *used by public- and private-sector organizations.*

17 (3) *An analysis of the value of fitness reports in*
18 *providing useful information to officer promotion*
19 *boards.*

20 (4) *An analysis of the value of fitness reports in*
21 *providing useful feedback to officers being evaluated.*

22 (5) *Recommendations to improve the fitness re-*
23 *port systems to—*

1 (A) increase its effectiveness at accurately
2 evaluating and documenting the performance of
3 officers;

4 (B) provide more useful information to offi-
5 cer promotion boards; and

6 (C) provide more useful feedback regarding
7 evaluated officers.

8 (c) *ACCESS TO DATA AND RECORDS.*—*The Secretaries*
9 *of the military departments shall provide to the Comptroller*
10 *General sufficient resources and access to technical data,*
11 *individuals, organizations, and records that the Comp-*
12 *troller General requires to complete the review under this*
13 *section.*

14 (d) *SUBMISSION TO SECRETARIES.*—*Upon completing*
15 *the review under subsection (a), the Comptroller General*
16 *shall submit to the Secretary of Defense and the Secretaries*
17 *of the military departments a report on the results of the*
18 *review.*

19 (e) *SUBMISSION TO CONGRESS.*—*Not later than 30*
20 *days after the date on which the Secretary of Defense and*
21 *the Secretaries of the military departments receive the re-*
22 *port under subsection (d), the Secretary of Defense shall*
23 *submit to the congressional defense committees—*

24 (1) *an unaltered copy of such report; and*

1 (2) *any comments of the Secretary regarding*
2 *such report.*

3 **SEC. 509D. STUDY OF CHAPLAINS.**

4 (a) *STUDY REQUIRED.*—*Not later than 180 days after*
5 *the date of the enactment of this Act, the Secretary of De-*
6 *fense, in consultation with the Secretaries of the military*
7 *departments, shall submit to the Committees on Armed*
8 *Services of the Senate and House of Representatives a study*
9 *of the roles and responsibilities of chaplains.*

10 (b) *ELEMENTS.*—*The study under subsection (a) shall*
11 *include the following:*

12 (1) *The resources (including funding, adminis-*
13 *trative support, and personnel) available to support*
14 *religious programs.*

15 (2) *Inclusion of chaplains in resiliency, suicide*
16 *prevention, wellness, and other related programs.*

17 (3) *The role of chaplains in embedded units,*
18 *headquarters activities. and military treatment facili-*
19 *ties.*

20 (4) *Recruitment and retention of chaplains.*

21 (5) *An analysis of the number of hours chaplains*
22 *spend in roles including pastoral care, religious serv-*
23 *ices, counseling, and administration.*

1 (6) *The results of any surveys that have assessed*
2 *the roles, responsibilities and satisfaction of chap-*
3 *lains.*

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) as*
17 *paragraph (11);*

18 (2) *by redesignating the first paragraph (8), as*
19 *paragraph (10);*

20 (3) *by redesignating paragraphs (5), (6), and (7)*
21 *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 program*
5 *withdrawal rates of Senior Reserve Officers’ Training*
6 *Corps scholarship recipients during the fiscal year*
7 *covered by the report, disaggregated by gender, race,*
8 *and ethnicity, for each military department.”.*

9 **SEC. 512. EXPANSION OF ELIGIBILITY TO SERVE AS AN IN-**
10 **STRUCTOR IN THE JUNIOR RESERVE OFFI-**
11 **CERS’ TRAINING CORPS.**

12 *(a) IN GENERAL.—Section 2031 of title 10, United*
13 *States Code, is amended—*

14 *(1) by redesignating subsections (f) and (g) as*
15 *subsections (g) and (h), respectively; and*

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

18 *“(f)(1) Instead of, or in addition to, detailing officers*
19 *and noncommissioned officers on active duty under sub-*
20 *section (c)(1) or authorizing the employment of retired offi-*
21 *cers and noncommissioned officers under subsection (d) or*
22 *(e), the Secretary of the military department concerned may*
23 *authorize qualified institutions to employ as administrators*
24 *and instructors in the program officers or noncommissioned*
25 *officers who—*

1 “(A)(i) receive honorable discharges—

2 “(I) after completing at least eight years of
3 service; and

4 “(II) not longer than five years before ap-
5 plying for such employment; or

6 “(ii)(I) are in an active status; and

7 “(II) who are not yet eligible for retired pay;
8 and

9 “(B) apply for such employment.

10 “(2) The Secretary of the military department con-
11 cerned shall pay to the institution an amount equal to one-
12 half of the amount to be paid to an instructor pursuant
13 to the JROTC Instructor Pay Scale for any period.

14 “(3) Notwithstanding the limitation in paragraph (2),
15 the Secretary of the military department concerned may
16 pay to the institution more than one-half of the amount
17 paid to the member by the institution if, as determined by
18 such Secretary—

19 “(A) the institution is in an educationally and
20 economically deprived area; and

21 “(B) such action is in the national interest.

22 “(4) Payments under this subsection shall be made
23 from funds appropriated for that purpose.

24 “(5) The Secretary of the military department con-
25 cerned may require an officer or noncommissioned officer

1 *employed under this subsection to transfer to the Individual*
2 *Ready Reserve as a condition of such employment.”.*

3 (b) *BRIEFING.*—*Not later than one year after the date*
4 *of the enactment of this Act, the Secretary of Defense shall*
5 *submit to the Committees on Armed Services of the Senate*
6 *and House of Representatives a briefing regarding—*

7 (1) *the number of instructors employed pursuant*
8 *to the amendment made by subsection (a); and*

9 (2) *costs to the Federal Government arising from*
10 *such employment.*

11 **SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR**
12 **RESERVE OFFICERS IN THE NATIONAL**
13 **GUARD DUE TO UNDUE DELAYS IN FEDERAL**
14 **RECOGNITION.**

15 *Paragraph (2) of section 14308(f) of title 10, United*
16 *States Code, is amended to read as follows:*

17 “(2) *If there is a delay in extending Federal recogni-*
18 *tion in the next higher grade in the Army National Guard*
19 *or the Air National Guard to a reserve commissioned officer*
20 *of the Army or the Air Force that exceeds 100 days from*
21 *the date the National Guard Bureau deems such officer’s*
22 *application for Federal recognition to be completely sub-*
23 *mitted by the State and ready for review at the National*
24 *Guard Bureau, and the delay was not attributable to the*
25 *action or inaction of such officer—*

1 “(A) in the event of State promotion with an ef-
2 fective date before January 1, 2024, the effective date
3 of the promotion concerned under paragraph (1) may
4 be adjusted to a date determined by the Secretary
5 concerned, but not earlier than the effective date of the
6 State promotion; and

7 “(B) in the event of State promotion with an ef-
8 fective date on or after January 1, 2024, the effective
9 date of the promotion concerned under paragraph (1)
10 shall be adjusted by the Secretary concerned to the
11 later of—

12 “(i) the date the National Guard Bureau
13 deems such officer’s application for Federal rec-
14 ognition to be completely submitted by the State
15 and ready for review at the National Guard Bu-
16 reau; and

17 “(ii) the date on which the officer occupies
18 a billet in the next higher grade.”.

19 **SEC. 514. INSPECTIONS OF THE NATIONAL GUARD.**

20 (a) *ELEMENT*.—Subsection (a) of section 105 of title
21 32, United States Code, is amended—

22 (1) in paragraph (6), by striking “; and” and
23 inserting a semicolon;

24 (2) in paragraph (7), by striking the period at
25 the end and inserting “; and”; and

1 (3) *by adding at the end the following new para-*
2 *graph:*

3 “(8) *the units and members of the Army Na-*
4 *tional Guard or Air National Guard comply with*
5 *Federal law and policy applicable to the National*
6 *Guard, including policies issued by the Secretary of*
7 *Defense, the Secretary of the military department*
8 *concerned, or the Chief of the National Guard Bu-*
9 *reau.*”.

10 (b) *REPORT.—Not later than six months after the date*
11 *of the enactment of this Act, the Secretary of the Army and*
12 *the Secretary of the Air Force shall submit to the Commit-*
13 *tees on Armed Services of the Senate and House of Rep-*
14 *resentatives a report on the implementation of paragraph*
15 *(8) of such subsection, as added by subsection (a). Such re-*
16 *port shall include the following:*

17 (1) *The number of inspections conducted that in-*
18 *cluded determinations under such paragraph.*

19 (2) *With regard to each such inspection—*

20 (A) *the date;*

21 (B) *the unit of the Army National Guard or*
22 *the Air National Guard inspected;*

23 (C) *the officer who conducted such inspec-*
24 *tion; and*

1 (D) the determination of the officer whether
2 the unit was in compliance with Federal law
3 and policy applicable to the National Guard.

4 **SEC. 515. AUTHORITY TO WAIVE REQUIREMENT THAT PER-**
5 **FORMANCE OF ACTIVE GUARD AND RESERVE**
6 **DUTY AT THE REQUEST OF A GOVERNOR MAY**
7 **NOT INTERFERE WITH CERTAIN DUTIES.**

8 (a) *IN GENERAL.*—Section 328(b) of title 32, United
9 States Code, is amended by adding at the end the following
10 new subsection:

11 “(c) *WAIVER AUTHORITY.*—(1) Notwithstanding sec-
12 tion 101(d)(6)(A) of title 10 and subsection (b) of this sec-
13 tion, the Governor of a State or the Commonwealth of Puer-
14 to Rico, Guam, or the Virgin Islands, or the commanding
15 general of the District of Columbia National Guard, as the
16 case may be, may, at the request of the Secretary concerned,
17 order a member of the National Guard to perform Active
18 Guard and Reserve duty for purposes of performing train-
19 ing of the regular components of the armed forces as the
20 primary duty.

21 “(2) Training performed under paragraph (1) must
22 be in compliance with the requirements of section
23 502(f)(2)(B)(i) of this title.

1 “(3) No more than 100 personnel may be granted a
2 waiver by a Secretary concerned under paragraph (1) at
3 a time.

4 “(4) The authority under paragraph (1) shall termi-
5 nate on October 1, 2024.”.

6 (b) *BRIEFING ON PERFORMANCE OF TRAINING AS PRI-*
7 *MARY DUTY.*—Not later than March 1, 2023, the Secretary
8 of the Army and the Secretary of the Air Force shall each
9 submit to the Committee on Armed Services of the Senate
10 and the Committee on Armed Services of the House of Rep-
11 resentatives a briefing describing how many members of the
12 National Guard are performing Active Guard and Reserve
13 duty for purposes of performing training of the regular
14 components of the Armed Forces as primary duty.

15 (c) *BRIEFING ON END STRENGTH REQUIREMENTS.*—
16 Not later than October 1, 2024, the Secretary of the Army
17 and the Secretary of the Air Force shall each submit to the
18 Committee on Armed Services of the Senate and the Com-
19 mittee on Armed Services of the House of Representatives
20 a briefing outlining the end strength requirement going for-
21 ward for Active Guard and Reserve forces of the National
22 Guard impacted by subsection (c) of section 328(b) of title
23 32, United States Code, as added by subsection (a) of this
24 section.

1 **SEC. 516. CONTINUED NATIONAL GUARD SUPPORT FOR**
2 **FIREGUARD PROGRAM.**

3 *Section 515 of the National Defense Authorization Act*
4 *for Fiscal Year 2022 (Public Law 117–81), is amended—*

5 (1) *by inserting “(a) IN GENERAL.—” before*
6 *“Until”;*

7 (2) *by striking “September 30, 2026” and insert-*
8 *ing “September 30, 2029”;*

9 (3) *by striking “support” and inserting “carry*
10 *out”;*

11 (4) *by striking “personnel of the California Na-*
12 *tional Guard” and inserting “National Guard per-*
13 *sonnel (including from the Colorado National Guard*
14 *and the California National Guard)”;* and

15 (5) *by adding at the end the following:*

16 *“(b) TRANSFER.—Until the date specified in sub-*
17 *section (a), no component (including any analytical re-*
18 *sponsibility) of the FireGuard program may be transferred*
19 *from the Department of Defense to another entity. If the*
20 *Secretary seeks to make such a transfer, the Secretary shall,*
21 *at least three years before such transfer, provide to the ap-*
22 *propriate congressional committees a written report and*
23 *briefing that detail—*

24 *“(1) plans of the Secretary for such transfer; and*

25 *“(2) how such transfer will sustain and improve*
26 *detection and monitoring of wildfires.*

1 “(c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term ‘appropriate congres-*
3 *sional committees’ means the following:*

4 “(1) *The Committee on Armed Services of the*
5 *Senate.*

6 “(2) *The Committee on Armed Services of the*
7 *House of Representatives.*

8 “(3) *The Select Committee on Intelligence of the*
9 *Senate.*

10 “(4) *The Permanent Select Committee on Intel-*
11 *ligence of the House of Representatives.’’.*

12 **SEC. 517. ENHANCEMENT OF NATIONAL GUARD YOUTH**
13 **CHALLENGE PROGRAM.**

14 *Section 516 of the National Defense Authorization Act*
15 *for Fiscal Year 2022 (Public Law 117–81) is amended, in*
16 *subsection (a), by striking “fiscal year 2022” and inserting*
17 *“fiscal years 2022 and 2023”.*

18 **SEC. 518. NOTICE TO CONGRESS BEFORE CERTAIN ACTIONS**
19 **REGARDING UNITS OF CERTAIN RESERVE**
20 **COMPONENTS.**

21 *(a) NOTICE REQUIRED; ELEMENTS.*—*The Secretary of*
22 *a military department may not take any covered action re-*
23 *garding a covered unit until the day that is 60 days after*
24 *the Secretary of a military department submits to Congress*

1 *notice of such covered action. Such notice shall include the*
2 *following elements:*

3 (1) *An analysis of how the covered action would*
4 *improve readiness.*

5 (2) *A description of how the covered action*
6 *would align with the National Defense Strategy and*
7 *the supporting strategies of each military depart-*
8 *ments.*

9 (3) *A description of any proposed organizational*
10 *change associated with the covered action and how the*
11 *covered action will affect the relationship of adminis-*
12 *trative, operational, or tactical control responsibilities*
13 *of the covered unit.*

14 (4) *The projected cost and any projected long-*
15 *term cost savings of the covered action.*

16 (5) *A detailed description of any requirements*
17 *for new infrastructure or relocation of equipment and*
18 *assets necessary for the covered action.*

19 (6) *A description of how the covered activity will*
20 *affect the ability of the covered Armed Force to ac-*
21 *complish its current mission.*

22 (b) *APPLICABILITY.—This section shall apply to any*
23 *step to perform covered action regarding a covered unit on*
24 *or after the date of the enactment of this Act.*

25 (c) *DEFINITIONS.—In this section:*

1 (1) *The term “covered action” means any of the*
2 *following:*

3 (A) *To deactivate.*

4 (B) *To reassign.*

5 (C) *To move the home station.*

6 (2) *The term “covered Armed Force” means the*
7 *following:*

8 (A) *The Army.*

9 (B) *The Navy.*

10 (C) *The Marine Corps.*

11 (D) *The Air Force.*

12 (E) *The Space Force.*

13 (3) *The term “covered unit” means a unit of a*
14 *reserve component of a covered Armed Force.*

15 **SEC. 519. INDEPENDENT STUDY ON FEDERAL RECOGNI-**
16 **TION OF NATIONAL GUARD OFFICERS.**

17 (a) *INDEPENDENT STUDY.—*

18 (1) *IN GENERAL.—Not later than 60 days after*
19 *the date of the enactment of this Act, the Secretary of*
20 *Defense shall seek to enter into a contract with a fed-*
21 *erally funded research and development center to con-*
22 *duct a study on the National Guard commissioned of-*
23 *ficer and warrant officer promotion system and pro-*
24 *vide recommendations to the Department of Defense,*
25 *the Department of the Air Force, the Department of*

1 *the Army, the National Guard Bureau, and indi-*
2 *vidual State National Guard commands.*

3 (2) *ELEMENTS.—The study referred to in para-*
4 *graph (1) shall include a comprehensive review and*
5 *assessment of the following:*

6 (A) *Reasons for delays in processing per-*
7 *sonnel actions for Federal recognition of State*
8 *National Guard member promotions.*

9 (B) *The Federal recognition process used to*
10 *extend Federal recognition to State promotions.*

11 (C) *Best practices among the various State*
12 *National Guards for managing their require-*
13 *ments under the existing National Guard pro-*
14 *motion system.*

15 (D) *Possible improvements to requirements,*
16 *policies, procedures, workflow, or resources to re-*
17 *duce the processing time for Federal recognition*
18 *of state promotions.*

19 (E) *An assessment of the feasibility of devel-*
20 *oping or adopting a commercially available solu-*
21 *tion for an integrated enterprise information*
22 *technology system for managing National Guard*
23 *officer and warrant officer promotions that al-*
24 *lows seamless transition for promotions as they*
25 *move through review at the National Guard Bu-*

1 *reau, the Department of the Army, the Depart-*
2 *ment of the Air Force, and the Department of*
3 *Defense.*

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

6 *(G) Possible remedies for undue delays in*
7 *Federal recognition, including adjustment to the*
8 *effective date of promotion beyond current statu-*
9 *tory authorities.*

10 *(H) Any other matters the federally funded*
11 *research and development center determines rel-*
12 *evant.*

13 *(3) REPORT.—*

14 *(A) IN GENERAL.—The contract under*
15 *paragraph (1) shall require the federally funded*
16 *research and development center that conducts*
17 *the study under the contract to submit to the*
18 *Secretary of Defense, the Secretary of the Army,*
19 *the Secretary of the Air Force, and the Chief of*
20 *the National Guard Bureau a report on the re-*
21 *sults of the study.*

22 *(B) SUBMISSION TO CONGRESS.—Upon re-*
23 *ceiving the report required under subparagraph*
24 *(A), the Secretary of Defense shall submit an un-*
25 *edited copy of the report results to the congres-*

1 *sional defense committees within 30 days of re-*
2 *ceiving the report from the federally funded re-*
3 *search and development corporation.*

4 **(b) REPORTING REQUIREMENT.—**

5 **(1) IN GENERAL.—***Not later than one year after*
6 *the date of the enactment of this Act, and annually*
7 *thereafter until the date specified in paragraph (3),*
8 *the Secretary of Defense, in consultation with the Sec-*
9 *retary of the Army and the Secretary of the Air Force*
10 *as appropriate, shall submit to the Committee on*
11 *Armed Services of the Senate and the Committee on*
12 *Armed Services of the House of Representatives a re-*
13 *port detailing the current status of the Federal rec-*
14 *ognition process for National Guard promotions.*

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

17 **(A)** *An update on efforts to transition to*
18 *fully digital processes in accordance with rec-*
19 *ommendations made pursuant to subsection (a).*

20 **(B)** *The average processing time for per-*
21 *sonnel actions related to Federal recognition of*
22 *reserve commissioned officer promotions in the*
23 *Army and Air National Guards, respectively, in-*
24 *cluding the time in days from the date at which*
25 *the National Guard Bureau received the pro-*

1 *motion until the date at which Federal recogni-*
2 *tion was granted.*

3 *(C) The average time it took during the pre-*
4 *vious fiscal year to extend Federal recognition.*

5 *(D) The number of Army and Air National*
6 *Guard officers who experienced Federal recogni-*
7 *tion delays greater than 90 days in the previous*
8 *fiscal year.*

9 *(E) A summary of any additional resources*
10 *or authorities needed to further streamline the*
11 *Federal recognition processes to reduce average*
12 *Federal recognition processing time to 90 days*
13 *or fewer.*

14 *(F) Any other information that the Secre-*
15 *taries concerned deem relevant.*

16 (3) *EXPIRATION OF ANNUAL REPORTING RE-*
17 *QUIREMENT.—The date referred to in paragraph (1)*
18 *is such time as the average processing time for per-*
19 *sonnel actions described under this subsection is re-*
20 *duced to 90 days or fewer for each of the Army and*
21 *Air National Guards.*

1 **SEC. 519A. REVIEW AND UPDATE OF REPORT ON GEO-**
2 **GRAPHIC DISPERSION OF JUNIOR RESERVE**
3 **OFFICERS' TRAINING CORPS.**

4 (a) *REPORT: REVIEW; UPDATE.*—The Secretary of De-
5 fense, in consultation with the Secretaries of the military
6 departments, shall review and update the 2017 report from
7 the RAND Corporation titled “Geographic and Demo-
8 graphic Representativeness of Junior Reserve Officer Train-
9 ing Corps” (Library of Congress Control Number:
10 2017950423).

11 (b) *ELEMENTS.*—The report updated under subsection
12 (a) shall include the following:

13 (1) *An assessment of whether there is adequate*
14 *representation in, and reasonable access to, units of*
15 *the Junior Reserve Officers' Training Corps (herein-*
16 *after, “JROTC”) for students in all regions of the of*
17 *the United States.*

18 (2) *The estimated cost and time to increase the*
19 *number of units of JROTC to ensure adequate rep-*
20 *resentation and reasonable access described in para-*
21 *graph (1).*

22 (3) *Recommendations to increase adequate rep-*
23 *resentation and reasonable access described in para-*
24 *graph (1) in areas of the United States that the Sec-*
25 *retary of Defense determines lack such adequate rep-*
26 *resentation and reasonable access.*

1 (c) *SUBMISSION.*—Not later than one year after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 Senate and the House of Representatives the report updated
5 under this section.

6 **SEC. 519B. BRIEFING ON DUTIES OF THE ARMY INTER-**
7 **AGENCY TRAINING AND EDUCATION CENTER.**

8 Not later than 120 days after the date of the enactment
9 of this Act, the Secretary of Defense, in consultation with
10 the Assistant Secretary of Defense for Homeland Defense
11 and Global Security and the Chief of the National Guard
12 Bureau, shall submit to the Committees on Armed Services
13 of the Senate and House of Representatives a briefing that
14 includes—

15 (1) an organizational plan and an estimate of
16 the annual costs necessary for the Army Interagency
17 Training and Education Center to carry out duties
18 assigned to it by the Chief of the National Guard Bu-
19 reau; and

20 (2) the staffing requirements needed to ade-
21 quately staff such duties.

1 ***Subtitle C—General Service***
2 ***Authorities and Military Records***

3 ***SEC. 521. CONSIDERATION OF ADVERSE INFORMATION BY***
4 ***SPECIAL SELECTION REVIEW BOARDS.***

5 *Section 628a(a)(1) of title 10, United States Code, is*
6 *amended—*

7 (1) *by inserting “(A)” before “If the Secretary*
8 *concerned”;* and

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

11 *“(B) Nothing in this section shall be construed to pre-*
12 *vent a Secretary concerned from deferring consideration of*
13 *adverse information concerning an officer subject to this*
14 *section until the next regularly scheduled promotion board*
15 *applicable to such officer, in lieu of furnishing such adverse*
16 *information to a special selection review board under this*
17 *section.”.*

18 ***SEC. 522. EXPANSION OF ELIGIBILITY FOR DIRECT ACCEPT-***
19 ***ANCE OF GIFTS BY MEMBERS OF THE ARMED***
20 ***FORCES AND DEPARTMENT OF DEFENSE AND***
21 ***COAST GUARD EMPLOYEES AND THEIR FAMI-***
22 ***LIES.***

23 *Section 2601a of title 10, United States Code, is*
24 *amended—*

25 (1) *in subsection (b)—*

1 (A) in paragraph (2), by striking “; or”
2 and inserting a semicolon;

3 (B) by redesignating paragraph (3) as
4 paragraph (4); and

5 (C) by inserting after paragraph (2) the fol-
6 lowing new paragraph:

7 “(3) that results in enrollment in a Warriors in
8 Transition program, as defined in section 738(e) of
9 the National Defense Authorization Act for Fiscal
10 Year 2013 (Public Law 112–239; 10 U.S.C. 1071
11 note); or”; and

12 (2) in subsection (c), by striking “paragraph (1),
13 (2) or (3) of”.

14 **SEC. 523. LIMITATION OF EXTENSION OF PERIOD OF AC-**
15 **TIVE DUTY FOR A MEMBER WHO ACCEPTS A**
16 **FELLOWSHIP, SCHOLARSHIP, OR GRANT.**

17 (a) *LIMITATION.*—Subsection (b) of section 2603 of
18 title 10, United States Code, is amended by striking “at
19 least”.

20 (b) *MODERNIZATION.*—Subsection (a) of such section
21 is amended—

22 (1) in the matter preceding paragraph (1)—

23 (A) by striking “or his designee” and in-
24 serting “(or an individual designated by the
25 President)”; and

1 (B) by striking “him” and inserting “the
2 member”;

3 (2) in paragraph (1), by striking “his field” and
4 inserting “the field of the member”;

5 (3) in paragraph (3), by striking “his recognized
6 potential for future career service” and inserting “the
7 recognized potential for future career service of the
8 member”; and

9 (4) in the matter following paragraph (3)—

10 (A) by striking “his” both places it appears
11 and inserting “the member’s”; and

12 (B) by striking “him” and inserting “the
13 member”.

14 **SEC. 524. EXPANSION OF MANDATORY CHARACTERIZA-**
15 **TIONS OF ADMINISTRATIVE DISCHARGES OF**
16 **CERTAIN MEMBERS ON THE BASIS OF FAIL-**
17 **URE TO RECEIVE COVID-19 VACCINE.**

18 Section 736(a) of the National Defense Authorization
19 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
20 1161 note) is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “During the period of time beginning on Au-
23 gust 24, 2021, and ending on the date that is two
24 years after the date of the enactment of this Act, any”
25 and inserting “Any”;

1 **SEC. 527. NOTIFICATION TO NEXT OF KIN UPON THE DEATH**
2 **OF A MEMBER OF THE ARMED FORCES:**
3 **STUDY; UPDATE; TRAINING; REPORT.**

4 (a) *STUDY.*—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense shall
6 conduct a study on the notification processes of the next
7 of kin upon the death of a member of the Armed Forces.
8 In conducting the study, the Secretary shall identify the
9 following elements:

10 (1) *The time it takes for such notification to*
11 *occur after such death, recovery of remains, and iden-*
12 *tification of remains. Such time shall be determined*
13 *through an analysis of data regarding cases involving*
14 *such notifications.*

15 (2) *The effect of media (including social media)*
16 *and other forms of communication on such processes.*

17 (3) *Means by which the Secretary may improve*
18 *such processes to reduce the time described in para-*
19 *graph (1).*

20 (4) *Any legislative recommendations of the Sec-*
21 *retary to improve such processes to reduce the time*
22 *described in paragraph (1).*

23 (b) *UPDATE.*—Upon completion of the study under
24 subsection (a), the Secretary shall review and update train-
25 ing and education materials regarding such processes, im-
26 plementing means described in subsection (a)(3).

1 (c) *OPERATIONAL TRAINING.*—*The Secretary of the*
2 *military department concerned shall include a training ex-*
3 *ercise, using materials updated (including lessons learned)*
4 *under subsection (b), regarding a death described in this*
5 *section in each major exercise conducted by such Secretary*
6 *or the Secretary of Defense.*

7 (d) *REPORT.*—*Not later one year after the date of the*
8 *enactment of this Act, the Secretary of Defense shall submit*
9 *to the Committees on Armed Services of the Senate and*
10 *House of Representatives a report containing—*

11 (1) *the results of the study;*

12 (2) *a description of the update under subsection*
13 *(b); and*

14 (3) *lessons learned, as described in subsection (c).*

15 **SEC. 528. GENDER-NEUTRAL FITNESS PHYSICAL READI-**
16 **NESS STANDARDS FOR MILITARY OCCUPA-**
17 **TIONAL SPECIALTIES OF THE ARMY.**

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

20 (1) *establish gender-neutral physical readiness*
21 *standards that ensure soldiers can perform the duties*
22 *of their respective military occupational specialties;*
23 *and*

24 (2) *provide to the Committees on Armed Services*
25 *of the Senate and House of Representatives a briefing*

1 *describing the methodology used to determine the*
2 *standards established under paragraph (1).*

3 **SEC. 529. RECURRING REPORT REGARDING COVID-19 MAN-**
4 **DATE.**

5 *(a) REPORT REQUIRED.—The Secretary of Defense*
6 *shall submit to the Committees on Armed Services of the*
7 *Senate and House of Representatives a recurring report re-*
8 *garding the requirement that a member of the Armed Forces*
9 *shall receive a vaccination against COVID-19. Each such*
10 *report may not contain any personally identifiable infor-*
11 *mation, and shall contain the following:*

12 *(1) With regard to religious exemptions to such*
13 *requirement—*

14 *(A) the number of such exemptions for*
15 *which members applied;*

16 *(B) the number of such religious exemptions*
17 *denied;*

18 *(C) the reasons for such denials;*

19 *(D) the number of members denied such a*
20 *religious exemption who complied with the re-*
21 *quirement; and*

22 *(E) the number of members denied such a*
23 *religious exemption who did not comply with the*
24 *requirement who were separated, and with what*
25 *characterization.*

1 (2) *With regard to medical exemptions to such*
2 *requirement—*

3 (A) *the number of such medical exemptions*
4 *for which members applied;*

5 (B) *the number of such medical exemptions*
6 *denied;*

7 (C) *the reasons for such denials;*

8 (D) *the number of members denied such a*
9 *medical exemption who complied with the re-*
10 *quirement; and*

11 (E) *the number of members denied such a*
12 *medical exemption who did not comply with the*
13 *requirement who were separated, and with what*
14 *characterization.*

15 (b) *FREQUENCY; TERMINATION.—The Secretary shall*
16 *submit the first such report not later than 90 days after*
17 *the date of the enactment of this Act and every 90 days*
18 *thereafter until the first of the following to occur:*

19 (1) *The Secretary of Defense lifts such require-*
20 *ment.*

21 (2) *The day that is two years after the date of*
22 *the enactment of this Act.*

1 **SEC. 530. SENSE OF CONGRESS REGARDING WOMEN INVOL-**
2 **UNTARILY SEPARATED FROM THE ARMED**
3 **FORCES DUE TO PREGNANCY OR PARENT-**
4 **HOOD.**

5 (a) *FINDINGS.*—Congress finds the following:

6 (1) *In June 1948, Congress enacted the Women’s*
7 *Armed Services Integration Act of 1948, which for-*
8 *mally authorized the appointment and enlistment of*
9 *women in the regular components of the Armed*
10 *Forces.*

11 (2) *With the expansion of the Armed Forces to*
12 *include women, the possibility arose for the first time*
13 *that members of the regular components of the Armed*
14 *Forces could become pregnant.*

15 (3) *The response to such possibilities and actual-*
16 *ities was Executive Order 10240, signed by President*
17 *Harry S. Truman in 1951, which granted the Armed*
18 *Forces the authority to involuntarily separate or dis-*
19 *charge a woman if she became pregnant, gave birth*
20 *to a child, or became a parent by adoption or a step-*
21 *parent.*

22 (4) *The Armed Forces responded to the Executive*
23 *order by systematically discharging any woman in*
24 *the Armed Forces who became pregnant.*

25 (5) *The Armed Forces were required to offer*
26 *women who were involuntarily separated or dis-*

1 *charged due to pregnancy the opportunity to request*
2 *retention in the military.*

3 (6) *The Armed Forces may not have provided re-*
4 *quired separation benefits, counseling, or assistance to*
5 *the members of the Armed Forces who were separated*
6 *or discharged due to pregnancy.*

7 (7) *Thousands of members of the Armed Forces*
8 *were involuntarily separated or discharged from the*
9 *Armed Forces as a result of pregnancy.*

10 (8) *Such involuntary separation or discharge*
11 *from the Armed Forces on the basis of pregnancy was*
12 *challenged in Federal district court by Stephanie*
13 *Crawford in 1975, whose legal argument stated that*
14 *this practice violated her constitutional right to due*
15 *process of law.*

16 (9) *The Court of Appeals for the Second Circuit*
17 *ruled in Stephanie Crawford's favor in 1976 and*
18 *found that Executive Order 10240 and any regula-*
19 *tions relating to the Armed Forces that made separa-*
20 *tion or discharge mandatory due to pregnancy were*
21 *unconstitutional.*

22 (10) *By 1976, all regulations that permitted in-*
23 *voluntary separation or discharge of a member of the*
24 *Armed Forces because of pregnancy or any form of*
25 *parenthood were rescinded.*

1 (11) *Today, women comprise 17 percent of the*
2 *Armed Forces, and many are parents, including 12*
3 *percent of whom are single parents.*

4 (12) *While military parents face many hard-*
5 *ships, today's Armed Forces provide various lengths of*
6 *paid family leave for mothers and fathers, for both*
7 *birth and adoption of children.*

8 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
9 *that women who served in the Armed Forces before Feb-*
10 *ruary 23, 1976, should not have been involuntarily sepa-*
11 *rated or discharged due to pregnancy or parenthood.*

12 ***Subtitle D—Recruitment and***
13 ***Retention***

14 ***SEC. 531. TREATMENT OF PERSONALLY IDENTIFIABLE IN-***
15 ***FORMATION REGARDING PROSPECTIVE RE-***
16 ***CRUITS.***

17 (a) *TREATMENT OF PERSONALLY IDENTIFIABLE IN-*
18 *FORMATION.—Section 503(a) of title 10, United States*
19 *Code, is amended adding at the end the following new para-*
20 *graphs:*

21 “(3) *PII regarding a prospective recruit collected*
22 *or compiled under this subsection shall be kept con-*
23 *fidential, and a person who has had access to such*
24 *PII may not disclose the information except for pur-*

1 *poses of this section or other purpose authorized by*
2 *law.*

3 *“(4) In the course of conducting a recruiting*
4 *campaign, the Secretary concerned shall—*

5 *“(A) notify a prospective recruit of data*
6 *collection policies of the armed force concerned;*
7 *and*

8 *“(B) permit the prospective recruit to elect*
9 *not to participate in such data collection.*

10 *“(5) In this subsection, the term ‘PII’ means per-*
11 *sonally identifiable information.”.*

12 *(b) PILOT PROGRAM ON RECRUITING.—*

13 *(1) AUTHORITY.—The Secretary of Defense may*
14 *conduct a pilot program (such a program shall be re-*
15 *ferred to as a “Military Recruiting Modernization*
16 *Program”) to evaluate the feasibility and effectiveness*
17 *of collecting and using PRI with modern technologies*
18 *to allow the Secretary to more effectively and effi-*
19 *ciently use recruiting resources.*

20 *(2) TREATMENT OF PROSPECTIVE RECRUIT IN-*
21 *FORMATION.—PRI collected under a pilot program*
22 *under this subsection—*

23 *(A) may be used by the Armed Forces and*
24 *entities into which the Secretary has entered into*

1 *an agreement regarding military recruitment*
2 *only for purposes of military recruitment;*

3 *(B) shall be kept confidential.*

4 *(C) may not be maintained more than three*
5 *years after collection; and*

6 (3) *OPT-OUT.*—*A pilot program under this sub-*
7 *section may allow a prospective recruit to opt-out of*
8 *the collection of PRI regarding such prospective re-*
9 *cruit.*

10 (4) *TERMINATION.*—*Any such pilot program*
11 *shall terminate three years after implementation.*

12 (5) *INTERIM BRIEFING.*—*Not later than 90 days*
13 *after the implementing a pilot program under this*
14 *subsection, the Secretary 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 *Such briefing shall include the following:*

18 *(A) The definition, prescribed by the Sec-*
19 *retary, of PRI.*

20 *(B) How the Secretary intends to handle*
21 *privacy concerns related to the collection of PRI.*

22 *(C) Legal concerns over the collection, use,*
23 *and maintenance of PRI.*

24 (6) *FINAL REPORT.*—*Not later than 120 days*
25 *after the completion of a pilot program under this*

1 subsection, the Under Secretary of Defense for Per-
2 sonnel and Readiness shall submit to the Committees
3 on Armed Services of the Senate and the House of
4 Representatives a report on the pilot program. Such
5 report shall include the following:

6 (A) A summary of whether and how the
7 pilot program modernized recruiting efforts.

8 (B) A description of any efficiencies identi-
9 fied under the pilot program.

10 (C) Any violations of privacy laws arising
11 from the pilot program.

12 (D) Legislative recommendations of the
13 Under Secretary arising from this pilot pro-
14 gram.

15 (7) *DEFINITIONS.*—In this section:

16 (A) The term “PRI” means information,
17 prescribed by the Secretary of Defense, regarding
18 a prospective recruit.

19 (B) The term “prospective recruit” means
20 an individual who is eligible to join the Armed
21 Forces and is—

22 (i) 17 years of age or older; or

23 (ii) in the eleventh grade (or its equiv-
24 alent) or higher.

1 **SEC. 532. REVIVAL AND EXTENSION OF TEMPORARY AU-**
2 **THORITY FOR TARGETED RECRUITMENT IN-**
3 **CENTIVES.**

4 *Section 522(h) of the National Defense Authorization*
5 *Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.*
6 *503 note) is—*

7 *(1) is revived to read as it did immediately be-*
8 *fore its expiration on December 31, 2020; and*

9 *(2) is amended—*

10 *(A) by striking the semicolon and inserting*
11 *a comma; and*

12 *(B) by striking “2020” and inserting*
13 *“2025”.*

14 **SEC. 533. REPORT ON RECRUITING EFFORTS OF CERTAIN**
15 **ARMED FORCES.**

16 *(a) REPORT REQUIRED.—Not later than 120 days*
17 *after the date of the enactment of this act, the Secretary*
18 *of Defense, in coordination with the Secretaries of the mili-*
19 *tary departments, shall submit to the Committees on Armed*
20 *Services of the Senate and House of Representatives a re-*
21 *port on recruiting efforts of the covered Armed Forces.*

22 *(b) ELEMENTS.—The report shall contain, with re-*
23 *gards to the covered Armed Forces during fiscal years 2018*
24 *through 2022, the following elements:*

25 *(1) A comparison of—*

1 (A) *the number of active duty enlistments*
2 *from each geographic region;*

3 (B) *the number of recruiters stationed in*
4 *each geographic region; and*

5 (C) *advertising dollars spent in each geo-*
6 *graphic region, including annual numbers and*
7 *averages.*

8 (2) *A comparison of the number of active duty*
9 *enlistments produced by each recruiting battalion, re-*
10 *cruiting district, or recruiting region, the number of*
11 *recruiters stationed in each battalion, and advertising*
12 *dollars spent in support of each battalion, including*
13 *annual numbers and averages.*

14 (3) *An analysis of the geographic dispersion of*
15 *enlistments by military occupational specialty.*

16 (4) *An analysis of the amount of Federal funds*
17 *spent on advertising per active duty enlistment by re-*
18 *cruiting battalion, recruiting district, or recruiting*
19 *region, and a ranked list of those battalions from*
20 *most efficient to least efficient.*

21 (5) *A comparison of the race, religion, sex, edu-*
22 *cation levels, military occupational specialties, and*
23 *waivers for enlistment granted to enlistees by geo-*
24 *graphic region and recruiting battalion, recruiting*
25 *district, or recruiting region of responsibility.*

1 (6) *An assessment of obstacles that recruiters face*
2 *in the field, including access to schools and adminis-*
3 *trative support.*

4 (7) *Efforts the Secretary of the military depart-*
5 *ment concerned is taking to mitigate obstacles de-*
6 *scribed in paragraph (6).*

7 (c) *DEFINITIONS.—In this section:*

8 (1) *The term “covered Armed Force” means an*
9 *Armed Force under the jurisdiction of the Secretary*
10 *of a military department.*

11 (2) *The term “geographic region” means a re-*
12 *gion used for the 2020 decennial census.*

13 **SEC. 534. REVIEW OF MARKETING AND RECRUITING OF THE**
14 **DEPARTMENT OF DEFENSE.**

15 (a) *IN GENERAL.—Not later than September 30, 2023,*
16 *the Comptroller General of the United States, in consulta-*
17 *tion with experts determined by the Secretary of Defense,*
18 *shall evaluate the marketing and recruiting efforts of the*
19 *Department of Defense to determine how to use social media*
20 *and other technology platforms to convey to young people*
21 *the opportunities and benefits of service in the covered*
22 *Armed Forces.*

23 (b) *COVERED ARMED FORCE DEFINED.—In this sec-*
24 *tion, the term “covered Armed Force” means the following:*

25 (1) *The Army.*

1 (2) *The Navy.*

2 (3) *The Marine Corps.*

3 (4) *The Air Force.*

4 (5) *The Space Force.*

5 **SEC. 535. REPORT ON DEPARTMENT OF DEFENSE RECRUIT-**
6 **MENT ADVERTISING TO RACIAL AND ETHNIC**
7 **MINORITY COMMUNITIES.**

8 *Not later than June 1, 2023, the Secretary of Defense*
9 *shall submit to the congressional defense committees a re-*
10 *port on the efforts of the Department of Defense to increase*
11 *marketing and advertising to adequately reach racial and*
12 *ethnic minority communities.*

13 **SEC. 536. IMPROVING OVERSIGHT OF MILITARY RECRUIT-**
14 **MENT PRACTICES IN PUBLIC SECONDARY**
15 **SCHOOLS.**

16 *Not later than one year after the date of the enactment*
17 *of this Act, the Secretary of Defense shall submit to the*
18 *Committees on Armed Services of the Senate and House of*
19 *Representatives a report on military recruitment practices*
20 *in public secondary schools during calendar years 2018*
21 *through 2022, including—*

22 (1) *the zip codes of public secondary schools vis-*
23 *ited by military recruiters; and*

24 (2) *the number of recruits from public secondary*
25 *schools by zip code and local education agency.*

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 share*
5 *and implement best practices regarding the use of retention*
6 *and exit survey data to identify barriers and lessons learned*
7 *to improve the retention of female members of the Armed*
8 *Forces under the jurisdiction of such Secretaries.*

9 **SEC. 538. REVIEW OF CERTAIN PERSONNEL POLICIES OF**
10 **SPECIAL OPERATIONS FORCES.**

11 *(a) REVIEW REQUIRED.—The Secretary of Defense*
12 *shall direct the covered officials to review (and, if a covered*
13 *official determines it necessary, update guidance and proc-*
14 *esses) matters described in section 167(e)(2)(J) of title 10,*
15 *United States Code. The covered officials shall complete*
16 *such review (and update) not later than 180 days after the*
17 *date of the enactment of this Act.*

18 *(b) ELEMENTS OF REVIEW.—The review and updates*
19 *under subsection (a) shall address the respective roles of the*
20 *military departments and the United States Special Oper-*
21 *ations Command with respect to the following:*

22 *(1) Coordination between special operations com-*
23 *mand and the military departments regarding re-*
24 *cruiting and retention to ensure that personnel re-*
25 *quirements of special operations forces and the mili-*
26 *tary departments are met appropriately.*

1 (2) *Opportunities for members of special oper-*
2 *ations forces to enroll in professional military edu-*
3 *cation.*

4 (3) *Promotion opportunities for members of spe-*
5 *cial operations forces and an assessment of whether*
6 *such opportunities are adequate to fulfill staffing re-*
7 *quirements of special operations forces.*

8 (4) *Data sharing between the military depart-*
9 *ments and special operations command with respect*
10 *to special operations forces personnel.*

11 (5) *Any other matter the Secretary of Defense de-*
12 *termines appropriate.*

13 (c) *REPORT REQUIRED.*—*Not later than 90 days after*
14 *completing the review (and any updates) under subsection*
15 *(a), the Secretary of Defense shall submit to the Committees*
16 *on Armed Services of the Senate and House of Representa-*
17 *tives a report on such review and any resulting updates*
18 *to guidance and processes. The report shall also include any*
19 *recommendations of the Secretary regarding matters de-*
20 *scribed in subsection (a) or (b).*

21 (d) *DEFINITIONS.*—*In this section:*

22 (1) *The term “covered officials” means—*

23 (A) *the Secretaries of the military depart-*
24 *ments;*

1 (B) *the Assistant Secretary of Defense for*
2 *Special Operations and Low Intensity Conflict;*
3 *and*

4 (C) *the Commander of special operations*
5 *command.*

6 (2) *The term “special operations command” has*
7 *the meaning given that term in section 167(a) of title*
8 *10, United States Code.*

9 (3) *The term “special operations forces” means*
10 *the forces described in section 167(j) of title 10,*
11 *United States Code.*

12 **SEC. 539. SUPPORT FOR MEMBERS WHO PERFORM DUTIES**

13 **REGARDING REMOTELY PILOTED AIRCRAFT:**

14 **STUDY; REPORT.**

15 (a) *STUDY.*—*The Secretary of Defense shall conduct a*
16 *study to identify opportunities to provide more support*
17 *services to, and greater recognition of combat accomplish-*
18 *ments of, RPA crew. Such study shall identify the following*
19 *with respect to each covered Armed Force:*

20 (1) *Safety policies applicable to crew of tradi-*
21 *tional aircraft that apply to RPA crew.*

22 (2) *Personnel policies, including crew staffing*
23 *and training practices, applicable to crew of tradi-*
24 *tional aircraft that apply to RPA crew.*

1 (3) *Metrics the Secretaries of the military de-*
2 *partments use to evaluate the health of RPA crew.*

3 (4) *Incentive pay, retention bonuses, promotion*
4 *rates, and career advancement opportunities for RPA*
5 *crew.*

6 (5) *Combat zone compensation available to RPA*
7 *crew.*

8 (6) *Decorations and awards for combat available*
9 *to RPA crew.*

10 (7) *Mental health care available to crew of tradi-*
11 *tional aircraft and RPA crew who conduct combat*
12 *operations.*

13 (8) *Whether RPA crew receive post-separation*
14 *health (including mental health) care equivalent to*
15 *crew of traditional aircraft.*

16 (9) *An explanation of any difference under para-*
17 *graph (8).*

18 (b) *REPORT.—Not later than one year after the date*
19 *of the enactment of this Act, the Secretary of Defense shall*
20 *submit to the Committees on Armed Services of the Senate*
21 *and House of Representatives a report containing the fol-*
22 *lowing:*

23 (1) *The results of the study conducted under this*
24 *section.*

1 (2) *Any policy recommendations of the Secretary*
2 *regarding such results.*

3 (3) *Progress made by the Secretary of the Air*
4 *Force in implementing the recommendations of the*
5 *Comptroller General of the United States in the fol-*
6 *lowing reports:*

7 (A) *GAO-19-155, titled “Unmanned Aerial*
8 *Systems: Air Force Pilot Promotion Rates Have*
9 *Increased but Oversight Process of Some Posi-*
10 *tions Could Be Enhanced”.*

11 (B) *GAO-20-320, titled “Unmanned Aerial*
12 *Systems: Air Force Should Take Additional*
13 *Steps to Improve Aircrew Staffing and Sup-*
14 *port”.*

15 (c) *DEFINITIONS.—In this section:*

16 (1) *The term “covered Armed Force” means an*
17 *Armed Force under the jurisdiction of the Secretary*
18 *of a military department.*

19 (2) *The term “RPA crew” means members of*
20 *covered Armed Forces who perform duties relating to*
21 *remotely piloted aircraft.*

22 (3) *The term “traditional aircraft” means fixed*
23 *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 after*
9 *the date of the enactment of this Act, the Comptroller Gen-*
10 *eral shall submit to the Committees on Armed Services of*
11 *the Senate and House of Representatives a briefing on the*
12 *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 Gen-*
15 *eral shall submit to the Committees on Armed Services of*
16 *the Senate and House of Representatives a report that iden-*
17 *tifies steps the Secretary of the Army may take to improve*
18 *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 10,*
25 *United States Code (article 1(17)(A) of the Uniform*
26 *Code of Military Justice), as added by section 533 of*

1 *the National Defense Authorization Act for Fiscal*
2 *Year 2022 (Public Law 117–81; 135 Stat. 1695), is*
3 *amended by striking “section 920 (article 120)” and*
4 *inserting “section 919a (article 119a), section 920*
5 *(article 120), section 920a (article 120a)”.*

6 (2) *EFFECTIVE DATE.*—*The amendments made*
7 *by paragraph (1) shall take effect immediately after*
8 *the coming into effect of the amendments made by sec-*
9 *tion 533 of the National Defense Authorization Act*
10 *for Fiscal Year 2022 (Public Law 117–81; 135 Stat.*
11 *1695) as provided in section 539C of that Act (10*
12 *U.S.C. 801 note) and shall apply with respect to of-*
13 *fenses that occur after that date.*

14 (b) *INCLUSION OF SEXUAL HARASSMENT AS COVERED*
15 *OFFENSE.*—

16 (1) *IN GENERAL.*—*Section 801(17)(A) of title 10,*
17 *United States Code (article 1(17)(A) of the Uniform*
18 *Code of Military Justice), as added by section 533 of*
19 *the National Defense Authorization Act for Fiscal*
20 *Year 2022 (Public Law 117–81; 135 Stat. 1695) and*
21 *amended by subsection (a) of this section, is further*
22 *amended—*

23 (A) *by striking “or”; and*

24 (B) *by striking “of this title” and inserting*

25 *“, or the standalone offense of sexual harassment*

1 *punishable under section 934 (article 134) of this*
2 *title in each instance in which a formal com-*
3 *plaint is made and such formal complaint is*
4 *substantiated in accordance with regulations*
5 *prescribed by the Secretary concerned”.*

6 (2) *EFFECTIVE DATE.*—*The amendments made*
7 *by paragraph (1) shall take effect on January 1,*
8 *2025, and shall apply with respect to offenses that*
9 *occur after that date.*

10 (c) *RESIDUAL PROSECUTORIAL DUTIES AND OTHER*
11 *JUDICIAL FUNCTIONS OF CONVENING AUTHORITIES IN COV-*
12 *ERED CASES.*—*The President shall prescribe regulations to*
13 *ensure that residual prosecutorial duties and other judicial*
14 *functions of convening authorities, including granting im-*
15 *munity, ordering depositions, and hiring experts, with re-*
16 *spect to charges and specifications over which a special trial*
17 *counsel exercises authority pursuant to section 824a of title*
18 *10, United States Code (article 24a of the Uniform Code*
19 *of Military Justice) (as added by section 531 of the Na-*
20 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
21 *lic Law 117–81; 135 Stat. 1692)), are transferred to the*
22 *military judge, the special trial counsel, or other authority*
23 *as appropriate in such cases by no later than the effective*
24 *date established in section 539C of the National Defense Au-*
25 *thorization Act for Fiscal Year 2022 (Public Law 117–81;*

1 10 U.S.C. 801 note), in consideration of due process for all
2 parties involved in such a case.

3 (d) *AMENDMENT TO THE RULES FOR COURTS-MAR-*
4 *TIAL.*—The President shall prescribe in regulation such
5 modifications to Rule 813 of the Rules for Courts-Martial
6 and other Rules as appropriate to ensure that at the begin-
7 ning of each court-martial convened, the presentation of or-
8 ders does not in open court specify the name, rank, or posi-
9 tion of the convening authority convening such court, unless
10 such convening authority is the Secretary concerned, the
11 Secretary of Defense, or the President.

12 (e) *BRIEFING REQUIRED.*—Not later than 180 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall provide to the Committees on Armed Serv-
15 ices of the Senate and the House of Representatives a brief-
16 ing on the progress of the Department of Defense in imple-
17 menting this section, including an identification of—

18 (1) the duties to be transferred under subsection

19 (c);

20 (2) the positions to which those duties will be
21 transferred; and

22 (3) any provisions of law or Rules for Courts
23 Martial that must be amended or modified to fully
24 complete the transfer.

1 (f) *ADDITIONAL REPORTING RELATING TO IMPLEMEN-*
2 *TATION OF SUBTITLE D OF TITLE V OF THE NATIONAL DE-*
3 *FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022.*—Not
4 *later than February 1, 2025, and annually thereafter for*
5 *five years, the Secretary of Defense shall submit to the Com-*
6 *mittees on Armed Services of the Senate and the House of*
7 *Representatives a report assessing the holistic effect of the*
8 *reforms contained in subtitle D of title V of the National*
9 *Defense Authorization Act for Fiscal Year 2022 (Public*
10 *Law 117–81) on the military justice system. The report*
11 *shall include the following elements:*

12 (1) *An overall assessment of the effect such re-*
13 *forms have had on the military justice system and the*
14 *maintenance of good order and discipline in the*
15 *ranks.*

16 (2) *The percentage of caseload and courts-mar-*
17 *tial assessed as meeting, or having been assessed as*
18 *potentially meeting, the definition of “covered offense”*
19 *under section 801(17) of title 10, United States Code*
20 *(article 1(17) of the Uniform Code of Military Jus-*
21 *tice) (as added by section 533 of the National Defense*
22 *Authorization Act for Fiscal Year 2022 (Public Law*
23 *117–81; 135 17 Stat. 1695)), disaggregated by offense*
24 *and military service where possible.*

1 (3) *An assessment of prevalence and data con-*
2 *cerning disposition of cases by commanders after dec-*
3 *laration of prosecution by special trial counsel,*
4 *disaggregated by offense and military service when*
5 *possible.*

6 (4) *Assessment of the effect, if any, the reforms*
7 *contained in such subtitle have had on non-judicial*
8 *punishment concerning covered and non-covered of-*
9 *fenses.*

10 (5) *A description of the resources and personnel*
11 *required to maintain and execute the reforms made*
12 *by such subtitle during the reporting period relative*
13 *to fiscal year 2022.*

14 (6) *A description of any other factors or matters*
15 *considered by the Secretary to be important to a ho-*
16 *listic assessment of those reforms on the military jus-*
17 *tice system.*

18 **SEC. 542. TECHNICAL CORRECTIONS RELATING TO SPECIAL**
19 **TRIAL COUNSEL.**

20 (a) *TECHNICAL CORRECTIONS.*—*Section 824a(c)(3) of*
21 *title 10, United States Code (article 24a(c)(3) of the Uni-*
22 *form Code of Military Justice), is amended—*

23 (1) *by striking “Subject to paragraph (4)” and*
24 *inserting “Subject to paragraph (5)”;* and

1 (2) *in subparagraph (D), by striking “an or-*
2 *dered rehearing” and inserting “an authorized re-*
3 *hearing”.*

4 (b) *EFFECTIVE DATE.—The amendments made by sub-*
5 *section (a) shall take effect immediately after the coming*
6 *into effect of the amendments made by section 531 of the*
7 *National Defense Authorization Act for Fiscal Year 2022*
8 *(Public Law 117–81; 135 Stat. 1692) as provided in section*
9 *539C of that Act (10 U.S.C. 801 note).*

10 **SEC. 543. RANDOMIZATION OF COURT-MARTIAL PANELS.**

11 (a) *IN GENERAL.—Section 825(e) of title 10, United*
12 *States Code (article 25(e) of the Uniform Code of Military*
13 *Justice), is amended by adding at the end the following new*
14 *paragraph:*

15 “*(4) When convening a court-martial, the convening*
16 *authority shall detail as members thereof members of the*
17 *armed forces under such regulations as the President may*
18 *prescribe for the randomized selection of qualified personnel,*
19 *to the maximum extent practicable.”.*

20 (b) *EFFECTIVE DATE.—The amendment made by sub-*
21 *section (a) shall take effect on the date that is two years*
22 *after the date of the enactment of this Act and shall apply*
23 *with respect to courts-martial convened on or after that ef-*
24 *fective date.*

1 (c) *REGULATIONS*.—Not later than the effective date
2 specified in subsection (b), the President shall prescribe reg-
3 ulations implementing the requirement under paragraph
4 (4) of section 825(e) of title 10, United States Code (article
5 25(e) of the Uniform Code of Military Justice), as added
6 by subsection (a) of this section.

7 **SEC. 544. JURISDICTION OF COURTS OF CRIMINAL AP-**
8 **PEALS.**

9 (a) *WAIVER OF RIGHT TO APPEAL; WITHDRAWAL OF*
10 *APPEAL*.—Section 861(d) of title 10, United States Code
11 (article 61(d) of the Uniform Code of Military Justice), is
12 amended by striking “A waiver” and inserting “Except as
13 provided by section 869(c)(2) of this title (article 69(c)(2)),
14 a waiver”.

15 (b) *JURISDICTION*.—Section 866 of title 10, United
16 States Code (article 66 of the Uniform Code of Military Jus-
17 tice), is amended—

18 (1) in subsection (b)(1), by striking “shall have
19 jurisdiction over” and all that follows through the pe-
20 riod at the end of subparagraph (D) and inserting the
21 following: “shall have jurisdiction over—

22 “(A) a timely appeal from the judgment of a
23 court-martial, entered into the record under section
24 860c(a) of this title (article 60c(a)), that includes a
25 finding of guilty; and

1 “(B) a summary court-martial case in which the
2 accused filed an application for review with the Court
3 under section 869(d)(1) of this title (article 69(d)(1))
4 and for which the application has been granted by the
5 Court.”; and

6 (2) in subsection (c), by striking “is timely if”
7 and all that follows through the period at the end of
8 paragraph (2) and inserting the following: “is timely
9 if—

10 “(1) in the case of an appeal under subpara-
11 graph (A) of such subsection, it is filed before the later
12 of—

13 “(A) the end of the 90-day period beginning
14 on the date the accused is provided notice of ap-
15 pellate rights under section 865(c) of this title
16 (article 65(c)); or

17 “(B) the date set by the Court of Criminal
18 Appeals by rule or order; and

19 “(2) in the case of an appeal under subpara-
20 graph (B) of such subsection, an application for re-
21 view with the Court is filed not later than the earlier
22 of the dates established under section 869(d)(2)(B) of
23 this title (article 69(d)(2)(B)).”.

1 (c) *REVIEW BY JUDGE ADVOCATE GENERAL.*—Section
2 869 of title 10, United States Code (article 69 of the Uni-
3 form Code of Military Justice), is amended—

4 (1) by amending subsection (a) to read as fol-
5 lows:

6 “(a) *IN GENERAL.*—Upon application by the accused
7 or receipt of the record pursuant to section 864(c)(3) of this
8 title (article 64(c)(3)) and subject to subsections (b), (c),
9 and (d), the Judge Advocate General may—

10 “(1) with respect to a summary court-martial,
11 modify or set aside, in whole or in part, the findings
12 and sentence; or

13 “(2) with respect to a general or special court-
14 martial, order such court-martial to be reviewed
15 under section 866 of this title (article 66).”; and

16 (2) in subsection (b)—

17 (A) by inserting “(1)” before “To qualify”;
18 and

19 (B) by striking “not later than one year
20 after” and all that follows through the period at
21 the end and inserting the following: “not later
22 than—

23 “(A) for a summary court-martial, one year
24 after the date of completion of review under section
25 864 of this title (article 64); or

1 “(B) for a general or special court-martial, one
2 year after the end of the 90-day period beginning on
3 the date the accused is provided notice of appellate
4 rights under section 865(c) of this title (article 65(c)),
5 unless the accused submitted a waiver or withdrawal
6 of appellate review under section 861 of this title (ar-
7 ticle 61) before being provided notice of appellate
8 rights, in which case the application must be sub-
9 mitted to the Judge Advocate General not later than
10 one year after the entry of judgment under section
11 860c of this title (article 60c).

12 “(2) The Judge Advocate General may, for good cause
13 shown, extend the period for submission of an application,
14 except that—

15 “(A) in the case of an application for review of
16 a summary court martial, the Judge Advocate may
17 not consider an application submitted more than
18 three years after the completion date referred to in
19 paragraph (1)(A); and

20 “(B) in case of an application for review of a
21 general or special court-martial, the Judge Advocate
22 may not consider an application submitted more than
23 three years after the end of the applicable period
24 under paragraph (1)(B).”;

25 (3) in subsection (c)—

1 (A) in paragraph (1)(A), by striking “sec-
2 tion 864 or 865(b) of this title (article 64 or
3 65(b))” and inserting “section 864 of this title
4 (article 64)”; and

5 (B) in paragraph (2), by striking “the
6 Judge Advocate General shall order appropriate
7 corrective action under rules prescribed by the
8 President” and inserting “the Judge Advocate
9 General shall send the case to the Court of
10 Criminal Appeals”; and

11 (4) in subsection (d)—

12 (A) in paragraph (1), by striking “under
13 subsection (c)—” and all that follows through
14 “(B) in a case submitted” and inserting “under
15 subsection (c)(1) in a case submitted”; and

16 (B) in paragraph (2), in the matter pre-
17 ceding subparagraph (A), by striking “para-
18 graph (1)(B)” and inserting “paragraph (1)”.

19 (d) *APPLICABILITY.*—The amendments made by this
20 section shall not apply to—

21 (1) any matter that was submitted before the
22 date of the enactment of this Act to a Court of Crimi-
23 nal Appeals established under section 866 of title 10,
24 United States Code (article 66 of the Uniform Code
25 of Military Justice); or

1 (2) *any matter that was submitted before the*
2 *date of the enactment of this Act to a Judge Advocate*
3 *General under section 869 of such title (article 69 of*
4 *the Uniform Code of Military Justice).*

5 **SEC. 545. SPECIAL TRIAL COUNSEL OF THE DEPARTMENT**
6 **OF THE AIR FORCE.**

7 (a) *IN GENERAL.*—Section 1044f of title 10, United
8 *States Code, is amended—*

9 (1) *in subsection (a), in the matter preceding*
10 *paragraph (1), by striking “The policies shall” and*
11 *inserting “Subject to subsection (c), the policies*
12 *shall”;*

13 (2) *by redesignating subsection (c) as subsection*
14 *(d); and*

15 (3) *by inserting after subsection (b) the following*
16 *new subsection:*

17 “(c) *SPECIAL TRIAL COUNSEL OF DEPARTMENT OF*
18 *THE AIR FORCE.*—*In establishing policies under subsection*
19 *(a), the Secretary of Defense shall—*

20 “(1) *in lieu of providing for separate offices for*
21 *the Air Force and Space Force under subsection*
22 *(a)(1), provide for the establishment of a single dedi-*
23 *cated office from which office the activities of the spe-*
24 *cial trial counsel of the Department of the Air Force*
25 *shall be supervised and overseen; and*

1 “(2) *in lieu of providing for separate lead special*
2 *trial counsels for the Air Force and Space Force*
3 *under subsection (a)(2), provide for the appointment*
4 *of one lead special trial counsel who shall be respon-*
5 *sible for the overall supervision and oversight of the*
6 *activities of the special trial counsel of the Depart-*
7 *ment of the Air Force.*”

8 (b) *EFFECTIVE DATE.*—*The amendments made sub-*
9 *section (a) shall take effect immediately after the coming*
10 *into effect of the amendments made by section 532 of the*
11 *National Defense Authorization Act for Fiscal Year 2022*
12 *(Public Law 117–81; 135 Stat. 1694) as provided in section*
13 *539C of that Act (10 U.S.C. 801 note).*

14 **SEC. 546. INDEPENDENT INVESTIGATION OF SEXUAL HAR-**
15 **ASSMENT.**

16 (a) *DEFINITIONS.*—*Subsection (e) of section 1561 of*
17 *title 10, United States Code, as amended by section 543*
18 *of the National Defense Authorization Act for Fiscal Year*
19 *2022 (Public Law 117–81; 135 Stat. 1709), is amended to*
20 *read as follows:*

21 “(e) *DEFINITIONS.*—*In this section:*

22 “(1) *The term ‘independent investigator’ means*
23 *a civilian employee of the Department of Defense or*
24 *a member of the Army, Navy, Marine Corps, Air*
25 *Force, or Space Force who—*

1 “(A) is outside the immediate chain of com-
2 mand of the complainant and the subject of the
3 investigation; and

4 “(B) is trained in the investigation of sex-
5 ual harassment, as determined by—

6 “(i) the Secretary of Defense, in the
7 case of a civilian employee of the Depart-
8 ment of Defense;

9 “(ii) the Secretary of the Army, in the
10 case of a member of the Army;

11 “(iii) the Secretary of the Navy, in the
12 case of a member of the Navy or Marine
13 Corps; or

14 “(iv) the Secretary of the Air Force, in
15 the case of a member of the Air Force or
16 Space Force.

17 “(2) The term ‘sexual harassment’ means con-
18 duct that constitutes the offense of sexual harassment
19 as punishable under section 934 of this title (article
20 134) pursuant to the regulations prescribed by the
21 Secretary of Defense for purposes of such section (ar-
22 ticle).”.

23 (b) *EFFECTIVE DATE.*—The amendment made by sub-
24 section (a) shall take effect immediately after the coming
25 into effect of the amendments made by section 543 of the

1 *National Defense Authorization Act for Fiscal Year 2022*
2 *(Public Law 117–81; 135 Stat. 1709) as provided in sub-*
3 *section (c) of that section.*

4 **SEC. 547. PRIMARY PREVENTION RESEARCH AGENDA AND**
5 **WORKFORCE.**

6 (a) *ANNUAL PRIMARY PREVENTION RESEARCH AGEN-*
7 *DA.—Section 549A(c) of the National Defense Authorization*
8 *Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.*
9 *1722) is amended—*

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

12 (2) *by inserting after paragraph (1) the fol-*
13 *lowing new paragraphs:*

14 “(2) *include a focus on whether and to what ex-*
15 *tent sub-populations of the military community may*
16 *be targeted for interpersonal violence more than oth-*
17 *ers;*

18 “(3) *seek to identify factors that influence the*
19 *prevention, perpetration, and victimization of inter-*
20 *personal and self-directed violence;*

21 “(4) *seek to improve the collection and dissemi-*
22 *nation of data on hazing and bullying related to*
23 *interpersonal and self-directed violence;”;* and

24 (3) *by amending paragraph (6), as redesignated*
25 *by paragraph (1) of this section, to read as follows:*

1 “(6) *incorporate collaboration with other Federal*
2 *departments and agencies, including the Department*
3 *of Health and Human Services and the Centers for*
4 *Disease Control and Prevention, State governments,*
5 *academia, industry, federally funded research and de-*
6 *velopment centers, nonprofit organizations, and other*
7 *organizations outside of the Department of Defense,*
8 *including civilian institutions that conduct similar*
9 *data-driven studies, collection, and analysis; and”.*

10 **(b) PRIMARY PREVENTION WORKFORCE.**—*Section*
11 *549B of the National Defense Authorization Act for Fiscal*
12 *Year 2022 (Public Law 117–81; 135 Stat. 1722) is amend-*
13 *ed—*

14 *(1) in subsection (c)—*

15 *(A) in paragraph (2), by striking “sub-*
16 *section (a)” and inserting “paragraph (1)”;* and

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

19 **“(3) COMPTROLLER GENERAL REPORT.**—*Not*
20 *later than one year after the date of the enactment of*
21 *this paragraph, the Comptroller General of the United*
22 *States shall submit to the congressional defense com-*
23 *mittees a report that—*

24 *“(A) compares the sexual harassment and*
25 *prevention training of the Department of Defense*

1 *with similar programs at other departments and*
2 *agencies of the Federal Government; and*

3 “(B) *includes relevant data collected by col-*
4 *leges and universities and other relevant outside*
5 *entities on hazing and bullying and inter-*
6 *personal and self-directed violence.”; and*

7 (2) *by adding at the end the following new sub-*
8 *section:*

9 “(e) *INCORPORATION OF RESEARCH AND FINDINGS.—*
10 *The Secretary of Defense shall ensure that the findings and*
11 *conclusions from the primary prevention research agenda*
12 *established under section 549A are regularly incorporated,*
13 *as appropriate, within the primary prevention workforce*
14 *established under subsection (a).”.*

15 **SEC. 548. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
16 **LOCATION OF ARMY CID SPECIAL AGENT**
17 **TRAINING COURSE.**

18 (a) *LIMITATION.—None of the funds authorized to be*
19 *appropriated by this Act or otherwise made available for*
20 *fiscal year 2023 for the Army may be obligated or expended*
21 *to relocate an Army CID special agent training course*
22 *until—*

23 (1)(A) *the Secretary of the Army submits to the*
24 *Committees on Armed Services of the Senate and the*
25 *House of Representatives—*

- 1 *(i) the evaluation and plan required by sub-*
2 *section (a) of section 549C of the National De-*
3 *fense Authorization Act for Fiscal Year 2022*
4 *(Public Law 117–81; 135 Stat. 1724);*
- 5 *(ii) the implementation plan required by*
6 *subsection (b) of such section; and*
- 7 *(iii) a separate report on any plans of the*
8 *Secretary to relocate an Army CID special agent*
9 *training course, including an explanation of the*
10 *business case for any transfer of training per-*
11 *sonnel proposed as part of such plan;*
- 12 *(B) the Secretary provides to the Committee on*
13 *Armed Services of the House of Representatives a*
14 *briefing on the contents of each report specified in*
15 *subparagraph (A); and*
- 16 *(C) a period of 90 days has elapsed following the*
17 *briefing under subparagraph (B); and*
- 18 *(2) the Secretary submits a written certification*
19 *to the Committees on Armed Services of the Senate*
20 *and the House of Representatives indicating that the*
21 *Army has fully complied with subsection (c) of section*
22 *549C of the National Defense Authorization Act for*
23 *Fiscal Year 2022 (Public Law 117–81; 135 Stat.*
24 *1724) with regard to locations at which military*
25 *criminal investigative training is conducted.*

1 **(b) DEFINITIONS.**—*In this section:*

2 (1) *The term “relocate”, when used with respect*
3 *to an Army CID special agent training course, means*
4 *the transfer of such course to a location different than*
5 *the location used for such course as of the date of the*
6 *enactment of this Act.*

7 (2) *The term “Army CID special agent training*
8 *course” means a training course provided to members*
9 *of the Army to prepare such members for service as*
10 *special agents in the Army Criminal Investigation*
11 *Division.*

12 **SEC. 549. REVIEW OF TITLING AND INDEXING PRACTICES**
13 **OF THE ARMY AND CERTAIN OTHER ORGANI-**
14 **ZATIONS.**

15 **(a) REVIEW OF TITLING AN INDEXING DECISIONS.**—
16 *Not later than 180 days after the date of the enactment of*
17 *this Act, the Secretary of the Army shall review the case*
18 *file of each member or former member of the Army, the*
19 *Army Reserve, or the Army National Guard who was titled*
20 *or indexed in connection with the Guard Recruiting Assist-*
21 *ance Program, the Army Reserve Recruiting Assistance*
22 *Program, or any related activity to determine the appro-*
23 *priateness of the titling or indexing decision that was made*
24 *with respect to such member or former member.*

1 **(b) FACTORS TO BE CONSIDERED.**—*In reviewing a titling or indexing decision under subsection (a), the Secretary of the Army shall consider—*

4 *(1) the likelihood that the member or former member to whom the decision pertains will face future criminal prosecution or other adverse action on the basis of the facts in the record at the time of the review;*

9 *(2) the appropriate evidentiary standard to apply to the review of the decision; and*

11 *(3) such other circumstances or factors as the Secretary determines are in the interest of equity and fairness.*

14 **(c) NOTIFICATION AND APPEAL.**—

15 **(1) IN GENERAL.**—*Upon the completion of each review under subsection (a), the Secretary of the Army shall notify the member or former member concerned of such review, the disposition of the relevant instance of titling or indexing, and the mechanisms the member or former member may pursue to seek correction, removal, or expungement of that instance of titling or indexing.*

23 **(2) NOTIFICATION OF NEXT OF KIN.**—*In a case in which a member or former member required to be notified under paragraph (1) is deceased, the Sec-*

1 *retary of the Army shall provide the notice required*
2 *under such paragraph to the primary next of kin of*
3 *the member or former member.*

4 *(d) ACTIONS BY THE SECRETARY OF THE ARMY.—If*
5 *the Secretary of the Army determines that correction, re-*
6 *moval, or expungement of an instance of titling or indexing*
7 *is appropriate after considering the factors under subsection*
8 *(b), the Secretary of the Army may request that the name,*
9 *personally identifying information, and other information*
10 *relating to the individual to whom the titling or indexing*
11 *pertains be corrected in, removed from, or expunged from,*
12 *the following:*

13 *(1) A law enforcement or criminal investigative*
14 *report of the Department of Defense or any compo-*
15 *nent of the Department.*

16 *(2) An index item or entry in the Department*
17 *of Defense Central Index of Investigations (DCII).*

18 *(3) Any other record maintained in connection*
19 *with a report described in paragraph (1), or an index*
20 *item or entry described in paragraph (2), in any sys-*
21 *tem of records, records database, records center, or re-*
22 *pository maintained by or on behalf of the Depart-*
23 *ment, including entries in the Federal Bureau of In-*
24 *vestigation's Interstate Identification Index or any*
25 *successor system.*

1 (e) *REPORT OF SECRETARY OF THE ARMY.*—Not later
2 than 180 days after the completion of the review required
3 by subsection (a), the Secretary of the Army shall submit
4 to the Committees on Armed Services of the Senate and the
5 House of Representatives a report on the results of the re-
6 view. The report shall include the following:

7 (1) *The total number of instances of titling and*
8 *indexing reviewed under such subsection.*

9 (2) *The number of cases in which action was*
10 *taken to correct, remove, or expunge an instance of ti-*
11 *tling or indexing.*

12 (3) *The number of members and former members*
13 *who remain titled after the conclusion of the review.*

14 (4) *The number of members and former members*
15 *who remain indexed after the conclusion of the review.*

16 (5) *A brief description of the reasons the mem-*
17 *bers and former members counted under paragraphs*
18 *(3) and (4) remain titled or indexed.*

19 (6) *Such other matters as the Secretary deter-*
20 *mines appropriate.*

21 (f) *SECRETARY OF DEFENSE REVIEW AND REPORT.*—

22 (1) *REVIEW.*—*The Secretary of Defense shall*
23 *conduct a review the titling and indexing practices of*
24 *the criminal investigative organizations of the Armed*
25 *Forces. Such review shall include—*

1 (A) *an assessment of the practices of titling*
2 *and indexing and the continued relevance of such*
3 *practices to the operation of such criminal inves-*
4 *tigative organizations;*

5 (B) *an evaluation of the suitability of the*
6 *evidentiary requirements and related practices*
7 *for titling and indexing in effect at the time of*
8 *the review; and*

9 (C) *the development of recommendations, as*
10 *appropriate, to improve the consistency, accu-*
11 *racy, and utility of the titling and indexing*
12 *processes across such criminal investigative orga-*
13 *nizations.*

14 (2) *REPORT.*—*Not later than one year after the*
15 *date of the enactment of this Act, the Secretary of De-*
16 *fense shall submit to the Committees on Armed Serv-*
17 *ices of the Senate and the House of Representatives a*
18 *report on the results of the review conducted under*
19 *paragraph (1).*

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

21 (1) *The term “titling” means the practice of*
22 *identifying an individual as the subject of a criminal*
23 *investigation the records of a military criminal inves-*
24 *tigative organization and storing such information in*
25 *a database or other records system.*

1 (2) *The term “indexing” means the practice of*
2 *submitting an individual’s name or other personally*
3 *identifiable information to the Federal Bureau of In-*
4 *vestigation’s Interstate Identification Index, or any*
5 *successor system.*

6 **SEC. 549A. BRIEFING AND REPORT ON RESOURCING RE-**
7 **QUIRED FOR IMPLEMENTATION OF MILITARY**
8 **JUSTICE REFORM.**

9 (a) *BRIEFING AND REPORT REQUIRED.—*

10 (1) *BRIEFING.—Not later than March 1, 2023,*
11 *and no less frequently than once every 180 days there-*
12 *after through December 31, 2024, each Secretary con-*
13 *cerned shall provide to the appropriate congressional*
14 *committees a briefing that details the resourcing nec-*
15 *essary to implement subtitle D of title V of the Na-*
16 *tional Defense Authorization Act for Fiscal Year 2022*
17 *(Public Law 117–81) and the amendments made by*
18 *that subtitle.*

19 (2) *REPORT.—Not later than one year after the*
20 *date of the enactment of this Act, each Secretary con-*
21 *cerned shall submit to the appropriate congressional*
22 *committees a report that details the resourcing nec-*
23 *essary to implement subtitle D of title V of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 2022*

1 *(Public Law 117–81) and the amendments made by*
2 *that subtitle.*

3 (3) *FORM OF BRIEFING AND REPORT.*—*The Sec-*
4 *retaries concerned may provide the briefings and re-*
5 *port required under paragraphs (1) and (2) jointly,*
6 *or separately, as determined appropriate by such Sec-*
7 *retaries.*

8 (b) *ELEMENTS.*—*The briefing and report required*
9 *under subsection (a) shall address the following:*

10 (1) *The number of personnel and personnel au-*
11 *thorizations (military and civilian) required by the*
12 *Armed Forces to implement and execute the provi-*
13 *sions of subtitle D of title V of the National Defense*
14 *Authorization Act for Fiscal Year 2022 (Public Law*
15 *117–81) and the amendments made by that subtitle.*

16 (2) *The basis for the numbers provided pursuant*
17 *to paragraph (1), including the following:*

18 (A) *A description of the organizational*
19 *structure in which such personnel or groups of*
20 *personnel are or will be aligned.*

21 (B) *The nature of the duties and functions*
22 *to be performed by any such personnel or groups*
23 *of personnel across the domains of policy-mak-*
24 *ing, execution, assessment, and oversight.*

1 (C) *The optimum caseload goal assigned to*
2 *the following categories of personnel who are or*
3 *will participate in the military justice process:*
4 *criminal investigators of different levels and ex-*
5 *pertise, laboratory personnel, defense counsel,*
6 *special trial counsel, military defense counsel,*
7 *military judges, military magistrates, and para-*
8 *legals.*

9 (D) *Any required increase in the number of*
10 *personnel currently authorized in law to be as-*
11 *signed to the Armed Force concerned.*

12 (3) *The nature and scope of any contract re-*
13 *quired by the Armed Force concerned to implement*
14 *and execute the provisions of subtitle D of title V of*
15 *the National Defense Authorization Act for Fiscal*
16 *Year 2022 (Public Law 117–81) and the amendments*
17 *made by that subtitle.*

18 (4) *The amount and types of additional funding*
19 *required by the Armed Force concerned to implement*
20 *the provisions of subtitle D of title V of the National*
21 *Defense Authorization Act for Fiscal Year 2022 (Pub-*
22 *lic Law 117–81) and the amendments made by that*
23 *subtitle.*

24 (5) *Any additional authorities required to imple-*
25 *ment the provisions of subtitle D of title V of the Na-*

1 *tional Defense Authorization Act for Fiscal Year 2022*
2 *(Public Law 117–81) and the amendments made by*
3 *that subtitle.*

4 (6) *Any additional information the Secretary*
5 *concerned determines is necessary to ensure the man-*
6 *ning, equipping, and resourcing of the Armed Forces*
7 *to implement and execute the provisions of subtitle D*
8 *of title V of the National Defense Authorization Act*
9 *for Fiscal Year 2022 (Public Law 117–81) and the*
10 *amendments made by that subtitle.*

11 (c) *DEFINITIONS.—In this section:*

12 (1) *The term “appropriate congressional com-*
13 *mittees” means—*

14 (A) *the Committee on Armed Services, the*
15 *Committee on Commerce, Science, and Transpor-*
16 *tation, and the Committee on Appropriations of*
17 *the Senate; and*

18 (B) *the Committee on Armed Services, the*
19 *Committee on Transportation and Infrastruc-*
20 *ture, and the Committee on Appropriations of*
21 *the House of Representatives.*

22 (2) *The term “Secretary concerned” has the*
23 *meaning given that term in section 101(a) of title 10,*
24 *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 Advi-
6 sory Committee on Investigation, Prosecution, and Defense
7 of Sexual Assault in the Armed Forces (referred to in this
8 section as the “Advisory Committee”) shall submit to the
9 Committees on Armed Services of the Senate and the House
10 of Representatives and each Secretary concerned a report
11 on the feasibility and advisability of establishing a uniform
12 policy for the sharing of the information described in sub-
13 section (c) with a Special Victims’ Counsel, Victims’ Legal
14 Counsel, or other counsel representing a victim of an offense
15 under chapter 47 of title 10, United States Code (the Uni-
16 form Code of Military Justice).

17 (b) *ELEMENTS.*—The report under subsection (a) shall
18 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 process*
5 *at which the information described in subsection*
6 *(c) should be made available to counsel rep-*
7 *resenting a victim; and*

8 (B) *any circumstances under which some or*
9 *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 the*
18 *person or property of the victim, including the record*
19 *of any sexual assault forensic exam of the victim that*
20 *is in possession of investigators or the Government.*

21 (3) *Any medical record of the victim that is in*
22 *the possession of investigators or the Government.*

23 (d) *SECRETARY CONCERNED DEFINED.—In this sec-*
24 *tion, the term “Secretary concerned” has the meaning given*

1 *that term in section 101(a)(9) of title 10, United States*
2 *Code.*

3 **SEC. 549C. DISSEMINATION OF CIVILIAN LEGAL SERVICES**
4 **INFORMATION.**

5 *Not later than one year after the date of the enactment*
6 *of this Act, the Secretary of Defense, acting through the head*
7 *of the Sexual Assault Prevention and Response Office of the*
8 *Department of Defense, shall ensure that information on the*
9 *availability of legal resources from civilian legal service or-*
10 *ganizations is distributed to military-connected sexual as-*
11 *sault victims in an organized and consistent manner.*

12 **Subtitle F—Member Education**

13 **SEC. 551. AUTHORIZATION OF CERTAIN SUPPORT FOR MILI-**
14 **TARY SERVICE ACADEMY FOUNDATIONS.**

15 *(a) IN GENERAL.—Subchapter I of chapter 134 of title*
16 *10, United States Code, is amended by inserting after sec-*
17 *tion 2245 the end the following new section:*

18 **“§2246. Authorization of certain support for military**
19 **service academy foundations**

20 *“(a) AUTHORITY.—Subject to subsection (b) and pur-*
21 *suant to regulations prescribed by the Secretary of Defense,*
22 *the Superintendent of a Service Academy may authorize*
23 *a covered foundation to use, on an unreimbursed basis, fa-*
24 *cilities 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 States*
4 *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 re-*
8 *sponsibility 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 Armed*
25 *Services of the Senate and House of Representatives regard-*

1 *ing the number of events or activities of a covered founda-*
2 *tion supported by such exercise during such fiscal year.*

3 “(d) *DEFINITIONS.—In this section:*

4 “(1) *The term ‘covered foundation’ means a*
5 *charitable, educational, or civic nonprofit organiza-*
6 *tion under section 501(c)(3) of the Internal Revenue*
7 *Code of 1986, that the Secretary concerned determines*
8 *operates exclusively to support, with respect to a*
9 *Service Academy, any of the following:*

10 “(A) *Recruiting.*

11 “(B) *Parent or alumni development.*

12 “(C) *Academic, leadership, or character de-*
13 *velopment.*

14 “(D) *Institutional development.*

15 “(E) *Athletics.*

16 “(2) *The term ‘Service Academy’ has the mean-*
17 *ing given such term in section 347 of this title.”.*

18 (b) *CLERICAL AMENDMENT.—The table of sections at*
19 *the beginning of such subchapter is amended by inserting*
20 *after the item relating to item 2245 the following new 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 8454
9 of title 10, United States Code, is amended, in subsection
10 (b)(5), by striking “paragraphs (3) and (4)” and inserting
11 “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 OF-**
19 **FICER.**

20 (a) *UNITED STATES MILITARY ACADEMY.*—Section
21 7448 of title 10, United States Code, is amended as follows:

22 (1) Paragraph (5) of subsection (a) is amended
23 to read as follows:

24 “(5) That the cadet may not obtain employment
25 as a professional athlete until two years after the
26 cadet graduates from the Academy.”.

1 (2) *Subsection (b) is amended by adding at the*
2 *end the following new paragraph:*

3 “(4) *A cadet who violates paragraph (5) of subsection*
4 *(a) is not eligible for the alternative obligation under para-*
5 *graph (1).”.*

6 (3) *Subsection (c) is amended—*

7 (A) *by redesignating paragraphs (2) and*
8 (3) *as paragraphs (3) and (4), respectively; and*

9 (B) *by inserting, after paragraph (1), the*
10 *following new paragraph (2):*

11 “(2) *that a cadet who obtains employment as a*
12 *professional athlete—*

13 (A) *in violation of paragraph (5) of sub-*
14 *section (a) has breached an agreement under*
15 *such subsection; and*

16 (B) *at least two years after the cadet grad-*
17 *uates from the Academy has not breached an*
18 *agreement under subsection (a);”.*

19 (4) *Subsection (d) is amended—*

20 (A) *by striking “with respect to an officer*
21 *who is a graduate of the Academy” and insert-*
22 *ing “with respect to a cadet”; and*

23 (B) *by striking “officer’s” and inserting*
24 *“cadet’s”.*

1 (5) *Subsection (f) is amended by striking “the*
2 *terms” and inserting “each term”.*

3 (b) *UNITED STATES NAVAL ACADEMY.—Section 8459*
4 *of title 10, United States Code, is amended as follows:*

5 (1) *Paragraph (5) of subsection (a) is amended*
6 *to read as follows:*

7 “*(5) That the midshipman may not obtain em-*
8 *ployment as a professional athlete until two years*
9 *after the midshipman graduates from the Academy.”.*

10 (2) *Subsection (b) is amended by adding at the*
11 *end the following new paragraph:*

12 “*(4) A midshipman who violates paragraph (5) of sub-*
13 *section (a) is not eligible for the alternative obligation*
14 *under paragraph (1).”.*

15 (3) *Subsection (c) is amended—*

16 (A) *by redesignating paragraphs (2) and*
17 *(3) as paragraphs (3) and (4), respectively; and*

18 (B) *by inserting, after paragraph (1), the*
19 *following new paragraph (2):*

20 “*(2) that a midshipman who obtains employ-*
21 *ment as a professional athlete—*

22 “*(A) in violation of paragraph (5) of sub-*
23 *section (a) has breached an agreement under*
24 *such subsection; and*

1 “(B) at least two years after the mid-
2 shipman graduates from the Academy has not
3 breached an agreement under subsection (a);”.

4 (4) Subsection (d) is amended—

5 (A) by striking “with respect to an officer
6 who is a graduate of the Academy” and insert-
7 ing “with respect to a midshipman”; and

8 (B) by striking “officer’s” and inserting
9 “midshipman’s”.

10 (5) Subsection (f) is amended by striking “the
11 terms” and inserting “each term”.

12 (c) UNITED STATES AIR FORCE ACADEMY.—Section
13 9448 of title 10, United States Code, is amended as follows:

14 (1) Paragraph (5) of subsection (a) is amended
15 to read as follows:

16 “(5) That the cadet may not obtain employment
17 as a professional athlete until two years after the
18 cadet graduates from the Academy.”.

19 (2) Subsection (b) is amended by adding at the
20 end the following new paragraph:

21 “(4) A cadet who violates paragraph (5) of subsection
22 (a) is not eligible for the alternative obligation under para-
23 graph (1).”.

24 (3) Subsection (c) is amended—

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

3 (B) by inserting, after paragraph (1), the
4 following new paragraph (2):

5 “(2) that a cadet who obtains employment as a
6 professional athlete—

7 “(A) in violation of paragraph (5) of sub-
8 section (a) has breached an agreement under
9 such subsection; and

10 “(B) at least two years after the cadet grad-
11 uates from the Academy has not breached an
12 agreement under subsection (a);”.

13 (4) Subsection (d) is amended—

14 (A) by striking “with respect to an officer
15 who is a graduate of the Academy” and insert-
16 ing “with respect to a cadet”; and

17 (B) by striking “officer’s” and inserting
18 “cadet’s”.

19 (5) Subsection (f) is amended by striking “the
20 terms” and inserting “each term”.

21 **SEC. 554. NAVAL POSTGRADUATE SCHOOL AND UNITED**
22 **STATES AIR FORCE INSTITUTE OF TECH-**
23 **NOLOGY: TERMS OF PROVOSTS AND CHIEF**
24 **ACADEMIC OFFICERS.**

25 (a) NAVAL POSTGRADUATE SCHOOL.—

1 (1) *IN GENERAL.*—Section 8543 of title 10,
2 *United States Code, is amended—*

3 (A) *by striking “Academic Dean” each*
4 *place it appears and inserting “Chief Academic*
5 *Officer”;*

6 (B) *in subsection (a), by striking the second*
7 *sentence and inserting “An individual selected*
8 *by the Secretary of the Navy for the position of*
9 *Provost and Chief Academic Officer shall serve*
10 *in that position for a term of not more than five*
11 *years and may be continued in that position for*
12 *an additional term of up to five years.”*

13 (2) *TECHNICAL AND CONFORMING AMEND-*
14 *MENTS.—*

15 (A) *SECTION HEADING.*—*The heading of*
16 *such section is amended by striking “Aca-*
17 *ademic Dean” and inserting “Chief Aca-*
18 *ademic Officer”.*

19 (B) *TABLE OF SECTIONS.*—*The table of sec-*
20 *tions at the beginning of chapter 855 of such title*
21 *is amended by striking the item relating to sec-*
22 *tion 8543 and inserting the following new item:*

“8543. *Provost and Chief Academic Officer.*”.

23 (C) *CONFORMING AMENDMENT.*—*Section*
24 *8542(a)(4)(A)(ii)(II) of such title is amended by*
25 *striking “permanently appointed to the position*

1 of Provost and Academic Dean” and inserting
2 “selected for the position of Provost and Chief
3 Academic Officer”.

4 (b) *UNITED STATES AIR FORCE INSTITUTE OF TECH-*
5 *NOLOGY.*—Subsection (b) of section 9414b of such title is
6 amended—

7 (1) in the heading, by striking “*ACADEMIC*
8 *DEAN*” and inserting “*CHIEF ACADEMIC OFFICER*”;

9 (2) by striking “*Academic Dean*” each place it
10 appears and inserting “*Chief Academic Officer*”;

11 (3) in paragraph (1), by striking “*appointed*”
12 and inserting “*selected*”; and

13 (4) by striking paragraph (2) and inserting the
14 following:

15 “(2) *TERM.*—An individual selected for the posi-
16 tion of Provost and Chief Academic Officer shall serve
17 in that position for a term of not more than five
18 years and may be continued in that position for an
19 additional term of up to five years.”.

20 **SEC. 555. NAVAL POSTGRADUATE SCHOOL: ATTENDANCE BY**
21 **ENLISTED MEMBERS.**

22 (a) *IN GENERAL.*—Subsection (a)(2)(D)(iii) of section
23 8545 of title 10, United States Code, is amended by striking
24 “only on a space-available basis”.

1 (b) *BRIEFING.*—Six years after the date of the enact-
2 ment of this Act, the Secretary of Defense shall brief the
3 Committees on Armed Services of the Senate and House of
4 Representatives on the effects of increasing enrollment of en-
5 listed members at the Naval Postgraduate School pursuant
6 to the amendment made by subsection (a). Such briefing
7 shall include the following elements:

8 (1) Any increase to the effectiveness, readiness, or
9 lethality of the Armed Forces.

10 (2) Effects on rates of recruitment, promotion
11 (including compensation to members), and retention.

12 **SEC. 556. MODIFICATION OF ANNUAL REPORT ON DEMO-**
13 **GRAPHICS OF MILITARY SERVICE ACADEMY**
14 **APPLICANTS.**

15 Subsection (c)(2) of section 575 of the William M.
16 (Mac) Thornberry National Defense Authorization Act for
17 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 7442
18 note) is amended by adding at the end the following new
19 subparagraph:

20 “(C) Anything the Secretary determines to
21 be significant regarding gender, race, ethnicity,
22 or other demographic information, described in
23 subsection (b), of such individuals.”.

1 **SEC. 557. STUDY AND REPORT ON PROFESSIONAL MILITARY**
2 **EDUCATION.**

3 (a) *REPORT.*—Not later than December 1, 2025, the
4 Secretary of Defense, in coordination with the Chairman
5 of the Joint Chiefs of Staff and the Secretaries of the mili-
6 tary departments, shall submit to the Committees on Armed
7 Services of the Senate and House of Representatives a re-
8 port on the effectiveness of PME in educating officers of the
9 Armed Forces.

10 (b) *ELEMENTS.*—The Secretary of Defense shall in-
11 clude in the report the following elements:

12 (1) *DEFINITIONS; PURPOSE STATEMENT.*—In
13 order to improve readiness and create a culture of
14 lifelong learning for PME students and faculty—

15 (A) recommendations regarding whether to
16 define PME, or to revise existing definitions in
17 section 2151 of title 10, United States Code; and

18 (B) a purpose statement for PME.

19 (2) *COURSE OF STUDY.*—With regards to a
20 course of study in PME—

21 (A) an analysis of, and legislative rec-
22 ommendations regarding, the existing three-
23 phase approach to JPME under section 2154 of
24 title 10, United States Code.

25 (B) legislative recommendations regarding
26 developing a statutory three-phase approach for

1 *PME other than JPME, similar to such ap-*
2 *proach for JPME; and*

3 *(C) a proposed career learning plan, pro-*
4 *vided to an officer every two years, to track the*
5 *progress of such officer in achieving PME and*
6 *JPME outcomes and other career milestones.*

7 (3) *CURRICULUM EVALUATION.—An evaluation*
8 *of curricula of institutions of PME, including—*

9 *(A) compliance with subject matter require-*
10 *ments under chapter 107 of title 10, United*
11 *States Code;*

12 *(B) legislative recommendations regarding*
13 *such subject matter requirements, including*
14 *whether to include the national defense strategy*
15 *in such requirements;*

16 *(C) the curriculum development process, in-*
17 *cluding whether such process is responsive to*
18 *changing global threats, and any ways to im-*
19 *prove such process to be able to make rapid, rel-*
20 *evant, and responsive curriculum updates;*

21 *(D) current modes of instruction and re-*
22 *lated recommendations, including the use of*
23 *interactive seminars, war games, simulations,*
24 *experiential learning, and iterative case studies;*

1 (E) special areas of focus regarding innova-
2 tion, including disruptive change, adaptive
3 thinking, design thinking, cyber security, artifi-
4 cial intelligence, applied design for innovation,
5 and other areas the Secretary determines appro-
6 priate; and

7 (F) the development and assessment of
8 learning outcomes regarding lethality and stra-
9 tegic influence.

10 (4) *SYSTEMS OF ACCOUNTABILITY AND PERFORM-*
11 *ANCE.—An evaluation of the following accountability*
12 *and performance systems:*

13 (A) *Student performance assessments.*

14 (B) *The documentation of student perform-*
15 *ance in military service records.*

16 (C) *Consideration of student performance*
17 *records in the determination of assignments and*
18 *promotions.*

19 (D) *Consideration of expertise or academic*
20 *focus in the determination of assignments.*

21 (5) *ACADEMIC FACULTY AND STUDENT REVIEW*
22 *SYSTEM.—A summary of current processes to review*
23 *the following:*

24 (A) *The means by which faculty assigned to*
25 *teach PME (including members of the Armed*

1 *Forces and civilian personnel) are selected, man-*
2 *aged, promoted, and evaluated.*

3 *(B) The academic freedom of faculty de-*
4 *scribed in subparagraph (A).*

5 *(C) A review of how members are selected*
6 *for residential and non-residential PME, includ-*
7 *ing the consideration of student performance as-*
8 *sessments during PME.*

9 (6) *INTERACTIONS OF WITH INSTITUTIONS OF*
10 *PME CIVILIAN INSTITUTIONS.—*

11 *(A) PARTNERSHIPS.—A review of existing*
12 *academic partnerships between institutions of*
13 *PME and civilian institutions, including—*

14 *(i) the scopes, purposes, and lengths of*
15 *such partnerships;*

16 *(ii) any research, curriculum develop-*
17 *ment, or sharing of faculty or students be-*
18 *tween institutions; and*

19 *(iii) any collaborations or exchanges*
20 *by faculties or students.*

21 *(B) CONSORTIUM.—An appraisal of a pro-*
22 *spective consortium of institutions of PME and*
23 *civilian institutions, including—*

24 *(i) the feasibility and advisability of*
25 *establishing such a consortium;*

1 (ii) recommendations, if any, regard-
2 ing potential consortium members;

3 (iii) the anticipated costs and timeline
4 to establish such a consortium; and

5 (iii) whether the inclusion of the Naval
6 Postgraduate School or Air Force Institute
7 of Technology in such a consortium would
8 require legislation.

9 (7) ORGANIZATION.—With regards to the organi-
10 zational structure and lines of authority established
11 pursuant to section 2152 of title 10, United States
12 Code—

13 (A) an analysis; and

14 (B) any legislative recommendations.

15 (c) INTERIM BRIEFINGS AND FINAL REPORT.—

16 (1) INITIAL BRIEFING.—Not later than June 1,
17 2023, the Secretary of Defense shall provide to the
18 Committees on Armed Services of the House of Rep-
19 resentatives and the Senate an initial briefing on the
20 progress of the Secretary in preparing the report.

21 (2) INTERIM BRIEFINGS.—Every six months
22 after the initial briefing, the Secretary of Defense
23 shall provide to the Committees on Armed Services of
24 the House of Representatives and the Senate an in-

1 *terim briefing on the progress and contents of the re-*
2 *port.*

3 (3) *FINAL BRIEFING.*—*Not later than December*
4 *1, 2025, in conjunction with issuance of the final re-*
5 *port, the Secretary of Defense shall provide to the*
6 *Committees on Armed Services of the Senate and*
7 *House of Representatives a final briefing on the find-*
8 *ings and recommendations in the report.*

9 (d) *DEFINITIONS.*—*In this section:*

10 (1) *The term “institutions of PME” means—*

11 (A) *the professional military education*
12 *schools;*

13 (B) *the senior level service schools;*

14 (C) *the intermediate level service schools;*

15 (D) *the joint intermediate level service*
16 *school;*

17 (E) *the Naval Postgraduate School; and*

18 (F) *the Air Force Institute of Technology.*

19 (2) *The terms “intermediate level service school”,*
20 *“joint intermediate level service school”, and “senior*
21 *level service school” have the meaning given such*
22 *terms in section 2151 of title 10, United States Code.*

23 (3) *The term “JPME” means “joint professional*
24 *military education” has the meaning given such term*
25 *in section 2151 of title 10, United States Code.*

1 (4) *The term “PME” means professional mili-*
2 *tary education, including JPME.*

3 (5) *The term “professional military education*
4 *schools” means the schools specified in section 2162(b)*
5 *of title 10, United States Code.*

6 **SEC. 558. REPORT ON TREATMENT OF CHINA IN CURRICULA**
7 **OF PROFESSIONAL MILITARY EDUCATION.**

8 (a) *IN GENERAL.*—*Not later than December 1, 2023,*
9 *the Secretary of Defense shall submit to the Committees on*
10 *Armed Services of the Senate and House of Representatives*
11 *a report regarding the treatment of China in the curricula*
12 *of institutions of military education, including changes to*
13 *such treatment implemented in the five years preceding the*
14 *date of such report.*

15 (b) *DEFINITIONS.*—*In this section:*

16 (1) *The term “institutions of military edu-*
17 *cation” means—*

18 (A) *the professional military education*
19 *schools;*

20 (B) *the senior level service schools;*

21 (C) *the intermediate level service schools;*

22 (D) *the joint intermediate level service*
23 *school;*

24 (E) *the Naval Postgraduate School; and*

25 (F) *the Air Force Institute of Technology.*

1 (2) *The terms “intermediate level service school”,*
2 *“joint intermediate level service school”, and “senior*
3 *level service school” have the meaning given such*
4 *terms in section 2151 of title 10, United States Code.*

5 (3) *The term “professional military education*
6 *schools” means the schools specified in section 2162 of*
7 *title 10, United States Code.*

8 ***Subtitle G—Member Training and*** 9 ***Transition***

10 ***SEC. 561. CODIFICATION OF SKILLBRIDGE PROGRAM.***

11 (a) *IN GENERAL.*—*Section 1143(e) of title 10, United*
12 *States Code, is amended—*

13 (1) *in the heading, by adding “; SKILLBRIDGE”*
14 *after “TRAINING”; and*

15 (2) *in paragraph (1), by adding at the end*
16 *“Such a program shall be known as ‘Skillbridge’.”.*

17 (b) *REGULATIONS.*—*To carry out Skillbridge, the Sec-*
18 *retary of Defense shall, not later than September 30, 2023—*

19 (1) *update Department of Defense Instruction*
20 *1322.29, titled “Job Training, Employment Skills*
21 *Training, Apprenticeships, and Internships (JTEST-*
22 *AI) for Eligible Service Members”; and*

23 (2) *develop a funding plan for Skillbridge that*
24 *includes funding lines across the future-years defense*

1 *program under section 221 of title 10, United States*
2 *Code.*

3 **SEC. 562. PILOT PROGRAM ON REMOTE PERSONNEL PROC-**
4 **ESSING IN THE ARMY.**

5 (a) *ESTABLISHMENT.*—*Not later than January 1,*
6 *2024, the Secretary of the Army shall implement a pilot*
7 *program to expedite in-processing and out-processing at one*
8 *or more military installations—*

- 9 (1) *under the jurisdiction of such Secretary; and*
10 (2) *located within the continental United States.*

11 (b) *FUNCTIONS.*—*The pilot program shall perform the*
12 *following functions:*

13 (1) *Enable the remote in-processing and out-*
14 *processing of covered personnel, including by permit-*
15 *ting covered personnel to sign forms electronically.*

16 (2) *Reduce the number of hours required of cov-*
17 *ered personnel for in-processing and out-processing.*

18 (3) *Provide, to covered personnel and the com-*
19 *mander of a military installation concerned, elec-*
20 *tronic copies of records related to in-processing and*
21 *out-processing.*

22 (c) *TERMINATION.*—*The pilot program shall terminate*
23 *on January 1st, 2027.*

24 (d) *REPORT.*—*Not later than January 1, 2026, the*
25 *Secretary shall submit to the Committees on Armed Services*

1 *of the Senate and House of Representatives a report regard-*
2 *ing the pilot program, including the recommendation of the*
3 *Secretary whether to make the pilot program permanent.*

4 *(e) DEFINITIONS.—In this section:*

5 *(1) The term “covered personnel” includes mem-*
6 *bers of the Army and civilian employees of the De-*
7 *partment of the Army.*

8 *(2) The term “in-processing” means the adminis-*
9 *trative activities that covered personnel undertake*
10 *pursuant to a permanent change of station.*

11 *(3) The term “out-processing” means the admin-*
12 *istrative activities that covered personnel undertake*
13 *pursuant to a permanent change of station, separa-*
14 *tion from the Army, or end of employment with the*
15 *Department of the Army.*

16 **SEC. 563. ANNUAL REPORT ON MEMBERS SEPARATING**
17 **FROM ACTIVE DUTY WHO FILE CLAIMS FOR**
18 **DISABILITY BENEFITS.**

19 *(a) REPORT REQUIRED.—Not later than one year*
20 *after the date of the enactment of this Act, and not later*
21 *than each January 1 thereafter through 2025, the Secretary*
22 *of Defense, in consultation with the Secretary of Veterans*
23 *Affairs, shall submit to the appropriate congressional com-*
24 *mittees a report on members of the Armed Forces who file*
25 *claims for disability benefits.*

1 (b) *ELEMENTS.*—*The report under this section shall*
2 *include, for the period beginning on October 1, 2019,*
3 *through the month that ended most recently before the date*
4 *of the report, the number of members serving on active duty,*
5 *disaggregated by Armed Force, who filed a claim for dis-*
6 *ability benefits—*

7 (1) *more than 180 days before the discharge or*
8 *release of such member from active duty;*

9 (2) *between 180 and 90 days before the discharge*
10 *or release of such member from active duty;*

11 (3) *fewer than 90 days before the discharge or re-*
12 *lease of such member from active duty;*

13 (4) *before separation and was issued a decision*
14 *letter before the discharge or release of such member*
15 *from active duty;*

16 (5) *before separation and was issued a decision*
17 *letter after the discharge or release of such member*
18 *from active duty;*

19 (6) *completed a mental health evaluation before*
20 *the discharge or release of such member from active*
21 *duty; and*

22 (7) *did not complete a mental health evaluation*
23 *before the discharge or release of such member from*
24 *active duty.*

1 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term “appropriate congres-*
3 *sional committees” means the following:*

4 (1) *The Committees on Armed Services of the*
5 *Senate and House of Representatives.*

6 (2) *The Committees on Veterans’ Affairs of the*
7 *Senate and House of Representatives.*

8 **SEC. 564. FEMALE MEMBERS OF CERTAIN ARMED FORCES**
9 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
10 **MENT OF DEFENSE IN STEM.**

11 (a) *STUDY ON MEMBERS AND CIVILIANS.*—*Not later*
12 *than September 30, 2023, the Secretary of Defense shall sub-*
13 *mit to the Committees on Armed Services of the Senate and*
14 *House of Representatives a briefing containing the results*
15 *of a study on how to increase participation of covered indi-*
16 *viduals in positions in the covered Armed Forces or Depart-*
17 *ment of Defense and related to STEM.*

18 (b) *DEFINITIONS.*—*In this section:*

19 (1) *The term “covered Armed Force” means an*
20 *Armed Force under the jurisdiction of the Secretary*
21 *of a military department.*

22 (2) *The term “covered individual” means a fe-*
23 *male—*

24 (A) *member of a covered Armed Force; or*

1 (B) civilian employee of the Department of
2 Defense.

3 (3) The term “STEM” means science, technology,
4 engineering, and mathematics.

5 **Subtitle H—Military Family Readiness and Dependents’ Education**

7 **SEC. 571. CLARIFICATION AND EXPANSION OF AUTHORIZATION OF SUPPORT FOR CHAPLAIN-LED PROGRAMS FOR MEMBERS OF THE ARMED FORCES.**

11 (a) *IN GENERAL.*—Section 1789 of title 10, United
12 States Code, is amended—

13 (1) *in subsection (a)*—

14 (A) *by striking “chaplain-led programs”*
15 *and inserting “a chaplain-led program”;*

16 (B) *by striking “members of the armed*
17 *forces” and all that follows through “status and*
18 *their immediate family members,” and inserting*
19 *“a covered individual”; and*

20 (C) *by inserting “, or to support the resili-*
21 *ency, suicide prevention, or holistic wellness of*
22 *such covered individual” after “structure”;*

23 (2) *in subsection (b)*—

1 (A) by striking “members of the armed
2 forces and their family members” and inserting
3 “a covered individual”;

4 (B) by striking “programs” and inserting
5 “a program”; and

6 (C) by striking “retreats and conferences”
7 and inserting “a retreat or conference”; and

8 (3) by striking subsection (c) and inserting the
9 following:

10 “(c) *COVERED INDIVIDUAL DEFINED.*—In this section,
11 the term ‘covered individual’ means—

12 “(1) a member of the armed forces on active
13 duty;

14 “(2) a member of the reserve components in an
15 active status; or

16 “(3) a dependent of an individual described in
17 subparagraph (A) or (B).”.

18 (b) *ANNUAL BRIEFINGS.*—Not later than one year
19 after the date of the enactment of this Act, and annually
20 thereafter for five years, the Secretary of Defense shall sub-
21 mit to the Committees on Armed Services of the Senate and
22 House of Representatives a briefing on implementation of
23 the amendments made by this section. Each such briefing
24 shall include the following:

1 (1) *The frequency with which the Secretaries of*
2 *the military departments used the authority under*
3 *such amendments in the year preceding the date of*
4 *the briefing.*

5 (2) *Lessons learned from such usage.*

6 **SEC. 572. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR**
7 **ENROLLMENT AT DOMESTIC DEPENDENT EL-**
8 **EMENTARY AND SECONDARY SCHOOLS: EX-**
9 **TENSION; REPORT.**

10 (a) *EXTENSION.*—*Section 589C(e) of the William M.*
11 *(Mac) Thornberry National Defense Authorization Act for*
12 *Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2164*
13 *note) is amended by striking “four years after the date of*
14 *the enactment of this Act” and inserting “on July 1, 2029”.*

15 (b) *REPORT REQUIRED.*—

16 (1) *IN GENERAL.*—*Not later than December 31,*
17 *2028, the Secretary of Defense shall submit to the*
18 *Committees on Armed Services of the Senate and the*
19 *House of Representatives a report on the conduct of*
20 *the pilot program under such section.*

21 (2) *ELEMENTS.*—*The report shall include a de-*
22 *scription of—*

23 (A) *the locations at which the pilot program*
24 *is carried out;*

1 (B) the number of students participating in
2 the pilot program for each academic year by lo-
3 cation; and

4 (C) the outcome measures used to gauge the
5 value of the pilot program to the Department of
6 Defense.

7 **SEC. 573. COMMERCIAL AIR WAIVER FOR NEXT OF KIN RE-**
8 **GARDING TRANSPORTATION OF REMAINS OF**
9 **CASUALTIES.**

10 Section 580A of the National Defense Authorization
11 Act for Fiscal Year 2020 (Public Law 116–92) is amended
12 by adding at the end the following:

13 “(c) *TRANSPORTATION OF DECEASED MILITARY MEM-*
14 *BER.*—In the event of a death that requires the Secretary
15 concerned to provide a death benefit under subchapter II
16 of chapter 75 of title 10, United States Code, such Sec-
17 retary—

18 “(1) shall provide the next of kin or other appro-
19 priate person a commercial air travel use waiver for
20 the transportation of deceased remains of military
21 member who dies outside of—

22 “(A) the United States; and

23 “(B) a theater of combat operations; or

24 “(2) may provide the next of kin or other appro-
25 priate person a commercial air travel use waiver for

1 *the transportation of deceased remains of military*
2 *member who dies inside a theater of combat oper-*
3 *ations.”.*

4 **SEC. 574. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL**
5 **AGENCIES THAT BENEFIT DEPENDENTS OF**
6 **MILITARY AND CIVILIAN PERSONNEL.**

7 *(a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL*
8 *EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF*
9 *MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF*
10 *DEFENSE CIVILIAN EMPLOYEES.—*

11 *(1) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
12 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of*
13 *the amount authorized to be appropriated for fiscal*
14 *year 2023 by section 301 and available for operation*
15 *and maintenance for Defense-wide activities as speci-*
16 *fied in the funding table in section 4301, \$50,000,000*
17 *shall be available only for the purpose of providing*
18 *assistance to local educational agencies under sub-*
19 *section (a) of section 572 of the National Defense Au-*
20 *thorization Act for Fiscal Year 2006 (Public Law*
21 *109–163; 20 U.S.C. 7703b).*

22 *(2) LOCAL EDUCATIONAL AGENCY DEFINED.—In*
23 *this subsection, the term “local educational agency”*
24 *has the meaning given that term in section 7013(9)*

1 *of the Elementary and Secondary Education Act of*
2 *1965 (20 U.S.C. 7713(9)).*

3 *(b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-*
4 *ABILITIES.—*

5 *(1) IN GENERAL.—Of the amount authorized to*
6 *be appropriated for fiscal year 2023 pursuant to sec-*
7 *tion 301 and available for operation and mainte-*
8 *nance for Defense-wide activities as specified in the*
9 *funding table in section 4301, \$10,000,000 shall be*
10 *available for payments under section 363 of the Floyd*
11 *D. Spence National Defense Authorization Act for*
12 *Fiscal Year 2001 (as enacted into law by Public Law*
13 *106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).*

14 *(2) ADDITIONAL AMOUNT.—Of the amount au-*
15 *thorized to be appropriated for fiscal year 2023 pur-*
16 *suant to section 301 and available for operation and*
17 *maintenance for Defense-wide activities as specified*
18 *in the funding table in section 4301, \$10,000,000*
19 *shall be available for use by the Secretary of Defense*
20 *to make payments to local educational agencies deter-*
21 *mined by the Secretary to have higher concentrations*
22 *of military dependent students with severe disabil-*
23 *ities.*

24 *(3) REPORT.—Not later than March 31, 2023,*
25 *the Secretary shall brief the Committees on Armed*

1 *Services of the Senate and the House of Representa-*
2 *tives on the evaluation of the Secretary of each local*
3 *educational agency with higher concentrations of*
4 *military dependent students with severe disabilities*
5 *and subsequent determination of the amounts of im-*
6 *pact aid each such agency shall receive.*

7 **SEC. 575. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
8 **THAT BENEFIT DEPENDENTS OF MEMBERS**
9 **OF THE ARMED FORCES WITH ENROLLMENT**
10 **CHANGES DUE TO BASE CLOSURES, FORCE**
11 **STRUCTURE CHANGES, OR FORCE RELOCA-**
12 **TIONS.**

13 *(a) ASSISTANCE AUTHORIZED.—To assist commu-*
14 *nities in making adjustments resulting from changes in the*
15 *size or location of the Armed Forces, the Secretary of De-*
16 *fense shall provide financial assistance to an eligible local*
17 *educational agency described in subsection (b) if, during*
18 *the period between the end of the school year preceding the*
19 *fiscal year for which the assistance is authorized and the*
20 *beginning of the school year immediately preceding that*
21 *school year, the local educational agency—*

22 *(1) had (as determined by the Secretary of De-*
23 *fense in consultation with the Secretary of Education)*
24 *an overall increase or reduction of—*

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

4 (B) *not less than 500 military dependent*
5 *students in average daily attendance in the*
6 *schools of the local educational agency; or*

7 (2) *is projected to have an overall increase, be-*
8 *tween fiscal years 2023 and 2028, of not less than 500*
9 *military dependent students in average daily attend-*
10 *ance in the schools of the local educational agency as*
11 *the result of a signed record of decision.*

12 (b) *ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A*
13 *local educational agency is eligible for assistance under sub-*
14 *section (a) for a fiscal year if—*

15 (1) *20 percent or more of students enrolled in*
16 *schools of the local educational agency are military*
17 *dependent students; and*

18 (2) *in the case of assistance described in sub-*
19 *section (a)(1), the overall increase or reduction in*
20 *military dependent students in schools of the local*
21 *educational agency is the result of one or more of the*
22 *following:*

23 (A) *The global rebasing plan of the Depart-*
24 *ment of Defense.*

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

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

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

7 (E) *A signed record of decision.*

8 (c) *CALCULATION OF AMOUNT OF ASSISTANCE.—*

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

14 (A) *the per-student rate determined under*
15 *paragraph (2) for that fiscal year; by*

16 (B) *the net of the overall increases and re-*
17 *ductions in the number of military dependent*
18 *students in schools of the local educational agen-*
19 *cy, as determined under subsection (a).*

20 (2) *PER-STUDENT RATE.—For purposes of para-*
21 *graph (1)(A), the per-student rate for a fiscal year*
22 *shall be equal to the dollar amount obtained by divid-*
23 *ing—*

1 (A) *the total amount of funds made avail-*
2 *able for that fiscal year to provide assistance*
3 *under subsection (a); by*

4 (B) *the sum of the overall increases and re-*
5 *ductions in the number of military dependent*
6 *students in schools of all eligible local edu-*
7 *cational agencies for that fiscal year under that*
8 *subsection.*

9 (3) *MAXIMUM AMOUNT OF ASSISTANCE.—A local*
10 *educational agency may not receive more than*
11 *\$15,000,000 in assistance under subsection (a) for*
12 *any fiscal year.*

13 (d) *DURATION.—Assistance may not be provided*
14 *under subsection (a) after September 30, 2028.*

15 (e) *NOTIFICATION.—Not later than June 30, 2023, and*
16 *June 30 of each fiscal year thereafter for which funds are*
17 *made available to carry out this section, the Secretary of*
18 *Defense shall notify each local educational agency that is*
19 *eligible for assistance under subsection (a) for that fiscal*
20 *year of—*

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

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

1 (f) *DISBURSEMENT OF FUNDS.*—*The Secretary of De-*
2 *fense shall disburse assistance made available under sub-*
3 *section (a) for a fiscal year not later than 30 days after*
4 *the date on which notification to the eligible local edu-*
5 *cational agencies is provided pursuant to subsection (e) for*
6 *that fiscal year.*

7 (g) *BRIEFING REQUIRED.*—*Not later than March 1,*
8 *2023, the Secretary of Defense shall brief the Committees*
9 *on Armed Services of the Senate and the House of Rep-*
10 *resentatives on the estimated cost of providing assistance*
11 *to local educational agencies under subsection (a) through*
12 *September 30, 2028.*

13 (h) *ELIGIBLE USES.*—*Amounts disbursed to a local*
14 *education agency under subsection (f) may be used by such*
15 *local educational agency for—*

- 16 (1) *general fund purposes;*
17 (2) *special education;*
18 (3) *school maintenance and operation;*
19 (4) *school expansion; or*
20 (5) *new school construction.*

21 (i) *FUNDING.*—

22 (1) *INCREASE.*—*Notwithstanding the amounts*
23 *set forth in the funding tables in division D, the*
24 *amount authorized to be appropriated in section 301*
25 *for Operation and Maintenance, Defense-wide, De-*

1 *partment of Defense Education Activity, Line 390, as*
2 *specified in the corresponding funding table in section*
3 *4301, is hereby increased by \$15,000,000 for purposes*
4 *of this section.*

5 (2) *OFFSET.—Notwithstanding the amounts set*
6 *forth in the funding tables in division D, the amount*
7 *authorized to be appropriated in section 301 for Op-*
8 *eration and Maintenance, Defense-wide, for Wash-*
9 *ington Headquarters Services, Line 500, as specified*
10 *in the corresponding funding table in section 4301, is*
11 *hereby reduced by \$15,000,000.*

12 (j) *DEFINITIONS.—In this section:*

13 (1) *The term “base closure process” means any*
14 *base closure and realignment process conducted after*
15 *the date of the enactment of this Act under section*
16 *2687 of title 10, United States Code, or any other*
17 *similar law enacted after that date.*

18 (2) *The term “local educational agency” has the*
19 *meaning given that term in section 7013(9) of the El-*
20 *ementary and Secondary Education Act of 1965 (20*
21 *U.S.C. 7713(9)).*

22 (3) *The term “military dependent students”*
23 *means—*

1 (A) elementary and secondary school stu-
2 dents who are dependents of members of the
3 Armed Forces; and

4 (B) elementary and secondary school stu-
5 dents who are dependents of civilian employees
6 of the Department of Defense.

7 (4) The term “State” means each of the several
8 States and the District of Columbia.

9 **SEC. 576. PILOT PROGRAM ON HIRING OF SPECIAL NEEDS**
10 **INCLUSION COORDINATORS FOR DEPART-**
11 **MENT OF DEFENSE CHILD DEVELOPMENT**
12 **CENTERS.**

13 (a) *IN GENERAL.*—The Secretary of Defense, in coordi-
14 nation with the Secretaries of the military departments,
15 shall carry out a pilot program to hire special needs inclu-
16 sion coordinators at child development centers selected by
17 the Secretary under subsection (b).

18 (b) *SELECTION OF CENTERS.*—The Secretary of De-
19 fense shall select the child development centers at which the
20 pilot program required by subsection (a) will be carried out
21 based on—

22 (1) the number of dependent children enrolled in
23 the Exceptional Family Member Program at the mili-
24 tary installation on which the center is located;

1 (2) *the number of children with special needs en-*
2 *rolled in the center; and*

3 (3) *such other considerations as the Secretary, in*
4 *consultation with the Secretaries of the military de-*
5 *partments, considers appropriate.*

6 (c) *FUNCTIONS.—Each special needs inclusion coordi-*
7 *nator assigned to a child development center under the pilot*
8 *program required by subsection (a) shall—*

9 (1) *coordinate intervention and inclusion serv-*
10 *ices at the center;*

11 (2) *provide direct classroom support; and*

12 (3) *provide guidance and assistance relating to*
13 *the increased complexity of working with the behav-*
14 *iors of children with special needs.*

15 (d) *BRIEFINGS REQUIRED.—*

16 (1) *BRIEFING ON ANTICIPATED COSTS.—Not*
17 *later than March 1, 2023, the Secretary of Defense*
18 *shall provide to the Committees on Armed Services of*
19 *the Senate and the House of Representatives a brief-*
20 *ing on the anticipated costs for the pilot program re-*
21 *quired by subsection (a).*

22 (2) *BRIEFING ON EFFECTIVENESS OF PRO-*
23 *GRAM.—Not later than September 30, 2025, the Sec-*
24 *retary of Defense shall provide to the Committees on*
25 *Armed Services of the Senate and the House of Rep-*

1 *representatives a briefing on the pilot program required*
2 *by subsection (a) that includes—*

3 *(A) the number of special needs inclusion*
4 *coordinators hired under the pilot program;*

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

7 *(C) a recommendation with respect to*
8 *whether the pilot program should be made per-*
9 *manent or expanded to other military installa-*
10 *tions; and*

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

16 *(e) DURATION OF PILOT PROGRAM.—The pilot pro-*
17 *gram required by subsection (a) shall—*

18 *(1) commence not later than January 1, 2024;*

19 *and*

20 *(2) terminate on December 31, 2026.*

21 *(f) CHILD DEVELOPMENT CENTER DEFINED.—In this*
22 *section, the term “child development center” has the mean-*
23 *ing given that term in section 2871(2) of title 10, United*
24 *States Code, and includes a facility identified as a child*
25 *care center or day care center.*

1 **SEC. 577. PROMOTION OF CERTAIN CHILD CARE ASSIST-**
2 **ANCE.**

3 (a) *IN GENERAL.*—Each Secretary concerned shall
4 promote, to members of the Armed Forces under the juris-
5 diction of such Secretary concerned, awareness of child care
6 assistance available under—

7 (1) *section 1798 of title 10, United States Code;*
8 *and*

9 (2) *section 589 of the William M. (Mac) Thorn-*
10 *berry National Defense Authorization Act for Fiscal*
11 *Year 2021 (Public Law 116–283; 10 U.S.C. 1791*
12 *note).*

13 (b) *REPORTING.*—Not later than one year after the
14 date of the enactment of this Act, each Secretary concerned
15 shall submit to the Committees on Armed Services of the
16 Senate and House of Representatives a report summarizing
17 activities taken by such Secretary concerned to carry out
18 subsection (a).

19 (c) *SECRETARY CONCERNED DEFINED.*—In this sec-
20 tion, the term “Secretary concerned” has the meaning given
21 such term in section 101 of title 10, United States Code.

22 **SEC. 578. INDUSTRY ROUNDTABLE ON MILITARY SPOUSE**
23 **HIRING.**

24 (a) *IN GENERAL.*—Not later than 180 days after the
25 date of the enactment of this Act, the Under Secretary of
26 Defense for Personnel and Readiness shall seek to convene

1 *an industry roundtable to discuss the hiring of military*
2 *spouses. Such discussion shall include the following ele-*
3 *ments:*

4 (1) *The value of, and opportunities to, private*
5 *entities that hire military spouses.*

6 (2) *Career opportunities for military spouses.*

7 (3) *Understanding the challenges that military*
8 *spouses encounter in the labor market.*

9 (4) *Gaps and opportunities in the labor market*
10 *for military spouses.*

11 (5) *Best hiring practices from industry leaders*
12 *in human resources.*

13 (6) *The benefits of portable licenses and inter-*
14 *state licensure compacts for military spouses.*

15 (b) *PARTICIPANTS.—The participants in the round-*
16 *table shall include the following:*

17 (1) *The Under Secretary of Defense for Personnel*
18 *and Readiness.*

19 (2) *The Assistant Secretary for Manpower and*
20 *Reserve Affairs of each military department.*

21 (3) *The Director of the Defense Human Re-*
22 *sources Activity.*

23 (4) *Other officials of the Department of Defense*
24 *the Secretary of Defense determines appropriate.*

25 (5) *Private entities that elect to participate.*

1 (c) *NOTICE.*—*The Under Secretary shall publish notice*
2 *of the roundtable in multiple private sector forums and the*
3 *Federal Register to encourage participation in the round-*
4 *table by private entities and entities interested in the hiring*
5 *of military spouses.*

6 (d) *BRIEFING.*—*Not later than one year after the date*
7 *of the enactment of this Act, the Secretary of Defense shall*
8 *provide a briefing to the Committees on Armed Services of*
9 *the Senate and House of Representatives on the lessons*
10 *learned from the roundtable, including the recommendation*
11 *of the Secretary whether to convene the roundtable annu-*
12 *ally.*

13 **SEC. 579. RECOMMENDATIONS FOR THE IMPROVEMENT OF**
14 **THE MILITARY INTERSTATE CHILDREN'S**
15 **COMPACT.**

16 (a) *RECOMMENDATIONS REQUIRED.*—*The Secretaries*
17 *concerned, in consultation with States through the Defense-*
18 *State Liaison Office, shall develop recommendations to im-*
19 *prove the Military Interstate Children's Compact.*

20 (b) *CONSIDERATIONS.*—*In carrying out subsection (a),*
21 *the Secretaries concerned shall—*

22 (1) *identify any barriers—*

23 (A) *to the ability of a parent of a transfer-*
24 *ring military-connected child to enroll the child,*
25 *in advance, in an elementary or secondary*

1 *school in the State in which the child is transfer-*
2 *ring, without requiring the parent or child to be*
3 *physically present in the State; and*

4 *(B) to the ability of a transferring military-*
5 *connected child who receives special education*
6 *services to gain access to such services and re-*
7 *lated supports in the State to which the child*
8 *transfers within the timeframes required under*
9 *the Individuals with Disabilities Education Act*
10 *(20 U.S.C. 1400 et seq.);*

11 *(2) consider the feasibility and advisability of—*

12 *(A) tracking and reporting the number of*
13 *families who use advanced enrollment in States*
14 *that offer advanced enrollment to military-con-*
15 *nected children;*

16 *(B) States clarifying in legislation that eli-*
17 *gibility for advanced enrollment requires only*
18 *written evidence of a permanent change of sta-*
19 *tion order, and does not require a parent of a*
20 *military-connected child to produce a rental*
21 *agreement or mortgage statement; and*

22 *(C) the Secretary of Defense, in coordina-*
23 *tion with the Military Interstate Children's*
24 *Compact, developing a letter or other memo-*
25 *randum that military families may present to*

1 *local educational agencies that outlines the pro-*
2 *tections afforded to military-connected children*
3 *by the Military Interstate Children’s Compact;*
4 *and*

5 *(3) identify any other actions that may be taken*
6 *by the States (acting together or separately) to im-*
7 *prove the Military Interstate Children’s Compact.*

8 *(c) REPORT REQUIRED.—Not later than one year after*
9 *the date of the enactment of this Act, the Secretaries con-*
10 *cerned shall submit to the Committees on Armed Services*
11 *of the Senate and House of Representatives, and to the*
12 *States, a report setting forth the recommendations developed*
13 *under subsection (a).*

14 *(d) DEFINITIONS.—In this section:*

15 *(1) The terms “armed forces”, “active duty” and*
16 *“congressional defense committees” have the meanings*
17 *given those terms in section 101 of title 10, United*
18 *States Code.*

19 *(2) The terms “child”, “elementary school”,*
20 *“local educational agency”, “secondary school”, “par-*
21 *ent”, and “State” have the meanings given those*
22 *terms in section 8101 of the Elementary and Sec-*
23 *ondary Education Act of 1965 (20 U.S.C. 7801).*

24 *(3) The term “Military Interstate Children’s*
25 *Compact” means the Interstate Compact on Edu-*

1 *cational Opportunity for Military Children as de-*
2 *scribed in Department of Defense Instruction 1342.29,*
3 *dated January 31, 2017 (or any successor to such in-*
4 *struction).*

5 (4) *The term “Secretary concerned” means—*

6 (A) *the Secretary of Defense, with respect to*
7 *matters concerning the Department of Defense;*
8 *and*

9 (B) *the Secretary of the department in*
10 *which the Coast Guard is operating, with respect*
11 *to matters concerning the Coast Guard when it*
12 *is not operating as a service in the Department*
13 *of the Navy.*

14 (5) *The term “transferring military-connected*
15 *child” means the child of a parent who—*

16 (A) *is serving on active duty in the Armed*
17 *Forces;*

18 (B) *is changing duty locations due to a per-*
19 *manent change of station order; and*

20 (C) *has not yet established an ongoing phys-*
21 *ical presence in the State to which the parent is*
22 *transferring.*

1 **SEC. 579A. FEASIBILITY OF INCLUSION OF AU PAIRS IN**
2 **PILOT PROGRAM TO PROVIDE FINANCIAL AS-**
3 **SISTANCE TO MEMBERS OF THE ARMED**
4 **FORCES FOR IN-HOME CHILD CARE.**

5 *Not later than one year after the date of the enactment*
6 *of this Act, the Secretary of Defense, in coordination with*
7 *the Secretary of State, shall submit, to the Committees on*
8 *Armed Services of the Senate and House of Representatives,*
9 *a briefing containing the assessment of the Secretary of De-*
10 *fense of the feasibility, advisability, and considerations of*
11 *expanding eligibility for the pilot program under section*
12 *589 of the William M. (Mac) Thornberry National Defense*
13 *Authorization Act for Fiscal Year 2021 (Public Law 116–*
14 *283; 10 U.S.C. 1791 note) to members of the Armed Forces*
15 *who participate in an exchange visitor program under sec-*
16 *tion 62.31 of title 22, Code of Federal Regulations, or suc-*
17 *cessor regulation.*

18 **SEC. 579B. BRIEFING ON POLICIES REGARDING SINGLE**
19 **PARENTS SERVING AS MEMBERS OF THE**
20 **ARMED FORCES.**

21 *Not later than September 30, 2023, the Secretary of*
22 *Defense shall submit to the Committees on Armed Services*
23 *of the Senate and House of Representatives a briefing on*
24 *regulations and rules of the Department of Defense regard-*
25 *ing single parents serving as members of the Armed Forces.*

1 *Such briefing shall include ways the Secretary has deter-*
2 *mined to improve such regulations and rules.*

3 **SEC. 579C. PUBLIC REPORTING ON CERTAIN MILITARY**
4 **CHILD CARE PROGRAMS.**

5 *Not later than September 30, 2023, and each calendar*
6 *quarter thereafter, the Secretary of Defense shall post, on*
7 *a publicly accessible website of the Department of Defense,*
8 *information regarding the Military Child Care in Your*
9 *Neighborhood and Military Child Care in Your Neighbor-*
10 *hood-Plus programs, disaggregated by State, ZIP code, and*
11 *Armed Force. Such information shall include whether each*
12 *such provider is nationally accredited or rated by the Qual-*
13 *ity Rating and Improvement System of the State.*

14 **SEC. 579D. BRIEFING ON VERIFICATION OF ELIGIBLE FED-**
15 **ERALLY CONNECTED CHILDREN FOR PUR-**
16 **POSES OF FEDERAL IMPACT AID PROGRAMS.**

17 *Not later than February 1, 2023, the Secretary of De-*
18 *fense, in consultation with the Secretaries of the military*
19 *departments, shall brief the Committees on Armed Services*
20 *of the Senate and House of Representatives on the following:*

21 *(1) The feasibility of developing a process where-*
22 *by the commander of a military installation may cer-*
23 *tify the information contained in impact aid source*
24 *check forms received by such commander from local*

1 *educational agencies as of the date of such certifi-*
2 *cation.*

3 (2) *An estimate of resources, per military instal-*
4 *lation concerned, necessary to implement such a proc-*
5 *ess, including personnel, information technology, and*
6 *other costs.*

7 (3) *The estimated time required to implement*
8 *such a process, including time for the Secretary of*
9 *Defense to develop guidance regarding such a process.*

10 (4) *The possible benefits of working with local*
11 *educational agencies to ensure that impact aid source*
12 *check forms are submitted appropriately to enable*
13 *such certification.*

14 **SEC. 579E. SENSE OF CONGRESS ON RIGHTS OF PARENTS**
15 **OF CHILDREN ATTENDING SCHOOLS OPER-**
16 **ATED BY THE DEPARTMENT OF DEFENSE**
17 **EDUCATION ACTIVITY.**

18 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
19 *that the parent of a child who attends a school operated*
20 *by the Department of Defense Education Activity has pa-*
21 *rental rights as previously established by the Activity, in-*
22 *cluding the following:*

23 (1) *The right to information about the cur-*
24 *riculum and instructional materials of the school.*

1 (2) *The right to be informed if the school or De-*
2 *partment of Defense Education Activity alters the*
3 *school's academic standards or learning benchmarks.*

4 (3) *The right to meet with each teacher of their*
5 *child not less than twice during each school year, in-*
6 *cluding meetings in the form of parent-teacher con-*
7 *ferences.*

8 (4) *The right to information about the budget of*
9 *the school.*

10 (5) *The right to request information regarding*
11 *the professional qualifications of their child's class-*
12 *room teacher.*

13 (6) *The right to address the school advisory com-*
14 *mittee or the school board.*

15 (7) *The right to information about the school's*
16 *discipline policy, including policies related to re-*
17 *sponding to any violent activity in the school.*

18 (8) *The right to information about any plans to*
19 *eliminate gifted and talented programs or accelerated*
20 *coursework at the school.*

21 (9) *The right to be informed of the results of en-*
22 *vironmental testing and safety at school facilities.*

23 (b) *REPORT.*—*Not later than six months after the date*
24 *of the enactment of this Act and consistent with the paren-*
25 *tal rights specified in subsection (a), the Director of the De-*

1 *partment of Defense Education Activity shall submit to the*
2 *Committees on Armed Services of the Senate and the House*
3 *of Representatives a report on the parental rights specified*
4 *in such subsection. The report shall include, with respect*
5 *to the schools operated by the Department of Defense Edu-*
6 *cation Activity, an explanation of—*

7 (1) *how and where a parent may access informa-*
8 *tion about their rights;*

9 (2) *the accessibility of that information;*

10 (3) *how such schools inform parents of their*
11 *rights and the means to access such rights; and*

12 (4) *the uniformity of parental rights across such*
13 *schools.*

14 (c) *DEFINITION.—In this section, the term “school op-*
15 *erated by the Department of Defense Education Activity”*
16 *means—*

17 (1) *a Department of Defense domestic dependent*
18 *elementary or secondary school, as described in sec-*
19 *tion 2164 of title 10, United States Code; or*

20 (2) *any other elementary or secondary school or*
21 *program for dependents operated by the Department*
22 *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 amend-*
8 *ed—*

9 (1) *by redesignating subsection (j) as subsection*
10 *(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 section*
15 *1130 of this title, a board determination in favor of the*
16 *claimant shall allow such a recommendation to proceed,*
17 *and an award or upgrade to be made by the applicable*
18 *award authority, without regard to the statutory time limi-*
19 *tation contained in section 7274, section 8298, or section*
20 *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 time*
2 *limitations specified in section 7274 of title 10,*
3 *United States Code, or any other time limitation with*
4 *respect to the awarding of certain medals to persons*
5 *who served in the Armed Forces, the President may*
6 *award the Medal of Honor under section 7272 of such*
7 *title to Fred McGee for the acts of valor described in*
8 *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 Silver*
13 *Star.*

14 (b) *AUTHORIZATION FOR AWARD OF THE MEDAL OF*
15 *HONOR TO DAVID R. HALBRUNER FOR ACTS OF VALOR ON*
16 *SEPTEMBER 11-12, 2012.*—

17 (1) *AUTHORIZATION.*—*Notwithstanding the time*
18 *limitations specified in section 7274 of title 10,*
19 *United States Code, or any other time limitation with*
20 *respect to the awarding of certain medals to persons*
21 *who served in the Armed Forces, the President may*
22 *award the Medal of Honor under section 7272 of such*
23 *title to David R. Halbruner for the acts of valor de-*
24 *scribed 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 held*
12 *by General John J. Pershing pursuant to the Act titled “An*
13 *Act Relating to the creation of the office of General of the*
14 *Armies of the United States”, approved September 3, 1919*
15 *(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 Purple*
23 *Heart;*

24 (2) *the eligibility criteria for awarding the Pur-*
25 *ple Heart; and*

1 (3) *contact information for the awards and deco-*
2 *rations liaison of such Armed Force to facilitate con-*
3 *firmation, 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 Force*
8 *shall submit to the congressional defense committees a re-*
9 *port on implementation of the requirements under sub-*
10 *section (a). The report shall—*

11 (1) *provide background on the website described*
12 *in such subsection;*

13 (2) *include the number of requests received by the*
14 *Armed Force related to confirming the award of a*
15 *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 amend-*
6 *ed by adding at the end the following new subsection:*

7 “(h) *Not later than April 1 each year, the Secretary*
8 *shall submit to Congress a report that sets forth the fol-*
9 *lowing with respect to personnel:*

10 “(1) *The number of members of the Armed*
11 *Forces who are not citizens of the United States dur-*
12 *ing the year covered by such report.*

13 “(2) *The immigration status of such members.*

14 “(3) *The number of such members naturalized.*”.

15 **SEC. 592. NOTIFICATION ON MANNING OF AFLOAT NAVAL**
16 **FORCES: MODIFICATIONS; CODIFICATION.**

17 (a) *REPEALS.—*

18 (1) *SUNSET.—Subsection (e) of section 597 of the*
19 *National Defense Authorization Act for Fiscal Year*
20 *2020 (Public Law 116–92; 10 U.S.C. 8013 note) is*
21 *repealed.*

22 (2) *OBSOLETE PROVISION.—Subsection (f) of*
23 *such section is repealed.*

24 (b) *DEFINITIONS: ADDITION; CLERICAL IMPROVE-*
25 *MENTS.—Subsection (d) of such section—*

1 (1) *is amended—*

2 (A) *by redesignating paragraphs (1), (2),*
3 *and (3) as paragraphs (3), (2), and (1), respec-*
4 *tively;*

5 (B) *by striking the heading of each such*
6 *paragraph; and*

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

9 “(4) *The term ‘surface combatant vessel’ means*
10 *any littoral combat ship (including the LCS–1 and*
11 *LCS–2 classes), frigate (including the FFG–62 class),*
12 *destroyer (excluding the DDG–1000 class), or cruiser*
13 *(including the CG–47 class).’; and*

14 (2) *is redesignated as subsection (e).*

15 (c) *ESTABLISHMENT OF CERTAIN CREWING REQUIRE-*
16 *MENT.—Such section is amended by inserting, after sub-*
17 *section (c), the following new subsection (d):*

18 “(d) *CREWING OF A SURFACE COMBATANT VESSEL:*
19 *PROHIBITION; EXCEPTION.—(1) Beginning on October 1,*
20 *2025, the Secretary of the Navy may not assign more than*
21 *one crew to a covered ship that is a surface combatant vessel*
22 *if any surface combatant vessel was included in a notifica-*
23 *tion under subsection (a) during the 12 months preceding*
24 *such assignment.*

1 “(2) *The prohibition under paragraph (1) shall not*
2 *apply to a littoral combat ship configured to conduct mine*
3 *countermeasures if the Secretary of the Navy submits to the*
4 *congressional defense committees a certification and de-*
5 *tailed explanation that such ship is unable to meet oper-*
6 *ational requirements regarding mine countermeasures, de-*
7 *termined by the commander of a combatant command con-*
8 *cerned, with only one crew.”.*

9 (d) *CODIFICATION.—*

10 (1) *IN GENERAL.—Such section, as amended by*
11 *this section, is transferred to chapter 825 of title 10,*
12 *United States Code, inserted after section 8226, and*
13 *redesignated as section 8227.*

14 (2) *CLERICAL AMENDMENT.—The table of sec-*
15 *tions at the beginning of such chapter is amended by*
16 *adding, after the item relating to section 8226, the*
17 *following new item:*

“8227. Notifications on manning of afloat naval forces.”.

18 **SEC. 593. CLARIFICATION OF AUTHORITY OF NCMAF TO UP-**
19 **DATE CHAPLAINS HILL AT ARLINGTON NA-**
20 **TIONAL CEMETERY.**

21 *Section 584(a) of the National Defense Authorization*
22 *Act for Fiscal Year 2022 (Public Law 117–81; 38 U.S.C.*
23 *2409 note) is amended by adding at the end the following*
24 *new paragraph:*

1 “(4) *AUTHORITY OF SECRETARY OF THE*
2 *ARMY.—The Secretary of the Army may permit*
3 *NCMAF to carry out any action authorized by this*
4 *subsection without regard to the time limitation*
5 *under section 2409(b)(2)(C) of title 38, United States*
6 *Code.*”.

7 **SEC. 594. DISINTERMENT OF REMAINS OF ANDREW**
8 **CHABROL FROM ARLINGTON NATIONAL CEM-**
9 **ETERY.**

10 (a) *DISINTERMENT.—Not later than September 30,*
11 *2023, the Secretary of the Army shall disinter the remains*
12 *of Andrew Chabrol from Arlington National Cemetery.*

13 (b) *NOTIFICATION.—The Secretary of the Army may*
14 *not carry out subsection (a) until after notifying the next*
15 *of kin of Andrew Chabrol.*

16 (c) *DISPOSITION.—After carrying out subsection (a),*
17 *the Secretary of the Army shall—*

18 (1) *relinquish the remains to the next of kin de-*
19 *scribed in subsection (b); or*

20 (2) *if no such next of kin responds to notification*
21 *under subsection (b), arrange for disposition of the re-*
22 *mains as the Secretary of the Army determines ap-*
23 *propriate.*

1 **SEC. 595. PILOT PROGRAM ON SAFE STORAGE OF PERSON-**
2 **ALLY OWNED FIREARMS.**

3 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
4 *establish a pilot program to promote the safe storage of per-*
5 *sonally 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 pilot*
9 *program at military installations selected under subsection*
10 *(e) locking devices or firearm safes, or both, for the purpose*
11 *of securing personally owned firearms when not in use (in-*
12 *cluding by directly providing, subsidizing, or otherwise*
13 *making available such devices or safes).*

14 (c) *PARTICIPATION.*—

15 (1) *VOLUNTARY PARTICIPATION.*—*Participation*
16 *by members of the Armed Forces in the pilot program*
17 *under subsection (a) shall be on a voluntary basis.*

18 (2) *LOCATION OF PARTICIPANTS.*—*A member of*
19 *the Armed Forces may participate in the pilot pro-*
20 *gram under subsection (a) carried out at a military*
21 *installation selected under subsection (e) regardless of*
22 *whether the member resides at the military installa-*
23 *tion.*

24 (d) *PLAN.*—*Not later than one year after the date of*
25 *the enactment of this Act, the Secretary of Defense shall sub-*
26 *mit to the Committees on Armed Services of the Senate and*

1 *the House of Representatives a plan for the implementation*
2 *of the pilot program under subsection (a).*

3 (e) *SELECTION OF INSTALLATIONS.—Not later than*
4 *two years after the date of the enactment of this Act, the*
5 *Secretary of Defense shall select not fewer than five military*
6 *installations at which to carry out the pilot program under*
7 *subsection (a).*

8 (f) *EFFECT ON EXISTING POLICIES.—Nothing in this*
9 *section shall be construed to circumvent or undermine any*
10 *existing safe storage policies, laws, or regulations on mili-*
11 *tary installations.*

12 (g) *REPORT.—Upon the termination under subsection*
13 *(h) of the pilot program under subsection (a), the Secretary*
14 *of Defense shall submit to the congressional defense commit-*
15 *tees a report containing the following information:*

16 (1) *The number and type of locking devices and*
17 *firearm safes furnished to members of the Armed*
18 *Forces under the pilot program.*

19 (2) *The cost of carrying out the pilot program.*

20 (3) *An analysis of the effect of the pilot program*
21 *on suicide prevention.*

22 (4) *Such other information as the Secretary may*
23 *determine appropriate, which shall exclude any per-*
24 *sonally identifiable information about participants in*
25 *the pilot program.*

1 (h) *TERMINATION.*—*The pilot program under sub-*
2 *section (a) shall terminate on the date that is six years after*
3 *the date of the enactment of this Act.*

4 **SEC. 596. PILOT PROGRAM ON CAR SHARING ON REMOTE**
5 **OR ISOLATED MILITARY INSTALLATIONS.**

6 (a) *DETERMINATION.*—*Not later than 180 days after*
7 *the date of the enactment of this Act, the Secretary of De-*
8 *fense shall determine whether it is feasible and advisable*
9 *to carry out a pilot program to allow car sharing on more*
10 *than two remote or isolated military installations.*

11 (b) *AUTHORITY.*—*If the Secretary determines that*
12 *such a pilot program is feasible and advisable, the Secretary*
13 *shall submit to the congressional defense committees a plan*
14 *to carry out the pilot program not later than 90 days after*
15 *such determination.*

16 (c) *PROGRAM ELEMENTS.*—*To carry out a pilot pro-*
17 *gram under this section, the Secretary shall take steps in-*
18 *cluding the following:*

19 (1) *Seek to enter into an agreement with an en-*
20 *tity that—*

21 (A) *provides car sharing services; and*

22 (B) *is capable of serving the selected mili-*
23 *tary installations.*

1 (2) *Provide to members assigned to such military*
2 *installations the resources the Secretary determines*
3 *necessary to participate in such pilot program.*

4 (3) *Promote such pilot program to such members*
5 *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 sub-*
11 *mit to the congressional defense committees a report con-*
12 *taining 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 pro-*
17 *gram.*

18 (3) *An analysis of the effect of the pilot program*
19 *on mental health and community connectedness of*
20 *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 Commit-*
6 *tees on Armed Services of the Senate and House of Rep-*
7 *resentatives a briefing on the extent to which economic in-*
8 *flation has affected members of the Armed Forces.*

9 **SEC. 598. STUDY ON IMPROVEMENT OF ACCESS TO VOTING**
10 **FOR MEMBERS OF THE ARMED FORCES OVER-**
11 **SEAS.**

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, the*
17 *Director shall submit to Congress a report on the results*
18 *of the study conducted under subsection (a). The report shall*
19 *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 assistance*
25 *mechanisms or permanent voting assistance offices.*

1 (2) *An estimate of the costs and requirements in*
2 *connection with an expansion of the number of Voting*
3 *Assistance Officers in order to fully meet the needs of*
4 *members of the Armed Forces overseas for access to*
5 *voting.*

6 (3) *A description and assessment of various ac-*
7 *tions to be undertaken under the Federal Voting As-*
8 *sistance Program in order to increase the capabilities*
9 *of the Voting Assistance Officer program.*

10 **SEC. 599. REPORT ON INCIDENCE OF MILITARY SUICIDES**
11 **BY MILITARY JOB CODE.**

12 (a) *REPORT.*—*Not later than December 31, 2023, the*
13 *Secretary of Defense, in coordination with the Secretary of*
14 *Homeland Security with regards to the Coast Guard, shall*
15 *conduct a review and submit to the Committees on Armed*
16 *Services of the Senate and House of Representatives a re-*
17 *port on the rates of suicides in the Armed Forces, beginning*
18 *after September 11, 2001, disaggregated by—*

19 (1) *year;*

20 (2) *military job code (Army military occupa-*
21 *tional specialty, Navy enlisted classification or billet,*
22 *Marine Corps military occupational specialty, Air*
23 *Force specialty code, or Coast Guard rating); and*

24 (3) *whether the member was serving on active*
25 *duty, in the National Guard, or as a Reserve.*

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

3 (1) *A compilation of suicide data by military job*
4 *code to determine which military career fields have a*
5 *higher per capita suicide rate compared to—*

6 (A) *other military career fields for the same*
7 *period;*

8 (B) *the overall suicide rate for each Armed*
9 *Force for the same period;*

10 (C) *the overall suicide rate for the Depart-*
11 *ment of Defense for the same period; and*

12 (D) *the national suicide rate for the same*
13 *period.*

14 (2) *A disaggregation of suicide data by age cat-*
15 *egories consistent with the age categories used in the*
16 *Department of Defense Annual Suicide Report.*

17 (c) *INTERIM BRIEFING.*—*Not later than June 1, 2023,*
18 *the Secretary of Defense shall provide to the Committees on*
19 *Armed Services of the Senate and House of Representatives*
20 *a briefing on the preliminary findings of the review con-*
21 *ducted 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 the*
4 *Department of Defense shall conduct a review of the efforts*
5 *by the Secretary of the Navy to—*

6 (1) *prevent incidents of deaths by suicide, suicide*
7 *attempts, and suicidal ideation among covered mem-*
8 *bers; 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 of*
12 *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 as-*
17 *signed to sea duty or shore duty at the time of such*
18 *incidents.*

19 (2) *The means used by commanders to prevent*
20 *and respond to incidents of deaths by suicide, suicide*
21 *attempts, and suicidal ideation among covered mem-*
22 *bers.*

23 (3) *Challenges related to—*

24 (A) *the prevention of incidents of deaths by*
25 *suicide, suicide attempts, and suicidal ideation*

1 *among members of the Navy assigned to sea*
2 *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 inci-*
7 *dents of suicidal ideation or suicide attempts among*
8 *covered members in the respective unit each such team*
9 *serves.*

10 *(5) The means used by such teams to respond to*
11 *such incidents, including the extent to which post-in-*
12 *cident programs are available to covered members.*

13 *(6) Such other matters as the Inspector General*
14 *considers appropriate in connection with the preven-*
15 *tion of deaths by suicide, suicide attempts, and suici-*
16 *dal 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 of*
21 *Representatives a report that includes a summary of the*
22 *results of the review conducted under subsection (a).*

23 *(d) COVERED MEMBER DEFINED.—In this section the*
24 *term “covered member” means a member of the Navy as-*
25 *signed to sea duty or shore duty.*

1 **SEC. 599B. REPORT ON OFFICER PERSONNEL MANAGEMENT**
2 **AND THE DEVELOPMENT OF THE PROFES-**
3 **SIONAL MILITARY ETHIC OF THE SPACE**
4 **FORCE.**

5 (a) *REPORT REQUIRED.*—Not later than June 1, 2023,
6 the Secretary of the Air Force shall submit to the Commit-
7 tees on Armed Services of the Senate and House of Rep-
8 resentatives a report on officer personnel management and
9 the development of the professional military ethic of the
10 Space Force.

11 (b) *ELEMENTS.*—The report required under subsection
12 (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 knowledge,
20 skills, and attributes expected of Space Force of-
21 ficers at each of the company grade, field grade,
22 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 de-*
2 *sired career paths;*

3 *(D) how proposed constructive credit for ci-*
4 *vilian education and non-military experience in*
5 *related space industry or government sectors will*
6 *align with the proposed PME and career devel-*
7 *opment 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 de-*
16 *sired proportions of officer assessments from the*
17 *Reserve Officer Training Corps, military service*
18 *academies, Officer Training School, and direct*
19 *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 O-*
23 *1 and the extent to which the Space Force plans*
24 *to grant constructive credit in determining an*

1 *officer's entry grade at each grade above O-1;*
2 *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 of*
21 *the Space Force in the development and steward-*
22 *ship of the Space Force as an Armed Force, and*
23 *how such employees are distinct from members of*
24 *the Space Force;*

1 (D) the ethical implications of creating a
2 force that is designed to “partner effectively with
3 other space-interested entities,” as described in
4 the Guardian Ideal, and how the Space Force in-
5 tends to address any ethical conflicts arising
6 from its desired close partnership with non-mili-
7 tary and non-governmental entities in private
8 industry; and

9 (E) the specific barriers between officers, en-
10 listed members, and civilian employees that are
11 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 Justice.

17 (4) Any other issues related to personnel man-
18 agement and professional development of officers of
19 the Space Force that the Secretary of the Air Force
20 determines appropriate.

21 (c) *DEFINITIONS.*—In this section:

22 (1) The term “Guardian Ideal” means the docu-
23 ment with that title, dated September 17, 2021, and
24 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 FORCES.—***

6 *Section 910(g) of title 37, United States Code, relating to*
 7 *income replacement payments for reserve component mem-*
 8 *bers experiencing extended and frequent mobilization for ac-*
 9 *tive duty service, is amended by striking “December 31,*
 10 *2022” and inserting “December 31, 2023”.*

11 ***(b) TITLE 10 AUTHORITIES RELATING TO HEALTH***
 12 ***CARE PROFESSIONALS.—The following sections of title 10,***

1 *United States Code, are amended by striking “December 31,*
2 *2022” and inserting “December 31, 2023”:*

3 (1) *Section 2130a(a)(1), relating to nurse officer*
4 *candidate accession program.*

5 (2) *Section 16302(d), relating to repayment of*
6 *education loans for certain health professionals who*
7 *serve in the Selected Reserve.*

8 (c) *AUTHORITIES RELATING TO NUCLEAR OFFI-*
9 *CERS.—Section 333(i) of title 37, United States Code, is*
10 *amended by striking “December 31, 2022” and inserting*
11 *“December 31, 2023”.*

12 (d) *AUTHORITIES RELATING TO TITLE 37 CONSOLI-*
13 *DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-*
14 *THORITIES.—The following sections of title 37, United*
15 *States Code, are amended by striking “December 31, 2022”*
16 *and inserting “December 31, 2023”:*

17 (1) *Section 331(h), relating to general bonus au-*
18 *thority for enlisted members.*

19 (2) *Section 332(g), relating to general bonus au-*
20 *thority for officers.*

21 (3) *Section 334(i), relating to special aviation*
22 *incentive pay and bonus authorities for officers.*

23 (4) *Section 335(k), relating to special bonus and*
24 *incentive pay authorities for officers in health profes-*
25 *sions.*

1 (5) *Section 336(g), relating to contracting bonus*
2 *for cadets and midshipmen enrolled in the Senior Re-*
3 *serve Officers' Training Corps.*

4 (6) *Section 351(h), relating to hazardous duty*
5 *pay.*

6 (7) *Section 352(g), relating to assignment pay or*
7 *special duty pay.*

8 (8) *Section 353(i), relating to skill incentive pay*
9 *or proficiency bonus.*

10 (9) *Section 355(h), relating to retention incen-*
11 *tives for members qualified in critical military skills*
12 *or assigned to high priority units.*

13 (e) *AUTHORITY TO PROVIDE TEMPORARY INCREASE IN*
14 *RATES OF BASIC ALLOWANCE FOR HOUSING.—Section*
15 *403(b) of title 37, United States Code, is amended—*

16 (1) *in paragraph (7)(E), by striking “December*
17 *31, 2022” and inserting “December 31, 2023”; and*

18 (2) *in paragraph (8)(C), by striking “September*
19 *30, 2022” and inserting “December 31, 2023”.*

20 **SEC. 602. INCREASE TO MAXIMUM AMOUNTS OF CERTAIN**
21 **BONUS AND SPECIAL PAY AUTHORITIES.**

22 (a) *GENERAL BONUS AUTHORITY FOR ENLISTED*
23 *MEMBERS.—Section 331(c)(1) of title 37, United States*
24 *Code, is amended—*

1 (1) in subparagraph (A), by striking “\$50,000”
2 and inserting “\$75,000”; and

3 (2) in subparagraph (B), by striking “\$30,000”
4 and inserting “\$50,000”.

5 (b) *SPECIAL BONUS AND INCENTIVE PAY AUTHORI-*
6 *TIES FOR NUCLEAR OFFICERS.*—Section 333(d)(1)(A) of
7 title 37, United States Code, is amended by striking
8 “\$50,000” and inserting “\$75,000”.

9 (c) *SPECIAL AVIATION INCENTIVE PAY AND BONUS*
10 *AUTHORITIES FOR OFFICERS.*—Section 334(c)(1) of title
11 37, United States Code, is amended—

12 (1) in subparagraph (A), by striking “\$1,000”
13 and inserting “\$1,500”; and

14 (2) in subparagraph (B), by striking “\$35,000”
15 and inserting “\$50,000”.

16 (d) *SKILL INCENTIVE PAY OR PROFICIENCY BONUS.*—
17 Section 353(c)(1)(A) of title 37, United States Code, is
18 amended by striking “\$1,000” and inserting “\$1,750”.

19 **SEC. 603. COLD WEATHER DUTY: AUTHORIZATION OF AS-**
20 **SIGNMENT OR SPECIAL DUTY PAY; TRAVEL**
21 **ALLOWANCE FOR MEMBERS OF THE ARMED**
22 **FORCES ASSIGNED TO ALASKA.**

23 (a) *PAY.*—Section 352(a)(2) of title 37, United States
24 Code, is amended by inserting “(including a cold weather
25 location)” after “location”.

1 **(b) TRAVEL ALLOWANCE.**—

2 **(1) ESTABLISHMENT.**—*During the period speci-*
3 *fied in paragraph (5), the Secretary of a military de-*
4 *partment shall reimburse an eligible member of the*
5 *armed forces for the cost of airfare for that member*
6 *to travel to the home of record of the member.*

7 **(2) ELIGIBLE MEMBERS.**—*A member of the*
8 *armed forces is eligible for a reimbursement under*
9 *paragraph (1) if—*

10 **(A)** *the member is assigned to a duty loca-*
11 *tion in Alaska; and*

12 **(B)** *an officer in a grade above O-5 in the*
13 *chain of command of the member authorizes the*
14 *travel of the member.*

15 **(3) TREATMENT OF TIME AS LEAVE.**—*The time*
16 *during which an eligible member is absent from duty*
17 *for travel reimbursable under paragraph (1) shall be*
18 *treated as leave for purposes of section 704 of title 10,*
19 *United States Code.*

20 **(4) BRIEFING REQUIRED.**—*Not later than Feb-*
21 *ruary 1, 2024, the Secretary shall provide to the*
22 *Committees on Armed Services of the Senate and the*
23 *House of Representatives a briefing on—*

24 **(A)** *the use and effectiveness of reimburse-*
25 *ments under paragraph (1);*

1 (B) the calculation and use of the cost of
2 living allowance for a member assigned to a
3 duty location in Alaska; and

4 (C) the use of special pays and other allow-
5 ances as incentives for cold weather proficiency
6 or duty location.

7 (5) *PERIOD SPECIFIED.*—The period specified in
8 this paragraph is the period—

9 (A) beginning on the date of the enactment
10 of this Act; and

11 (B) ending on December 31, 2023.

12 **SEC. 604. AIR FORCE RATED OFFICER RETENTION DEM-**
13 **ONSTRATION PROGRAM.**

14 (a) *PROGRAM REQUIREMENT.*—The Secretary shall es-
15 tablish and carry out within the Department of the Air
16 Force a demonstration program to assess and improve re-
17 tention on active duty in the Air Force of rated officers
18 described in subsection (b).

19 (b) *RATED OFFICERS DESCRIBED.*—Rated officers de-
20 scribed in this subsection are rated officers serving on active
21 duty in the Air Force, excluding rated officers with a re-
22 serve appointment in the Air National Guard or Air Force
23 Reserve—

1 (1) *whose continued service on active duty would*
2 *be in the best interest of the Department of the Air*
3 *Force, as determined by the Secretary; and*

4 (2) *who have not more than three years and not*
5 *less than one year remaining on an active duty serv-*
6 *ice obligation under section 653 of title 10, United*
7 *States Code.*

8 (c) *WRITTEN AGREEMENT.—*

9 (1) *IN GENERAL.—Under the demonstration pro-*
10 *gram required under subsection (a), the Secretary*
11 *shall offer retention incentives under subsection (d) to*
12 *a rated officer described in subsection (b) who executes*
13 *a written agreement to remain on active duty in a*
14 *regular component of the Air Force for not less than*
15 *four years after the completion of the active duty serv-*
16 *ice obligation of the officer under section 653 of title*
17 *10, United States Code.*

18 (2) *EXCEPTION.—If the Secretary of the Air*
19 *Force determines that an assignment previously guar-*
20 *anteed under subsection (d)(1) to a rated officer de-*
21 *scribed in subsection (b) cannot be fulfilled, the agree-*
22 *ment of the officer under paragraph (1) to remain on*
23 *active duty shall expire not later than one year after*
24 *that determination.*

25 (d) *RETENTION INCENTIVES.—*

1 (1) *GUARANTEE OF FUTURE ASSIGNMENT LOCA-*
2 *TION.*—Under the demonstration program required
3 under subsection (a), the Secretary may offer to a
4 rated officer described in subsection (b) a guarantee
5 of future assignment locations based on the preference
6 of the officer.

7 (2) *AVIATION BONUS.*—Under the demonstration
8 program required under subsection (a), notwith-
9 standing section 334(c) of title 37, United States
10 Code, the Secretary may pay to a rated officer de-
11 scribed in subsection (b) an aviation bonus not to ex-
12 ceed an average annual amount of \$50,000 (subject to
13 paragraph (3)(B)).

14 (3) *COMBINATION OF INCENTIVES.*—The Sec-
15 retary may offer to a rated officer described in sub-
16 section (b) a combination of incentives under para-
17 graphs (1) and (2).

18 (e) *ANNUAL BRIEFING.*—Not later than December 31,
19 2023, and annually thereafter until the termination of the
20 demonstration program required under subsection (a), the
21 Secretary shall provide to the Committees on Armed Serv-
22 ices of the Senate and the House of Representatives a brief-
23 ing describing the use of such demonstration program and
24 its effects on the retention on active duty in the Air Force
25 of rated officers described in subsection (b).

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

2 (1) *RATED OFFICER.*—*The term “rated officer”*
3 *means an officer specified in section 9253 of title 10,*
4 *United States Code.*

5 (2) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of the Air Force.*

7 (g) *TERMINATION.*—*This section shall terminate on*
8 *December 31, 2028.*

9 ***Subtitle B—Allowances Other Than***
10 ***Travel and Transportation Al-***
11 ***lowances***

12 ***SEC. 611. INCREASES IN MAXIMUM ALLOWABLE INCOME***
13 ***FOR PURPOSES OF ELIGIBILITY FOR BASIC***
14 ***NEEDS ALLOWANCE.***

15 (a) *IN GENERAL.*—*Section 402b(b) of title 37, United*
16 *States Code, is amended—*

17 (1) *by striking “130 percent” both places it ap-*
18 *pears and inserting “150 percent”; and*

19 (2) *in paragraph (2)—*

20 (A) *by inserting “(A)” before “the gross”;*

21 (B) *by striking “; and” and inserting “;*
22 *or”;* and

23 (C) *by inserting at the end the following:*

24 “(B) *if the Secretary concerned determines it ap-*
25 *propriate (based on location, household need, or spe-*

1 *cial circumstance), the gross household income of the*
2 *member during the most recent calendar year did not*
3 *exceed an amount equal to 200 percent of the Federal*
4 *poverty guidelines of the Department of Health and*
5 *Human Services for the location of the member and*
6 *the number of individuals in the household of the*
7 *member for such year; and”.*

8 *(b) IMPLEMENTATION.—Not later than January 1,*
9 *2024, the Secretary concerned (as defined in section 101*
10 *of title 37, United States Code) shall modify the calculation*
11 *of the basic needs allowance under section 402b of title 37,*
12 *United States Code, to implement the amendments made*
13 *by subsection (a).*

14 **SEC. 612. EXTENSION OF AUTHORITY TO TEMPORARILY AD-**
15 **JUST BASIC ALLOWANCE FOR HOUSING IN**
16 **CERTAIN AREAS.**

17 *Section 403(b)(8)(C) of title 37, United States Code,*
18 *is amended by striking “2022” and inserting “2024”.*

1 **SEC. 613. TEMPORARY CONTINUATION OF RATE OF BASIC**
2 **ALLOWANCE FOR HOUSING FOR MEMBERS OF**
3 **THE ARMED FORCES WHOSE SOLE DEPEND-**
4 **ENT DIES WHILE RESIDING WITH THE MEM-**
5 **BER.**

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 (p)
10 as subsections (n) through (q); and

11 (2) by inserting after subsection (l) the following
12 new subsection (m):

13 “(m) *TEMPORARY CONTINUATION OF RATE OF BASIC*
14 *ALLOWANCE FOR MEMBERS OF THE ARMED FORCES*
15 *WHOSE SOLE DEPENDENT DIES WHILE RESIDING WITH*
16 *THE MEMBER.*—(1) Notwithstanding subsection (a)(2) or
17 any other section of law, the Secretary of Defense or the
18 Secretary of the Department in which the Coast Guard is
19 operating, may, after the death of the sole dependent of a
20 member of the armed forces, continue to pay a basic allow-
21 ance for housing to such member at the rate paid to such
22 member on the date of such death if—

23 “(A) such sole dependent dies—

24 “(i) while the member is on active duty;

25 and

1 “(i) while residing with the member, unless
2 separated by the necessity of military service or
3 to receive institutional care as a result of dis-
4 ability or incapacitation or under such other cir-
5 cumstances as the Secretary concerned may by
6 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 dependent.

10 “(2) The continuation of the rate of an allowance
11 under this subsection shall terminate upon the earlier of
12 the following to occur:

13 “(A) The day that is one year after the date of
14 the death of the sole dependent.

15 “(B) The permanent change of station, or per-
16 manent change of assignment with movement of per-
17 sonal property and household goods under section
18 453(c) of this title, of the member.”.

19 (b) *CONFORMING AMENDMENT.*—Section 2881a(c) of
20 title 10, United States Code, is amended by striking “sec-
21 tion 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 DISADVANTAGE MEMBER.**
4

5 *Subsection (p) of section 403 of title 37, United States*
6 *Code, as redesignated by section 612, is further amended*
7 *in subsection (p)—*

8 *(1) in the subsection heading, by striking “LOW-*
9 *COST AND NO-COST” and inserting “CERTAIN”;*

10 *(2) by inserting “(1)” before “In the case of a*
11 *member who is assigned”;* and

12 *(3) by adding at the end the following new para-*
13 *graph:*

14 *“(2)(A) In the case of a member without dependents*
15 *who is assigned to a unit that undergoes a change of home*
16 *port or a change of permanent duty station, if the Secretary*
17 *concerned determines that it would be inequitable to base*
18 *the member’s entitlement to, and amount of, a basic allow-*
19 *ance for housing on the new home port or permanent duty*
20 *station, the Secretary concerned may—*

21 *“(i) waive the requirement to base the member’s*
22 *entitlement to, and amount of, a basic allowance for*
23 *housing on the new home port or permanent duty sta-*
24 *tion member; and*

1 “(ii) treat that member for the purposes of this
2 section as if the unit to which the member is assigned
3 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 in
6 a calendar year.

7 “(C) Not later than March 1 of each calendar year,
8 the Secretary concerned shall provide a briefing to the Com-
9 mittees on Armed Services of the Senate and the House of
10 Representatives on the use of the authority provided by sub-
11 paragraph (A) during the preceding calendar year that in-
12 cludes—

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 sta-
18 tion of the unit to which the member is assigned

19 before the change described in subparagraph (A);

20 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 De-
24 cember 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 (Public*
10 *Law 117–81); and*

11 (2) *is redesignated as section 431 of such title.*

12 (b) *CLERICAL AMENDMENT*.—The table of sections at
13 the beginning of chapter 7 of such title is amended by in-
14 serting, after the item relating to section 427, the following
15 new item:

“431. Benefits for certain members assigned to the Defense Intelligence Agency.”.

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 30,
23 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 of*
6 *Defense and the Secretary of the Department in which*
7 *the Coast Guard is operating may reduce the cost-of-*
8 *living allowance for a member of the Armed Forces*
9 *assigned to a duty station located outside the United*
10 *States—*

11 (A) *not more than once every six months; or*

12 (B) *in connection with a permanent change*
13 *of station for such member.*

14 (2) *INCREASES.*—*The Secretary of Defense and*
15 *the Secretary of the Department in which the Coast*
16 *Guard is operating may increase the allowance de-*
17 *scribed in paragraph (1) for a member of the Armed*
18 *Forces at any time.*

19 (b) *NOTICE.*—*The Secretary of Defense shall notify the*
20 *Committees on Armed Services of the Senate and House of*
21 *Representatives not less than 180 days before modifying a*
22 *table used to calculate the living allowance described in sub-*
23 *section (a).*

24 (c) *BRIEFING.*—*Not later than March 1, 2023, the Sec-*
25 *retary of Defense shall submit to the Committees on Armed*

1 *Services of the Senate and House of Representatives a brief-*
2 *ing containing—*

3 (1) *the determination of the Secretary regarding*
4 *the effects of this section on the allowance described in*
5 *subsection (a);*

6 (2) *an assessment of the representative market*
7 *basket of goods and services used to determine such al-*
8 *lowance, including the methodology to identify such*
9 *market basket and the frequency with which such al-*
10 *lowance 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 undertaken*
14 *to ensure a representative sample of beneficiaries are*
15 *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 amend-*
21 *ed, 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 para-*
25 *graphs:*

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 cur-*
5 *rent 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 this
4 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,” after
12 “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 para-*
2 *graph:*

3 “(5) *In this subsection, the term ‘qualified business*
4 *costs’ means costs, including moving services for equipment,*
5 *equipment removal, new equipment purchases, information*
6 *technology expenses, and inspection fees, incurred by the*
7 *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 loca-*
12 *tion pursuant to reassignment described in paragraph*
13 *(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 date*
18 *of the enactment of this Act, each Secretary of a military*
19 *department shall submit to the Committees on Armed Serv-*
20 *ices of the Senate and House of Representatives a briefing*
21 *regarding implementation of the amendments made by sub-*
22 *section (a), including—*

23 (1) *the number of times such Secretary used the*
24 *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 amend-*
8 *ed by section 622, is further amended, in subsection (g)(3),*
9 *by striking “December 31, 2024” and inserting “December*
10 *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 amend-*
16 *ed by sections 622, and 623, is further amended by adding*
17 *at the end the following new subsection:*

18 *“(h) REIMBURSEMENT FOR TRANSPORTATION OF PETS*
19 *ARISING FROM CERTAIN PERMANENT CHANGES OF STA-*
20 *TIONS.—(1) The Secretary concerned may reimburse a*
21 *member for any cost related to the relocation of a pet that*
22 *arises from a permanent change of station of such member*
23 *within the continental United States. Such reimbursement*
24 *may not exceed \$550 for each such permanent change of*
25 *station.*

1 “(2) *The Secretary concerned may reimburse a mem-*
2 *ber for any cost related to the relocation of a pet that arises*
3 *from a permanent change of station of such member to or*
4 *from a duty station located outside the continental United*
5 *States. Such reimbursement may not exceed \$4,000 for each*
6 *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 MILI-**
10 **TARY EDUCATION INSTITUTION OR TRAINING**
11 **CLASSES.**

12 *Section 453 of title 37, United States Code, as amend-*
13 *ed by sections 622, 623, and 624, is further amended by*
14 *adding at the end the following new subsection:*

15 “(i) **ATTENDANCE AT PROFESSIONAL MILITARY EDU-**
16 **CATION 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 juris-*
21 *isdiction 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 reside.

7 “(2) If the Secretary of the military department
8 concerned assigns permanent duty status to a member
9 described in paragraph (1), such member shall be eli-
10 gible for travel and transportation allowances includ-
11 ing the following:

12 “(A) Transportation, including mileage at
13 the same rate paid for a permanent change of
14 station.

15 “(B) Per diem while traveling between the
16 permanent duty station and professional mili-
17 tary education institution or training site.

18 “(C) Per diem paid in the same manner
19 and amount as temporary lodging expenses.

20 “(D) Per diem equal to the amount of the
21 basic allowance for housing under section 403 of
22 this title paid to a member—

23 “(i) in the grade of such member;

24 “(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 “section
2 476(b)(1)(H)(iii)” and inserting “subsections (c) and
3 (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)”;

22 (2) in section 1174a(b)(2)(B), by striking “sec-
23 tions 474 and 476” and inserting “sections 452 and
24 453(c)”;

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 “sec-
16 tion 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 sentence,
21 by striking “sections 206 and 495” and inserting
22 “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 States
4 Code, is amended, in the first and third sentences, by strik-
5 ing “subsection (b) of section 476” and inserting “section
6 453(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 ADMINIS-
17 TRATION COMMISSIONED OFFICER CORPS ACT OF 2002.—
18 Section 236(f)(4)(A) of the National Oceanic and Atmos-
19 pheric Administration Commissioned Officer Corps Act of
20 2002 (33 U.S.C. 3036(f)(4)(A)) is amended, in the matter
21 preceding clause (i), by striking “section 474” and inserting
22 “section 452”.

23 (g) TITLE 36.—Section 2101(b)(2) of title 36, United
24 States Code, is amended by striking “section 475” and in-
25 serting “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(c)”;*

12 (2) *in section 420(b), by striking “sections 474–*
13 *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 “section*
20 *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 481f”*
25 *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 481l”
8 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 453”;
14 and

15 (9) in section 1006(g)—

16 (A) by striking “section 477” and inserting
17 “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 shall*
6 *carry out a pilot program to reimburse members of the*
7 *Armed Forces for certain child care costs incident to a per-*
8 *manent 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 the*
14 *permanent duty location of such member not later than 30*
15 *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 the*
20 *Armed Forces for travel expenses for a designated*
21 *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 depend-*
26 *ents is authorized at the expense of the United*

1 *States under section 451 of title 37, United*
2 *States Code, as part of the reassignment;*

3 *(C) child care is not available at a military*
4 *child development center at such duty station not*
5 *later than 30 days after the member arrives at*
6 *such duty station; and*

7 *(D) the dependent child is on the wait list*
8 *for child care at such military child development*
9 *center.*

10 (2) *MAXIMUM AMOUNTS.—Reimbursement pro-*
11 *vided to a member under this subsection may not ex-*
12 *ceed—*

13 *(A) \$500 for a reassignment between duty*
14 *stations within the continental United States;*
15 *and*

16 *(B) \$1,500 for a reassignment involving a*
17 *duty station outside of the continental United*
18 *States.*

19 (3) *DEADLINE.—A member may not apply for*
20 *reimbursement under this subsection later than one*
21 *year after a reassignment described in paragraph (1).*

22 (4) *CONCURRENT RECEIPT PROHIBITED.—In the*
23 *event a household contains more than one member eli-*
24 *gible for reimbursement under this subsection, reim-*

1 *bursement may be paid to one member among such*
2 *members as such members shall jointly elect.*

3 *(d) REPORT.—Not later than January 1, 2027, the*
4 *Secretary shall submit to the Committees on Armed Services*
5 *of the Senate and House of Representatives a report on the*
6 *pilot program, including the recommendation of the Sec-*
7 *retary whether to make the pilot program permanent.*

8 *(e) TERMINATION.—The pilot program shall terminate*
9 *on September 30, 2028.*

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

11 *(1) The term “authorized traveler” has the*
12 *meaning given such term in section 451 of title 37,*
13 *United States Code.*

14 *(2) The term “designated child care provider”*
15 *means an adult selected by a member of the armed*
16 *forces to provide child care to a dependent child of*
17 *such member.*

18 *(3) The term “military child development cen-*
19 *ter” has the meaning given such term in section 1800*
20 *of title 10, United States Code.*

21 ***Subtitle D—Leave***

22 ***SEC. 631. TECHNICAL AMENDMENTS TO LEAVE ENTITLE-*** 23 ***MENT AND ACCUMULATION.***

24 *(a) REPEAL OF OBSOLETE AUTHORITY.—Section 701*
25 *of title 10, United States Code, is amended—*

1 (1) *by striking subsection (d); and*

2 (2) *by redesignating subsections (e) through (m)*

3 *as subsections (d) through (l).*

4 (b) *CONFORMING AMENDMENTS TO SECTION 701 OF*

5 *TITLE 10.—Section 701 of title 10, United States Code, is*

6 *amended—*

7 (1) *in subsection (b), by striking “subsections*

8 *(d), (f), and (g)” and inserting “subsections (e) and*

9 *(f)”;*

10 (2) *in subsection (f), as redesignated by sub-*

11 *section (a)(2), in the first sentence, by striking “sub-*

12 *sections (b), (d), and (f)” and inserting “subsections*

13 *(b) and (e)”;* *and*

14 (3) *in subsection (i), as so redesignated, in the*

15 *first sentence, by striking “subsections (b), (d), and*

16 *(f)” and inserting “subsections (b) and (e)”.*

17 (c) *CONFORMING AMENDMENTS TO OTHER PROVI-*

18 *SIONS OF LAW.—*

19 (1) *TITLE 14.—Section 2508(a) of title 14,*

20 *United States Code, is amended by striking “section*

21 *701(f)(2)” and inserting “section 701(e)”.*

22 (2) *TITLE 37.—Title 37, United States Code, is*

23 *amended—*

24 (A) *in section 501—*

1 (i) in subsection (b)(6), by striking
2 “120 days of leave under section 701(f)(1)”
3 and inserting “90 days of leave under sec-
4 tion 701(e)”; and

5 (ii) in subsection (h), by striking “sec-
6 tion 701(g)” and inserting “section 701(f)”;
7 and

8 (B) in section 502(b), by striking “section
9 701(h)” and inserting “section 701(g)”.

10 (d) *EFFECTIVE DATE.*—The amendments made by this
11 section take effect on January 1, 2023.

12 **SEC. 632. MODIFICATION OF AUTHORITY TO ALLOW MEM-**
13 **BERS OF THE ARMED FORCES TO ACCUMU-**
14 **LATE LEAVE IN EXCESS OF 60 DAYS.**

15 (a) *IN GENERAL.*—Section 701 of title 10, United
16 States Code, as amended by section 631, is further amended
17 by striking subsection (e) and inserting the following:

18 “(e)(1) The Secretary concerned, under uniform regu-
19 lations to be prescribed by the Secretary of Defense, may
20 authorize a member described in paragraph (2) to retain
21 not more than 30 days of excess leave.

22 “(2) A member described in this paragraph is a mem-
23 ber who—

24 “(A)(i) serves on active duty for a continuous
25 period of at least 120 days for which the member is

1 *entitled to special pay under section 310(a) of title*
2 *37; or*

3 *“(i) is assigned to a deployable ship or mobile*
4 *unit or to other duty designated for the purposes of*
5 *this section;*

6 *“(B) except for this subsection, would lose any*
7 *excess leave at the end of the fiscal year; and*

8 *“(C) receives, from the first officer in a grade*
9 *above O-6 in the chain of command of such member,*
10 *written authorization to retain such excess leave.*

11 *“(3) Excess leave retained by a member under this sub-*
12 *section shall be forfeited unless used before the end of the*
13 *second fiscal year after the end of the fiscal year in which*
14 *the service or assignment described in paragraph (2)(A) ter-*
15 *minated.*

16 *“(4) In this subsection, the term ‘excess leave’ means*
17 *leave accrued by a member in excess of the number of days*
18 *of leave authorized to be accumulated under subsection*
19 *(b).”.*

20 *(b) TRANSITION RULE.—Leave in excess of 90 days,*
21 *accumulated by a member of the Armed Forces under sec-*
22 *tion 701 of such title before the effective date under sub-*
23 *section (c), is forfeited unless—*

24 *(1) used by the member on or before September*
25 *30, 2026; or*

1 (2) *the retention of such leave is otherwise au-*
2 *thorized by law.*

3 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
4 *section (a) takes effect on January 1, 2023.*

5 **SEC. 633. CONVALESCENT LEAVE FOR A MEMBER OF THE**
6 **ARMED FORCES.**

7 (a) *IN GENERAL.*—*Section 701 of title 10, United*
8 *States Code, as amended by sections 631 and 632, is further*
9 *amended by adding at the end the following new subsection:*

10 “(m)(1) *Except as provided by subsection (h)(3), and*
11 *under regulations prescribed by the Secretary of Defense,*
12 *a member of the armed forces diagnosed with a medical con-*
13 *dition is allowed convalescent leave if—*

14 “(A) *the medical or behavioral health provider of*
15 *the member—*

16 “(i) *determines that the member is not yet*
17 *fit for duty as a result of that condition; and*

18 “(ii) *recommends such leave for the member*
19 *to provide for the convalescence of the member*
20 *from that condition; and*

21 “(B) *the commanding officer of the member or*
22 *the commander of the military medical treatment fa-*
23 *cility authorizes such leave for the member.*

1 “(2) A member may take not more than 30 days of
2 convalescent leave under paragraph (1) with respect to a
3 condition described in that paragraph unless—

4 “(A) such leave in excess of 30 days is authorized
5 by—

6 “(i) the Secretary concerned; or

7 “(ii) an individual at the level designated
8 by the Secretary concerned, but not below the
9 grade of O-5 or the civilian equivalent; or

10 “(B) the member is authorized to receive con-
11 valescent leave under subsection (h)(3) in conjunction
12 with the birth of a child.

13 “(3)(A) Convalescent leave may be authorized under
14 paragraph (1) only for a medical condition of a member
15 and may not be authorized for a member in connection with
16 a condition of a dependent or other family member of the
17 member.

18 “(B) In authorizing convalescent leave for a member
19 under paragraph (1) with respect to a condition described
20 in that paragraph, the commanding officer of the member
21 or the commander of the military medical treatment facil-
22 ity, as the case may be, shall—

23 “(i) limit the duration of such leave to the min-
24 imum necessary in relation to the diagnosis, prog-

1 *nosis, and probable final disposition of the condition*
2 *of the member; and*

3 *“(i) authorize leave tailored to the specific med-*
4 *ical needs of the member rather than (except for con-*
5 *valescent leave provided for under subsection (h)(3))*
6 *authorizing leave based on a predetermined formula.*

7 *“(4) A member taking convalescent leave under para-*
8 *graph (1) shall not have the member’s leave account reduced*
9 *as a result of taking such leave.*

10 *“(5) In this subsection, the term ‘military medical*
11 *treatment facility’ means a facility described in subsection*
12 *(b), (c), or (d) of section 1073d of this title.”.*

13 *(b) TREATMENT OF CONVALESCENT LEAVE FOR BIRTH*
14 *OF CHILD.—Paragraph (4) of subsection (h) of such section,*
15 *as redesignated by section 632, is amended—*

16 *(1) by redesignating subparagraphs (A) and (B)*
17 *as clauses (i) and (ii), respectively;*

18 *(2) by inserting “(A)” after “(4)”;* and

19 *(3) by adding at the end the following new sub-*
20 *paragraph:*

21 *“(B) Convalescent leave may be authorized under sub-*
22 *paragraph (A) only for a medical condition of a member*
23 *and may not be authorized for a member in connection with*
24 *a condition of a dependent or other family member of the*
25 *member.”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on January 1, 2023.*

3 ***Subtitle E—Family and Survivor***
4 ***Benefits***

5 ***SEC. 641. CLAIMS RELATING TO THE RETURN OF PERSONAL***
6 ***EFFECTS OF A DECEASED MEMBER OF THE***
7 ***ARMED FORCES.***

8 *Section 1482(a) of title 10, United States Code, is*
9 *amended by adding at the end the following new paragraph:*

10 “(11)(A) *Delivery of personal effects of a dece-*
11 *dent to the next of kin or other appropriate person.*

12 “(B) *If the Secretary concerned enters into an*
13 *agreement with an entity to carry out subparagraph*
14 *(A), the Secretary concerned may, at the request of*
15 *the person described in such subparagraph, pursue a*
16 *claim against such entity that arises from the failure*
17 *of such entity to substantially perform such subpara-*
18 *graph.*

19 “(C) *If an entity described in subparagraph (B)*
20 *fails to substantially perform subparagraph (A) by*
21 *damaging, losing, or destroying the personal effects of*
22 *a decedent, the Secretary concerned shall reimburse*
23 *the person designated under subsection (c) the greater*
24 *of \$1,000 or the fair market value of such damage,*
25 *loss, or destruction. The Secretary concerned may re-*

1 *quest, from the person designated under subsection*
 2 *(c), proof of fair market value and ownership of the*
 3 *personal effects.”.*

4 **SEC. 642. EXTENSION OF PARENT FEE DISCOUNT TO CHILD**
 5 **CARE EMPLOYEES.**

6 *Section 1793 of title 10, United States Code, is amend-*
 7 *ed by adding at the end the following new subsection:*

8 “(d) *CHILD CARE EMPLOYEE DISCOUNT.*—*The Sec-*
 9 *retary of Defense may, to support recruitment and retention*
 10 *initiatives, charge a child care employee, whose child at-*
 11 *tends a military child development center, a reduced fee for*
 12 *such attendance.”.*

13 **SEC. 643. SURVIVOR BENEFIT PLAN OPEN SEASON.**

14 (a) *ELECTIONS BY PERSONS NOT CURRENTLY PAR-*
 15 *TICIPATING IN SURVIVOR BENEFIT PLAN.*—

16 (1) *ELECTION OF SBP COVERAGE.*—*An eligible*
 17 *retired or former member may elect to participate in*
 18 *the Survivor Benefit Plan during the open season de-*
 19 *scribed in subsection (e).*

20 (2) *ELIGIBLE RETIRED OR FORMER MEMBERS.*—
 21 *For purposes of paragraph (1), an eligible retired or*
 22 *former member is a member or former member of the*
 23 *uniformed services who, on or before the day before*
 24 *the first day of the open season described in sub-*
 25 *section (e)—*

1 (A) is entitled to retired pay; or

2 (B) would be entitled to retired pay under
3 chapter 1223 of title 10, United States Code (or
4 chapter 67 of such title as in effect before October
5 5, 1994), but for the fact that such member or
6 former member is under 60 years of age.

7 (3) STATUS UNDER SBP OF PERSONS MAKING
8 ELECTIONS.—

9 (A) STANDARD ANNUITY.—A person making
10 an election under paragraph (1) by reason of eli-
11 gibility under paragraph (2)(A) shall be treated
12 for all purposes as providing a standard annuity
13 under the Survivor Benefit Plan.

14 (B) RESERVE-COMPONENT ANNUITY.—A
15 person making an election under paragraph (1)
16 by reason of eligibility under paragraph (2)(B)
17 shall be treated for all purposes as providing a
18 reserve-component annuity under the Survivor
19 Benefit Plan.

20 (4) PREMIUMS FOR OPEN SEASON.—

21 (A) PREMIUMS TO BE CHARGED.—The Sec-
22 retary of Defense shall prescribe in regulations
23 premiums that a person who makes an election
24 under paragraph (1) shall be required to pay for

1 *participating in the Survivor Benefit Plan pur-*
2 *suant to the election.*

3 *(B) AMOUNT OF PREMIUMS.—The total*
4 *amount of the premiums to be paid by a person*
5 *under the regulations prescribed under subpara-*
6 *graph (A) shall be equal to the sum of—*

7 *(i) the total amount by which the re-*
8 *tired pay of the person would have been re-*
9 *duced before the effective date of the election*
10 *under subsection (d) if the person had elect-*
11 *ed to participate in the Survivor Benefit*
12 *Plan (for the same base amount specified in*
13 *the election) at the first opportunity that*
14 *was afforded the person to participate*
15 *under chapter 73 of title 10, United States*
16 *Code;*

17 *(ii) interest on the amount by which*
18 *the retired pay of the person would have*
19 *been so reduced, computed from the date on*
20 *which the retired pay would have been so*
21 *reduced at such rate or rates and according*
22 *to such methodology as the Secretary deter-*
23 *mines reasonable; and*

24 *(iii) any additional amount that the*
25 *Secretary determines necessary to protect*

1 *the actuarial soundness of the Department*
2 *of Defense Military Retirement Fund*
3 *against any increased risk for the fund that*
4 *is associated with the election.*

5 (C) *PREMIUMS TO BE CREDITED TO RE-*
6 *TIREMENT FUND.—Premiums paid under the*
7 *regulations prescribed under subparagraph (A)*
8 *shall be credited to the Department of Defense*
9 *Military Retirement Fund.*

10 (b) *ELECTIONS BY PERSONS CURRENTLY PARTICI-*
11 *PATING IN SURVIVOR BENEFIT PLAN.—*

12 (1) *ELECTION OF TO DISCONTINUE SBP PARTICI-*
13 *PATION.—A person participating in the Survivor*
14 *Benefit Plan on the day before the first day of the*
15 *open season described in subsection (e) may elect to*
16 *discontinue such participation during the open sea-*
17 *son.*

18 (2) *CONSENT OF BENEFICIARIES.—*

19 (A) *IN GENERAL.—Except as provided in*
20 *subparagraph (B), a person described in para-*
21 *graph (1) may not make an election under that*
22 *paragraph without the concurrence of—*

23 (i) *each designated beneficiary of such*
24 *person under the Survivor Benefit Plan;*
25 *and*

1 (ii) the spouse of such person, if such
2 person is married.

3 (B) *EXCEPTION WHEN BENEFICIARY UN-*
4 *AVAILABLE.*—A person may make an election
5 under paragraph (1) without a concurrence re-
6 quired under subparagraph (2) if the person es-
7 tablishes to the satisfaction of the Secretary con-
8 cerned—

9 (i) that the whereabouts of the spouse
10 or beneficiary, as the case may be, cannot
11 be determined; or

12 (ii) that, due to exceptional cir-
13 cumstances, requiring the person to seek the
14 consent of the spouse or beneficiary, as the
15 case may be, would otherwise be inappro-
16 priate.

17 (3) *TREATMENT OF PREMIUMS.*—

18 (A) *DISCONTINUATION OF REDUCTIONS IN*
19 *PAY.*—As of the effective date under subsection
20 (d) of an election by a person under paragraph
21 (1), the Secretary concerned shall discontinue the
22 reduction being made in the retired pay of the
23 person arising from participation in the Sur-
24 vivor Benefit Plan or, in the case of a person
25 who has been required to make deposits in the

1 *Treasury on account of participation in the Sur-*
2 *vivor Benefit Plan, that person may discontinue*
3 *making such deposits effective on such effective*
4 *date.*

5 (B) *TREATMENT OF PREVIOUS REDUC-*
6 *TIONS.—A person who makes an election under*
7 *paragraph (1) is not entitled to a refund of any*
8 *reduction or deposit described in subparagraph*
9 *(A) made before such effective date.*

10 (c) *MANNER OF MAKING ELECTIONS.—*

11 (1) *IN GENERAL.—An election under subsection*
12 *(a) or (b) shall be made in writing, signed by the per-*
13 *son making the election, and received by the Secretary*
14 *concerned before the end of the open season described*
15 *in subsection (e).*

16 (2) *CONDITIONS.—Except as provided in para-*
17 *graph (3), an election under subsection (a) shall be*
18 *made subject to the same conditions, and with the*
19 *same opportunities for designation of beneficiaries*
20 *and specification of base amount, that apply under*
21 *the Survivor Benefit Plan.*

22 (3) *ELECTION MUST BE VOLUNTARY.—An elec-*
23 *tion under subsection (a) or (b) is not effective unless*
24 *the person making the election declares the election to*
25 *be voluntary. An election under subsection (a) or (b)*

1 *to participate or not to participate in the Survivor*
2 *Benefit Plan may not be required by any court. An*
3 *election by a person under subsection (a) to partici-*
4 *partate in the Survivor Benefit Plan is not subject to the*
5 *concurrence of a spouse or former spouse of the per-*
6 *son.*

7 (4) *DESIGNATION WITH RESPECT TO RESERVE-*
8 *COMPONENT ANNUITY.—A person making an election*
9 *under subsection (a) to provide a reserve-component*
10 *annuity shall make a designation described in section*
11 *1448(e) of title 10, United States Code.*

12 (d) *EFFECTIVE DATE FOR ELECTIONS.—An election*
13 *under subsection (a) or (b) shall be effective on the first*
14 *day of the first calendar month following the month in*
15 *which the election is received by the Secretary concerned.*

16 (e) *OPEN SEASON DESCRIBED.—The open season de-*
17 *scribed in this subsection is the period beginning on the date*
18 *of the enactment of this Act and ending on January 1,*
19 *2024.*

20 (f) *APPLICABILITY OF CERTAIN PROVISIONS OF*
21 *LAW.—The provisions of sections 1449, 1453, and 1454 of*
22 *title 10, United States Code, are applicable to a person*
23 *making an election, and to an election, under subsection*
24 *(a) or (b) in the same manner as if the election were made*
25 *under the Survivor Benefit Plan.*

1 (g) *DEFINITIONS.*—*In this section:*

2 (1) *The terms “base amount”, “reserve-compo-*
3 *nent annuity”, and “standard annuity” have the*
4 *meanings given those terms in section 1447 of title*
5 *10, United States Code.*

6 (2) *The term “Department of Defense Military*
7 *Retirement Fund” means the fund established under*
8 *section 1461(a) of title 10, United States Code.*

9 (3) *The term “retired pay” includes retainer*
10 *pay.*

11 (4) *The terms “Secretary concerned” and “uni-*
12 *formed services” have the meanings given those terms*
13 *in section 101 of title 37, United States Code.*

14 (5) *The term “Survivor Benefit Plan” means the*
15 *program established under subchapter II of chapter*
16 *73 of title 10, United States Code.*

17 **SEC. 644. MILITARY INSTALLATIONS WITH LIMITED CHILD**
18 **CARE: BRIEFING.**

19 (a) *BRIEFING.*—*Not later than one year after the date*
20 *of the enactment of this Act, the Secretary of Defense shall*
21 *submit to the congressional defense committees a briefing*
22 *regarding child care at military installations of the covered*
23 *Armed Forces—*

24 (1) *that are not served by a military child devel-*
25 *opment center; or*

1 (2) *where the military child development center*
2 *has few available spots.*

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

5 (1) *With regards to each military installation*
6 *described in such subsection:*

7 (A) *The current and maximum possible en-*
8 *rollment at the military child development center*
9 *(if one exists).*

10 (B) *Plans of the Secretary to expand an ex-*
11 *isting, or construct a new, military child devel-*
12 *opment center.*

13 (C) *The resulting capacity of each military*
14 *child development center described in subpara-*
15 *graph (B).*

16 (D) *The median cost of services at accred-*
17 *ited child care facilities located near such mili-*
18 *tary installation compared to the amount of as-*
19 *sistance provided by the Secretary of the mili-*
20 *tary department concerned to members for child*
21 *care services.*

22 (2) *Any policy recommendations of the Secretary*
23 *of Defense—*

24 (A) *to address the rising cost of child care*
25 *near military installations; and*

1 (B) regarding the rates of child care fee as-
2 sistance provided to members of the covered
3 Armed Forces.

4 (c) *DEFINITIONS.*—*In this section:*

5 (1) The term “covered Armed Force” means the
6 following:

7 (A) *The Army.*

8 (B) *The Navy.*

9 (C) *The Marine Corps.*

10 (D) *The Air Force.*

11 (E) *The Space Force.*

12 (2) The term “military child development cen-
13 ter” has the meaning given such term in section 1800
14 of title 10, United States Code.

15 **SEC. 645. FOOD INSECURITY AMONG MILITARY FAMILIES:**

16 **DATA COLLECTION; TRAINING; REPORT.**

17 (a) *DATA COLLECTION.*—*Not later than one year after*
18 *the date of the enactment of this Act, the Under Secretary*
19 *of Defense for Personnel and Readiness, in coordination*
20 *with the Under Secretary for Food, Nutrition, and Con-*
21 *sumer Services of the Department of Agriculture, shall—*

22 (1) *develop a survey, in collaboration with the*
23 *Department of Agriculture, to determine how many*
24 *members of the Armed Forces serving on active duty,*
25 *and dependents of such members, are food insecure;*

1 (2) *issue the survey to such members and de-*
2 *pendents;*

3 (3) *collect data related to the number of such*
4 *members and dependents who—*

5 (A) *are eligible for the basic needs allowance*
6 *under section 402b of title 37, United States*
7 *Code;*

8 (B) *receive such basic needs allowance; and*

9 (C) *are surveyed on the use, by such mem-*
10 *bers and dependents, of Federal nutrition assist-*
11 *ance programs, including—*

12 (i) *the supplemental nutrition assist-*
13 *ance program under the Food and Nutri-*
14 *tion Act of 2008 (7 U.S.C. 2011 et seq.);*

15 (ii) *the special supplemental nutrition*
16 *program for women, infants, and children*
17 *under section 17 of the Child Nutrition Act*
18 *of 1966 (42 U.S.C. 1786); and*

19 (iii) *the school lunch program under*
20 *the Richard B. Russell National School*
21 *Lunch Act (42 U.S.C. 1751 et seq.), and the*
22 *school breakfast program under section 4 of*
23 *the Child Nutrition Act of 1966 (42 U.S.C.*
24 *1773);*

1 (4) *develop and carry out a plan to train and*
2 *designate an individual who will assist members at*
3 *military installations on how and where to refer such*
4 *members and their dependents for participation in*
5 *Federal nutrition assistance programs described in*
6 *paragraph (3)(C); and*

7 (5) *coordinate efforts of the Department of De-*
8 *fense to address food insecurity and nutrition.*

9 (b) *REPORT.*—*Not later than one year after the date*
10 *of the enactment of this Act, and annually thereafter for*
11 *the four subsequent years, the Under Secretary of Defense*
12 *for Personnel & Readiness shall submit to the congressional*
13 *defense committees, the Committees on Agriculture and*
14 *Education and Labor of the House of Representatives, and*
15 *the Committee on Agriculture, Nutrition, and Forestry of*
16 *the Senate, a report including the following:*

17 (1) *The number of members of the Armed Forces*
18 *serving on active duty and their dependents who are*
19 *food insecure.*

20 (2) *The number of such members and their de-*
21 *pendents who use the Federal nutrition assistance*
22 *programs described in subsection (a)(3).*

23 (3) *The number of such members and their de-*
24 *pendents described in subsection (a)(3).*

1 (4) *The status of implementation of the plan*
2 *under subsection (a)(5).*

3 ***Subtitle F—Defense Resale Matters***

4 ***SEC. 651. PROHIBITION OF THE SALE OF CERTAIN GOODS***
5 ***FROM THE XINJIANG UYGHUR AUTONOMOUS***
6 ***REGION IN COMMISSARIES AND EXCHANGES.***

7 (a) *PROHIBITION.*—*Subchapter III of chapter 147 of*
8 *title 10, United States Code, is amended by adding at the*
9 *end the following new section:*

10 ***“§2496. Sale of certain goods from the Xinjiang***
11 ***Uyghur Autonomous Region prohibited***

12 “(a) *PROHIBITION.*—*The Secretary of Defense may not*
13 *knowingly permit the sale, at a commissary store or mili-*
14 *tary exchange, of any good, ware, article, or merchandise—*

15 “(1) *containing any product mined, produced, or*
16 *manufactured, wholly or in part, by forced labor from*
17 *the XUAR; or*

18 “(2) *from an entity that has used labor from*
19 *within or transferred from XUAR as part of a ‘pov-*
20 *erty alleviation’ or ‘pairing assistance’ program.*

21 “(b) *DEFINITIONS.*—*In this section:*

22 “(1) *The term ‘forced labor’ means any work or*
23 *service that is exacted from any person under the*
24 *menace of any penalty for nonperformance and that*
25 *the worker does not offer to perform.*

1 “(2) *The term ‘XUAR’ means the Xinjiang*
2 *Uyghur Autonomous Region of the People’s Republic*
3 *of China.’”.*

4 (b) *CLERICAL AMENDMENT.—The table of sections at*
5 *the beginning of such subchapter is amended by adding at*
6 *the end the following new item:*

 “2496. *Sale of certain goods from the Xinjiang Uyghur Autonomous Region pro-*
 hibited.’”.

7 ***Subtitle G—Miscellaneous Studies,***
8 ***Briefings and Reports***

9 ***SEC. 661. STUDY ON BASIC PAY.***

10 (a) *IN GENERAL.—The Secretary of Defense shall seek*
11 *to enter into an agreement with a nonprofit entity or a*
12 *federally funded research and development center to conduct*
13 *research and analysis on the value of basic pay for members*
14 *of the Armed Forces. The Secretary may include such re-*
15 *search and analysis in the next quadrennial review of mili-*
16 *tary compensation.*

17 (b) *ELEMENTS.—The research and analysis conducted*
18 *under subsection (a) shall include the following:*

19 (1) *An assessment of the model used to determine*
20 *the basic pay in the current basic pay tables, includ-*
21 *ing—*

22 (A) *an analysis of whether to update the*
23 *current model to meet the needs of the 2023 em-*
24 *ployment market;*

1 (B) a historical understanding of when the
2 current model was established and how fre-
3 quently it has been during the last 10 years;

4 (C) an understanding of the assumptions on
5 which the model is based and how such assump-
6 tions are validated;

7 (D) an analysis of time-in-grade require-
8 ments and how they may affect retention and
9 promotion; and

10 (E) an assessment of how recruiting and re-
11 tention information is used to adjust the model.

12 (2) An assessment of whether to modify current
13 basic pay tables to consider higher rates of pay for
14 specialties the Secretary determines are in critical
15 need of personnel.

16 (3) An analysis of—

17 (A) how basic pay has compared with civil-
18 ian pay since the 70th percentile benchmark for
19 basic pay was established; and

20 (B) whether to change the 70th percentile
21 benchmark.

22 (4) An assessment of whether—

23 (A) to adjust the annual increase in basic
24 pay, currently guided by changes in the Employ-

1 *ment Cost Index as a measure of the growth in*
2 *private-sector employment costs; or*

3 *(B) to use a different index, such as the De-*
4 *fense Employment Cost Index.*

5 *(5) Legislative and policy recommendations re-*
6 *garding basic pay table based on analyses and assess-*
7 *ments under paragraphs (1) through (4).*

8 *(c) BRIEFINGS AND PROGRESS REPORT.—*

9 *(1) INTERIM BRIEFING.—Not later than April 1,*
10 *2023, the Secretary shall provide to the appropriate*
11 *congressional committees an interim briefing on the*
12 *elements described in subsection (b).*

13 *(2) PROGRESS REPORT.—Not later than one*
14 *year after the date of the enactment of this Act, the*
15 *Secretary shall submit to the appropriate congress-*
16 *sional committees a progress report on the study*
17 *under this section.*

18 *(3) FINAL BRIEFING.—Not later than two years*
19 *after the date of the enactment of this Act, the Sec-*
20 *retary shall submit to the appropriate congressional*
21 *committees a final briefing on the study under this*
22 *section.*

23 *(d) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
24 *FINED.—In this section, the term “appropriate congress-*
25 *sional committees” means the following:*

1 (1) *The Committee on Armed Services of the*
2 *House of Representatives.*

3 (2) *The Committee on Armed Services of the*
4 *Senate.*

5 **SEC. 662. REPORT ON ACCURACY OF BASIC ALLOWANCE**
6 **FOR HOUSING.**

7 (a) *REPORT; ELEMENTS.*—*Not later than one year*
8 *after the date of the enactment of this Act, the Secretary*
9 *of Defense, in consultation with the Secretary of the depart-*
10 *ment in which the Coast Guard is operating, shall submit*
11 *to the Committees on Armed Services of the Senate and*
12 *House of Representatives a report on BAH. Such report*
13 *shall contain the following elements:*

14 (1) *The evaluation of the Secretary—*

15 (A) *of the efficiency and accuracy of the*
16 *current system used to calculate BAH;*

17 (B) *the appropriateness of using mean and*
18 *median housing costs in such calculation;*

19 (C) *of existing MHAs, in relation to choices*
20 *in, and availability of, housing to*
21 *servicemembers;*

22 (D) *of the suitability of the six standard*
23 *housing profiles in relation to the average family*
24 *sizes of servicemembers, disaggregated by uni-*
25 *formed service, rank, and MHA;*

1 (E) of the flexibility of BAH to respond to
2 changes in real estate markets; and

3 (F) of residential real estate processes to de-
4 termine rental rates.

5 (2) The recommendation of the Secretary—

6 (A) regarding the feasibility of including
7 information, furnished by Federal entities, re-
8 garding school districts, in calculating BAH;

9 (B) whether to calculate BAH more fre-
10 quently, including in response to a sudden
11 change in the housing market;

12 (C) whether to enter into an agreement with
13 a covered entity, to compile data and develop an
14 enterprise grade, objective, data-driven algorithm
15 to calculate BAH;

16 (D) whether to publish the methods used by
17 the Secretary to calculate BAH on a publicly ac-
18 cessible website of the Department of Defense;
19 and

20 (E) whether BAH calculations appro-
21 priately account for increased housing costs asso-
22 ciated with Coast Guard facilities.

23 (b) DEFINITIONS.—In this section:

1 (1) *The term “BAH” means the basic allowance*
2 *for housing for members of the uniformed services*
3 *under section 403 of title 37, United States Code.*

4 (2) *The term “covered entity” means a nation-*
5 *ally recognized entity in the field of commercial real*
6 *estate that has data on local rental rates in real estate*
7 *markets across the United States.*

8 (3) *The term “MHA” means military housing*
9 *area.*

10 (4) *The term “servicemember” has the meaning*
11 *given such term in section 101 of the Servicemembers*
12 *Civil Relief Act (50 U.S.C. 3911).*

13 **SEC. 663. REVIEW OF DISLOCATION AND RELOCATION AL-**
14 **LOWANCES.**

15 (a) *IN GENERAL.*—*Not later than one year after the*
16 *date of the enactment of this Act, the Secretary of Defense*
17 *shall submit to the congressional defense committees a re-*
18 *port—*

19 (1) *reviewing the adequacy of the amounts of*
20 *dislocation and relocation allowances paid under sec-*
21 *tion 452 of title 37, United States Code, to members*
22 *of the covered Armed Forces, in connection with*
23 *changes in such members’ temporary or permanent*
24 *duty assignment locations, taking into consideration*

1 *the rising costs of moving, challenges in the housing*
2 *market, and other expenses incurred by such members;*

3 (2) *assessing the effects of delays in the issuance*
4 *of orders relating to changes to temporary or perma-*
5 *nent duty assignment locations on the timing of dis-*
6 *location and relocation allowances paid to members of*
7 *the covered Armed Forces;*

8 (3) *assessing the feasibility and advisability of*
9 *paying dislocation or relocation allowances to mem-*
10 *bers of the covered Armed Forces who are perma-*
11 *nently assigned from one unit to another with no*
12 *change of permanent duty station when the units are*
13 *within the same metropolitan area; and*

14 (4) *making recommendations with respect to the*
15 *matters described in paragraphs (1), (2), and (3).*

16 (b) *COVERED ARMED FORCES DEFINED.*—*In this sec-*
17 *tion, the term “covered Armed Forces” means the Army,*
18 *Navy, Marine Corps, Air Force, and Space Force.*

19 **SEC. 664. COMPLEX OVERHAUL PAY: BRIEFING.**

20 (a) *BRIEFING.*—*Not later than six months after the*
21 *date of the enactment of this Act, the Secretary of the Navy*
22 *shall submit to the Committees on Armed Services of the*
23 *Senate and House of Representatives a briefing regarding*
24 *the feasibility and advisability of establishing complex over-*
25 *haul pay.*

1 **(b) COMPLEX OVERHAUL PAY DEFINED.**—*In this sec-*
2 *tion, the term “complex overhaul pay” means a special*
3 *monthly pay—*

4 (1) *established pursuant to regulations prescribed*
5 *under section 352 of title 37, United States Code;*

6 (2) *paid to a member of the Armed Forces as-*
7 *signed to a naval vessel undergoing nuclear refueling*
8 *or defueling, and any concurrent complex overhaul;*

9 (3) *in addition to any other pay or allowance to*
10 *which a member is entitled; and*

11 (4) *in an amount equal to \$200 per month.*

12 **SEC. 665. STUDIES ON COMPENSATION FOR DOD CHILD**
13 **CARE PROVIDERS.**

14 **(a) IN GENERAL.**—

15 (1) **STUDIES REQUIRED.**—*The Secretary of De-*
16 *fense shall, for each geographic area in which the Sec-*
17 *retary of a military department operates a military*
18 *child development center, conduct a study—*

19 (A) *comparing the total compensation, in-*
20 *cluding all pay and benefits, of child care em-*
21 *ployees of each military child development center*
22 *in the geographic area to the total compensation*
23 *of similarly credentialed employees in such geo-*
24 *graphic area; and*

1 (B) *estimating the difference in average pay*
2 *and the difference in average benefits between*
3 *such child care employees.*

4 (2) *SCHEDULE.—The Secretary of Defense shall*
5 *complete the studies required under paragraph (1)—*

6 (A) *for the geographic areas containing the*
7 *military installations with the 25 longest wait*
8 *lists for child care services at military child de-*
9 *velopment centers, not later than one year after*
10 *the date of the enactment of this Act; and*

11 (B) *for geographic areas other than geo-*
12 *graphic areas described in subparagraph (A),*
13 *not later than two years after the date of the en-*
14 *actment of this Act.*

15 (3) *REPORTS.—*

16 (A) *INTERIM REPORT.—Not later than one*
17 *year after the date of the enactment of this Act,*
18 *the Secretary of Defense shall submit to the Com-*
19 *mittees on Armed Services of the Senate and*
20 *House of Representatives a report summarizing*
21 *the results of the studies required under para-*
22 *graph (1) that have been completed as of the date*
23 *of the submission of such report.*

24 (B) *FINAL REPORT.—Not later than 120*
25 *days after the completion of all the studies re-*

1 *quired under paragraph (1), the Secretary shall*
2 *submit to the Committees on Armed Services of*
3 *the Senate and House of Representatives a report*
4 *summarizing the results of such studies.*

5 **(b) DEFINITIONS.—***In this section:*

6 **(1)** *The term “benefits” includes—*

7 **(A)** *retirement benefits;*

8 **(B)** *any insurance premiums paid by an*
9 *employer;*

10 **(C)** *education benefits, including tuition re-*
11 *imbursement and student loan repayment; and*

12 **(D)** *any other compensation an employer*
13 *provides to an employee for service performed as*
14 *an employee (other than pay), as determined ap-*
15 *propriate by the Secretary of Defense.*

16 **(2)** *The terms “child care employee” and “mili-*
17 *tary child development center” have the meanings*
18 *given such terms in section 1800 of title 10, United*
19 *States Code.*

20 **(3)** *The term “pay” includes the basic rate of*
21 *pay of an employee and any additional payments an*
22 *employer pays to an employee for service performed*
23 *as an employee.*

1 **SEC. 666. BARRIERS TO HOME OWNERSHIP FOR MEMBERS**
 2 **OF THE ARMED FORCES: STUDY; REPORT.**

3 (a) *STUDY.*—Not later than one year after the date of
 4 the enactment of this Act, the Secretary of Defense shall seek
 5 to enter into an agreement with a federally funded research
 6 and development center or non-profit entity to conduct a
 7 study on the unique barriers to home ownership for mem-
 8 bers of the Armed Forces.

9 (b) *REPORT.*—At the conclusion of the study under
 10 subsection (a), the Secretary shall submit to the Committees
 11 on Armed Services of the Senate and House of Representa-
 12 tives a report containing the results of such study.

13 **TITLE VII—HEALTH CARE**
 14 **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 of*
 13 *January 1, 2026, the regulations prescribed pursuant*
 14 *to paragraph (1) shall include, with respect to pre-*
 15 *mium sharing plans referred to in subsection (d)(1),*
 16 *the following elements:*

17 “(A) *A third party administrator shall*
 18 *manage the administrative features of such*
 19 *plans, including eligibility, enrollment, plan*

1 *change and premium payment processes, submis-*
2 *sion of qualifying life events changes, and ad-*
3 *dress changes.*

4 “(B) *Such plans shall include the following*
5 *three enrollment options:*

6 “(i) *Self.*

7 “(ii) *Self plus one.*

8 “(iii) *Family.*

9 “(C) *In the United States, to the extent*
10 *practicable, individuals eligible to enroll in such*
11 *a plan shall be offered options to enroll in plans*
12 *of not fewer than two and not more than four*
13 *dental insurance carriers.*

14 “(D) *To the extent practicable, each carrier*
15 *described in subparagraph (C)—*

16 “(i) *shall manage dental care delivery*
17 *matters, including claims adjudication*
18 *(with required electronic submission of*
19 *claims), coordination of benefits, covered*
20 *services, enrollment verification, and pro-*
21 *vider networks;*

22 “(ii) *shall, in addition to offering a*
23 *standard option plan, offer a non-standard*
24 *option plan;*

1 “(iii) may offer a non-standard option
2 plan managed as a dental health mainte-
3 nance organization plan;

4 “(iv) shall establish and operate dental
5 provider networks that provide—

6 “(I) accessible care with a preven-
7 tion or wellness focus;

8 “(II) continuity of care;

9 “(III) coordinated care (including
10 appropriate dental and medical refer-
11 rals);

12 “(IV) patient-centered care (in-
13 cluding effective communications, indi-
14 vidualized care, and shared decision-
15 making); and

16 “(V) high-quality, safe care;

17 “(v) shall develop and implement adult
18 and pediatric dental quality measures, in-
19 cluding effective measurements for—

20 “(I) access to care;

21 “(II) continuity of care;

22 “(III) cost;

23 “(IV) adverse patient events;

24 “(V) oral health outcomes; and

25 “(VI) patient experience; and

1 “(vi) may conduct in the provider net-
2 works established and operated by the car-
3 rier under clause (iv), to the extent prac-
4 ticable, pilot programs on the development
5 of a model of care based on the model of
6 care commonly referred to as patient-cen-
7 tered dental homes.”;

8 (2) in subsection (d)(1)—

9 (A) in subparagraph (B), by striking “The
10 member’s” and inserting “During the period
11 preceding January 1, 2026, the member’s”;

12 (B) in subparagraph (C), by striking “of
13 each year,” and inserting “of each year during
14 the period preceding January 1, 2026,”;

15 (C) in subparagraph (D), by striking “The
16 Secretary of Defense” and inserting “During the
17 period preceding January 1, 2026, the Secretary
18 of Defense”; and

19 (D) by adding at the end the following new
20 subparagraphs:

21 “(E) Beginning on January 1, 2026, the amount
22 of the premium required under subparagraph (A)—

23 “(i) for standard option plans, shall be es-
24 tablished by the Secretary annually such that in
25 the aggregate (taking into account the adjust-

1 ments under subparagraph (F) and subsection
2 (e)(3), the Secretary's share of each premium is
3 60 percent of the premium for each enrollment
4 category (self, self plus one, and family, respec-
5 tively) of each standard option plan; and

6 “(i) for non-standard option plans, shall be
7 equal to the amount determined under clause (i)
8 plus 100 percent of the additional premium
9 amount applicable to such non-standard option
10 plan.

11 “(F) Beginning on January 1, 2026, the Sec-
12 retary of Defense shall reduce the monthly premium
13 required to be paid under paragraph (1) in the case
14 of enlisted members in pay grade E-1, E-2, E-3, or
15 E-4.”;

16 (3) in subsection (e), by adding at the end the
17 following new paragraph:

18 “(3) Beginning on January 1, 2026, the Secretary of
19 Defense shall reduce copayments required to be paid under
20 paragraph (1) in the case of enlisted members in pay grade
21 E-1, E-2, E-3, or E-4.”;

22 (4) in subsection (j), by striking “The Secretary
23 of Defense may not reduce benefits provided under a
24 plan established under this section until” and insert-
25 ing “During the period preceding January 1, 2026,

1 *the Secretary of Defense may not reduce benefits pro-*
2 *vided under a plan established under this section, and*
3 *on or after January 1, 2026, the Secretary may not*
4 *reduce benefits provided under a standard option*
5 *plan under this section, until”;* and

6 (5) *by adding at the end the following new sub-*
7 *section:*

8 “(l) *DEFINITIONS.—In this section:*

9 “(1) *The term ‘non-standard option plan’ means*
10 *a high option dental insurance plan that includes*
11 *covered services in addition to, or provides greater*
12 *coverage with respect to, services covered under a*
13 *standard option plan.*

14 “(2) *The term ‘standard option plan’ means a*
15 *dental insurance plan that provides for the coverage*
16 *of preventive services, basic restorative services, and*
17 *specialty dental care services at a level that is at least*
18 *commensurate with the coverage of the same services*
19 *provided under the premium sharing plans under this*
20 *section during the period preceding January 1,*
21 *2026.”.*

22 (b) *RULEMAKING.—Pursuant to the authority under*
23 *section 1076a(b)(1) of title 10, United States Code, as*
24 *amended by subsection (a), the Secretary of Defense shall—*

1 (1) *not later than January 1, 2025, prescribe an*
2 *interim final rule to carry out the amendments made*
3 *by subsection (a); and*

4 (2) *after prescribing the interim final rule under*
5 *subparagraph (A) and considering public comments*
6 *with respect to such interim final rule, prescribe a*
7 *final rule, effective on January 1, 2026, to carry out*
8 *such amendments.*

9 (c) *BRIEFINGS.*—*Not later than January 1 of each of*
10 *2024, 2025, and 2026, the Secretary of Defense shall provide*
11 *to the Committees on Armed Services of the House of Rep-*
12 *resentatives and the Senate a briefing on the status of the*
13 *implementation of the amendments made by subsection (a).*

14 **SEC. 702. HEALTH BENEFITS FOR MEMBERS OF THE NA-**
15 **TIONAL GUARD FOLLOWING REQUIRED**
16 **TRAINING OR OTHER DUTY TO RESPOND TO A**
17 **NATIONAL EMERGENCY.**

18 (a) *TRANSITIONAL HEALTH CARE.*—*Subsection (a)(2)*
19 *of section 1145 of title 10, United States Code, is amended*
20 *by adding at the end the following new subparagraph:*

21 “(G) *A member of the National Guard who is*
22 *separated from full-time National Guard Duty to*
23 *which called or ordered under section 502(f) of title*
24 *32 for a period of active service of more than 30 days*
25 *to perform duties that are authorized by the President*

1 *or the Secretary of Defense for the purpose of respond-*
2 *ing to a national emergency declared by Congress or*
3 *the President and supported by Federal funds.”.*

4 *(b) CONFORMING AMENDMENTS.—Such section is fur-*
5 *ther amended—*

6 *(1) in subsection (a)—*

7 *(A) in paragraph (1), in the matter pre-*
8 *ceding subparagraph (A), by striking “active*
9 *duty” and inserting “active service”;*

10 *(B) in paragraph (3), by striking “para-*
11 *graph (2)(B)” and inserting “subparagraph (B)*
12 *or (G) of paragraph (2)”;*

13 *(C) in paragraph (4)—*

14 *(i) by striking “active duty” each place*
15 *it appears and inserting “active service”;*
16 *and*

17 *(ii) in the second sentence, by striking*
18 *“or (D)” and inserting “(D), or (G)”;*

19 *(D) in paragraph (5), in subparagraphs*
20 *(A) and (B), by striking “active duty” each*
21 *place it appears and inserting “active service”;*
22 *and*

23 *(E) in paragraph (7)(A)—*

24 *(i) by striking “service on active duty”*
25 *and inserting “active service”; and*

1 (ii) by striking “active duty for” and
2 inserting “active service for”;

3 (2) in subsection (b)(1), by striking “active
4 duty” and inserting “active service”; and

5 (3) in subsection (d)(1)(A), by striking “active
6 duty” and inserting “active service”.

7 **SEC. 703. IMPROVEMENT OF REFERRALS FOR SPECIALTY**
8 **CARE UNDER TRICARE PRIME DURING PER-**
9 **MANENT CHANGES OF STATION.**

10 (a) *IN GENERAL.*—Section 714 of the John S. McCain
11 *National Defense Authorization Act for Fiscal Year 2019*
12 *(Public Law 115–232; 10 U.S.C. 1095f note)* is amended—

13 (1) by redesignating subsection (e) as subsection
14 (f); and

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

17 “(e) *IMPROVEMENT OF SPECIALTY CARE REFERRALS*
18 *DURING PERMANENT CHANGES OF STATION.*—In con-
19 *ducting evaluations and improvements under subsection (d)*
20 *to the referral process described in subsection (a), the Sec-*
21 *retary shall ensure beneficiaries enrolled in TRICARE*
22 *Prime who are undergoing a permanent change of station*
23 *receive referrals from their primary care manager to such*
24 *specialty care providers in the new location as the bene-*

1 *ficiary may need before undergoing the permanent change*
2 *of station.”.*

3 **(b) BRIEFING.**—*Not later than 180 days after the date*
4 *of the enactment of this Act, the Secretary of Defense shall*
5 *provide to the Committees on Armed Services of the Senate*
6 *and the House of Representatives a briefing on the contrac-*
7 *tual and technical barriers preventing record sharing be-*
8 *tween civilian provider networks under the TRICARE pro-*
9 *gram that lead to increased wait times for care for members*
10 *of the Armed Forces and the dependents thereof undergoing*
11 *permanent changes of station across provider network re-*
12 *gions.*

13 **SEC. 704. CONFIDENTIALITY REQUIREMENTS FOR MENTAL**
14 **HEALTH CARE SERVICES FOR MEMBERS OF**
15 **THE ARMED FORCES.**

16 **(a) IN GENERAL.**—*In order to reinforce the policies*
17 *of eliminating stigma in obtaining mental health care serv-*
18 *ices and further encouraging help-seeking behavior by mem-*
19 *bers of the Armed Forces, not later than July 1, 2023, the*
20 *Secretary of Defense shall—*

21 **(1)** *update and reissue Department of Defense*
22 *Instruction 6490.08, titled “Command Notification*
23 *Requirements to Dispel Stigma in Providing Mental*
24 *Health Care to Service Members” and issued on Au-*
25 *gust 17, 2011, taking into account—*

1 (A) *experience implementing the Instruc-*
2 *tion; and*

3 (B) *opportunities to more effectively dispel*
4 *stigma in obtaining mental health care services*
5 *and encourage help-seeking behavior; and*

6 (2) *develop standards within the Department of*
7 *Defense that—*

8 (A) *ensure, except in a case in which there*
9 *is an exigent circumstance, the confidentiality of*
10 *mental health care services provided to members*
11 *who voluntarily seek such services;*

12 (B) *include a model for making determina-*
13 *tions with respect to exigent circumstances that*
14 *clarifies the responsibilities regarding the deter-*
15 *mination of the effect on military function and*
16 *the prevention of self-harm by the individual;*
17 *and*

18 (C) *in a case in which there is an exigent*
19 *circumstance, prevent health care providers from*
20 *disclosing more than the minimum amount of*
21 *information necessary to address the exigent cir-*
22 *cumstance.*

23 (b) *ELEMENTS.—The standards required by subsection*
24 *(a)(2) shall include the following elements:*

1 (1) *Requirements for confidentiality regarding*
2 *the request and receipt by a member of the Armed*
3 *Forces of mental health care services under the self-*
4 *initiated referral process under section 1090a(e) of*
5 *title 10, United States Code.*

6 (2) *Requirements for confidentiality regarding*
7 *the results of any drug testing incident to such mental*
8 *health care services.*

9 (3) *Procedures that reflect best practices of the*
10 *mental health profession with respect to suicide pre-*
11 *vention.*

12 (4) *A prohibition against retaliating against a*
13 *member of the Armed Forces who requests mental*
14 *health care services.*

15 (5) *Such other elements as the Secretary deter-*
16 *mines will most effectively support the policies of—*

17 (A) *eliminating stigma in obtaining mental*
18 *health care services; and*

19 (B) *encouraging help-seeking behavior by*
20 *members of the Armed Forces.*

21 (c) *JOINT POLICY WITH THE SECRETARY OF VET-*
22 *ERANS AFFAIRS.—*

23 (1) *IN GENERAL.—Not later than July 1, 2023,*
24 *the Secretary of Defense and the Secretary of Veterans*
25 *Affairs shall issue a joint policy that provides, except*

1 *in a case in which there is an exigent circumstance,*
2 *for the confidentiality of mental health care services*
3 *provided by the Secretary of Veterans Affairs to mem-*
4 *bers of the Armed Forces, including the reserve com-*
5 *ponents, under section 1712A, 1720F, 1720H, or 1789*
6 *of title 38, United States Code, or other applicable*
7 *law.*

8 (2) *ELEMENTS.*—*The joint policy issued under*
9 *paragraph (1) shall, to the extent practicable, include*
10 *standards comparable to the standards developed*
11 *under subsection (a)(2).*

12 (d) *REPORT.*—*Not later than July 1, 2023, the Sec-*
13 *retary of Defense shall submit to the Committees on Armed*
14 *Services of the Senate and the House of Representatives a*
15 *copy of the standards developed under subsection (a)(2) and*
16 *the joint policy issued under subsection (c).*

17 (e) *EXIGENT CIRCUMSTANCE DEFINED.*—*In this sec-*
18 *tion, the term “exigent circumstance” means a cir-*
19 *cumstance in which the Secretary of Defense determines the*
20 *need to prevent serious harm to an individual or essential*
21 *military function clearly outweighs the need for confiden-*
22 *tiality of information obtained by a health care provider*
23 *incident to mental health care services voluntarily sought*
24 *by a member of the Armed Forces.*

1 **SEC. 705. AUDIT OF BEHAVIORAL HEALTH CARE NETWORK**
2 **PROVIDERS LISTED IN TRICARE DIRECTORY.**

3 (a) *AUDIT REQUIRED.*—The Comptroller General of
4 the United States shall conduct an audit of the behavioral
5 health care providers listed in the TRICARE directory.

6 (b) *REPORT.*—Not later than one year after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to the Committees on Armed Services of the House
9 of Representatives and the Senate a report on the findings
10 of the audit under subsection (a). Such report shall include
11 the following:

12 (1) *An identification of the following,*
13 *disaggregated by provider specialty and TRICARE*
14 *provider network region:*

15 (A) *The number of such behavioral health*
16 *care providers with respect to which there are*
17 *duplicate listings in the TRICARE directory.*

18 (B) *The number of such behavioral health*
19 *care providers that, as of the commencement of*
20 *the audit, were listed in the TRICARE directory*
21 *as available and accepting new TRICARE pa-*
22 *tients.*

23 (C) *The number of such behavioral health*
24 *care providers that, as a result of the audit, the*
25 *Comptroller General determines are no longer*
26 *available or accepting new TRICARE patients.*

1 (D) *The number of such behavioral health*
2 *care providers that were not previously listed in*
3 *the TRICARE directory as available and accept-*
4 *ing new TRICARE patients but that, as a result*
5 *of the audit, the Comptroller General determines*
6 *are so available and accepting.*

7 (E) *The number of behavioral health care*
8 *providers listed in the TRICARE directory that*
9 *are no longer practicing.*

10 (F) *The number of behavioral health care*
11 *providers that, in conducting the audit, the*
12 *Comptroller General could not reach for purposes*
13 *of verifying information relating to availability*
14 *or status.*

15 (2) *An identification of the number of TRICARE*
16 *beneficiaries in each TRICARE region, disaggregated*
17 *by beneficiary category.*

18 (3) *A description of the methods by which the*
19 *Secretary of Defense measures the following:*

20 (A) *The accessibility and accuracy of the*
21 *TRICARE directory, with respect to behavioral*
22 *health care providers listed therein.*

23 (B) *The adequacy of behavioral health care*
24 *providers under the TRICARE program.*

1 (4) *A description of the efforts of the Secretary*
2 *of Defense to recruit and retain behavioral health care*
3 *providers.*

4 (5) *Recommendations by the Comptroller Gen-*
5 *eral, based on the findings of the audit, on how to im-*
6 *prove the availability of behavioral health care pro-*
7 *viders that are network providers under the*
8 *TRICARE program, including through the inclusion*
9 *of specific requirements in the next generation of*
10 *TRICARE contracts.*

11 *(c) DEFINITIONS.—In this section:*

12 (1) *The term “TRICARE directory” means the*
13 *directory of network providers under the TRICARE*
14 *program.*

15 (2) *The term “TRICARE program” has the*
16 *meaning given such term in section 1072 of title 10,*
17 *United States Code.*

18 **SEC. 706. INDEPENDENT ANALYSIS OF QUALITY AND PA-**
19 **TIENT SAFETY REVIEW PROCESS UNDER DI-**
20 **RECT CARE COMPONENT OF TRICARE PRO-**
21 **GRAM.**

22 *(a) AGREEMENT.—*

23 (1) *IN GENERAL.—The Secretary of Defense shall*
24 *seek to enter into an agreement with a federally fund-*
25 *ed research and development center for the federally*

1 *funded research and development center to carry out*
2 *the activities described in subsections (b) and (c).*

3 (2) *TIMING.*—*The Secretary shall seek to enter*
4 *into the agreement described in paragraph (1) not*
5 *later October 1, 2023.*

6 (b) *ANALYSIS BY FFRDC.*—

7 (1) *ANALYSIS.*—*Under an agreement between the*
8 *Secretary and a federally funded research and devel-*
9 *opment center entered into pursuant to subsection (a),*
10 *the federally funded research and development center*
11 *shall conduct an analysis of the quality and patient*
12 *safety review process for health care provided under*
13 *the direct care component of the TRICARE program*
14 *and develop recommendations for the Secretary based*
15 *on such analysis.*

16 (2) *ELEMENTS.*—*The analysis conducted and*
17 *recommendations developed under paragraph (1) shall*
18 *include, with respect to the direct care component of*
19 *the TRICARE program, an assessment of the fol-*
20 *lowing:*

21 (A) *The procedures under such component*
22 *regarding credentialing and privileging for*
23 *health care providers (and an assessment of com-*
24 *pliance with such procedures).*

1 (B) *The processes under such component for*
2 *quality assurance, standard of care, and incident*
3 *review (and an assessment of compliance with*
4 *such processes).*

5 (C) *The accountability processes under such*
6 *component for health care providers who are*
7 *found to have not met a required standard of*
8 *care.*

9 (D) *The transparency activities carried out*
10 *under such component, including an assessment*
11 *of the publication of clinical quality metrics (at*
12 *the level of military medical treatment facilities*
13 *and other operational medical units of the De-*
14 *partment of Defense), and a comparison with*
15 *similar metrics for non-Department health care*
16 *entities.*

17 (E) *The standardization activities carried*
18 *under such component, including activities*
19 *aimed at eliminating unwarranted variation in*
20 *clinical quality metrics at the level of military*
21 *medical treatment facilities and other oper-*
22 *ational medical units of the Department.*

23 (F) *The implementation under such compo-*
24 *nent of the requirements of section 744 of the Na-*
25 *tional Defense Authorization Act for Fiscal Year*

1 2021 (Public Law 116–283; 134 Stat. 3708; 10
2 U.S.C. 1071 note), including with respect to
3 health care delivery on ships and planes, in de-
4 ployed settings, and in all other circumstances
5 outside of military medical treatment facilities.

6 (G) The organizational roles and respon-
7 sibilities of military health system entities in-
8 volved in clinical quality management functions
9 under such component, including the Assistant
10 Secretary of Defense for Health Affairs, the Di-
11 rector of the Defense Health Agency, and the
12 Surgeons General of the Army, Navy, and Air
13 Force, each of whom shall conduct and submit to
14 the federally funded research and development
15 center an internal assessment of the respective
16 entity regarding each element set forth under
17 this paragraph.

18 (3) INFORMATION ACCESS AND PRIVACY.—

19 (A) ACCESS TO RECORDS.—Notwith-
20 standing section 1102 of title 10, United States
21 Code, the Secretary shall provide the federally
22 funded research and development center with ac-
23 cess to such records of the Department of Defense
24 as the Secretary may determine necessary for
25 purposes of the federally funded research and de-

1 *development center conducting the analysis and de-*
2 *veloping the recommendations under paragraph*
3 *(1).*

4 *(B) PRIVACY OF INFORMATION.—In con-*
5 *ducting the analysis and developing the rec-*
6 *ommendations under paragraph (1), the feder-*
7 *ally funded research and development center—*

8 *(i) shall maintain any personally*
9 *identifiable information in records accessed*
10 *by the federally funded research and devel-*
11 *opment center pursuant to subparagraph*
12 *(A) in accordance with applicable laws,*
13 *protections, and best practices regarding the*
14 *privacy of information; and*

15 *(ii) may not permit access to such in-*
16 *formation by any individual or entity not*
17 *engaged in conducting such analysis or de-*
18 *veloping such recommendations.*

19 *(c) BRIEFING AND REPORTS.—*

20 *(1) INTERIM BRIEFING.—Not later than 180*
21 *days after the date of the enactment of this Act, the*
22 *Secretary shall submit to the Committees on Armed*
23 *Services of the House of Representatives and the Sen-*
24 *ate an interim briefing on—*

1 (A) *the selection of a federally funded re-*
2 *search and development center with which the*
3 *Secretary shall seek to enter into an agreement*
4 *with under subsection (a);*

5 (B) *any related guidance issued by the Sec-*
6 *retary; and*

7 (C) *the methodology for conducting the*
8 *study to be used by such federally funded re-*
9 *search and development center.*

10 (2) *REPORT TO SECRETARY.—Under an agree-*
11 *ment entered into between the Secretary and a feder-*
12 *ally funded research and development center under*
13 *subsection (a), the federally funded research and de-*
14 *velopment center, not later than one year after the*
15 *date of the execution of the agreement, shall submit to*
16 *the Secretary a report on the findings of the federally*
17 *funded research and development center with respect*
18 *to the analysis conducted and recommendations devel-*
19 *oped under subsection (b).*

20 (3) *REPORT TO CONGRESS.—Not later than 120*
21 *days after the date on which the Secretary receives the*
22 *report of the federally funded research and develop-*
23 *ment center under paragraph (1), the Secretary shall*
24 *submit to the Committees on Armed Services of the*
25 *House of Representatives and the Senate such report,*

1 *along with an assessment by the Secretary of the*
2 *analysis, findings, and recommendations contained*
3 *therein and the plan of the Secretary for strength-*
4 *ening clinical quality management in the military*
5 *health system.*

6 (4) *PUBLICATION.*—*The Secretary shall make the*
7 *report under paragraph (2) available on a public*
8 *website in unclassified form.*

9 (d) *TRICARE PROGRAM DEFINED.*—*In this section,*
10 *the term “TRICARE program” has the meaning given such*
11 *term in section 1072 of title 10, United States Code.*

12 **SEC. 707. STUDY ON PROVIDING BENEFITS UNDER TRICARE**
13 **RESERVE SELECT AND TRICARE DENTAL PRO-**
14 **GRAM TO MEMBERS OF THE SELECTED RE-**
15 **SERVE AND DEPENDENTS THEREOF.**

16 (a) *STUDY.*—*The Secretary of Defense may conduct a*
17 *study on the feasibility, potential cost effects to the budget*
18 *of the Department of Defense, changes in out-of-pocket costs*
19 *to beneficiaries, and effects on other Federal programs of*
20 *expanding eligibility for TRICARE Reserve Select and the*
21 *TRICARE dental program to include all members of the*
22 *Selected Reserve of the Ready Reserve of a reserve compo-*
23 *nent of the Armed Forces, the dependents thereof, and the*
24 *non-dependent children thereof under the age of 26.*

1 (b) *SPECIFICATIONS.*—*If the Secretary conducts the*
2 *study under subsection (a), the Secretary shall include in*
3 *the study an assessment of the following:*

4 (1) *Cost-shifting to the Department of Defense to*
5 *support the expansion of TRICARE Reserve Select*
6 *and the TRICARE dental program from—*

7 (A) *health benefit plans under chapter 89 of*
8 *title 5, United States Code;*

9 (B) *employer-sponsored health insurance;*

10 (C) *private health insurance;*

11 (D) *insurance under a State health care ex-*
12 *change; and*

13 (E) *the Medicaid program under title XIX*
14 *of the Social Security Act (42 U.S.C. 1396 et*
15 *seq.).*

16 (2) *New costs for the Department of Defense to*
17 *enroll in TRICARE Reserve Select and the*
18 *TRICARE dental program members of the Selected*
19 *Reserve of the Ready Reserve of a reserve component*
20 *of the Armed Forces who were previously uninsured.*

21 (3) *The resources needed to implement*
22 *TRICARE Reserve Select and the TRICARE dental*
23 *program for all such members, the dependents thereof,*
24 *and the non-dependent children thereof under the age*
25 *of 26.*

1 (4) *Cost-savings, if any, resulting from the ex-*
2 *ansion of TRICARE Reserve Select and the*
3 *TRICARE dental program with regard to increased*
4 *training days performed in support of mass medical*
5 *events during battle assemblies of the reserve compo-*
6 *nents, including an assessment of the impact of such*
7 *expansion on—*

8 (A) *medical readiness;*

9 (B) *overall deployability rates;*

10 (C) *deployability timelines;*

11 (D) *fallout rates at mobilization sites;*

12 (E) *cross-leveling of members of the reserve*
13 *components to backfill medical fallouts at mobili-*
14 *zation sites; and*

15 (F) *any other readiness metrics affected by*
16 *such expansion.*

17 (5) *Any effect of such expansion on recruitment*
18 *and retention of members of the Armed Forces, in-*
19 *cluding members of the Ready Reserve of the reserve*
20 *components of the Armed Forces.*

21 (6) *Cost-savings, if any, in contracts that imple-*
22 *ment the Reserve Health Readiness Program of the*
23 *Department of Defense.*

24 (c) *DETERMINATION OF COST EFFECTS.—If the Sec-*
25 *retary conducts the study under subsection (a), the Sec-*

1 *retary shall include in such study an assessment of the po-*
2 *tential cost effects to the budget of the Department of De-*
3 *fense for scenarios of expanded eligibility for TRICARE Re-*
4 *serve Select and the TRICARE dental program as follows:*

5 (1) *Premium free for members of the Selected Re-*
6 *serve of the Ready Reserve of a reserve component of*
7 *the Armed Forces, the dependents thereof, and the*
8 *non-dependent children thereof under the age of 26.*

9 (2) *Premium free for such members and sub-*
10 *sidized premiums for such dependents and non-de-*
11 *pendent children.*

12 (3) *Subsidized premiums for such members, de-*
13 *pendents, and non-dependent children.*

14 (d) *USE OF A FEDERALLY FUNDED RESEARCH AND*
15 *DEVELOPMENT CENTER.—The Secretary may enter into a*
16 *contract with a federally funded research and development*
17 *center the Secretary determines is qualified and appro-*
18 *priate to conduct the study under subsection (a).*

19 (e) *BRIEFING; REPORT.—*

20 (1) *BRIEFING.—If the Secretary conducts the*
21 *study under subsection (a), not later than one year*
22 *after the date of the enactment of this Act, the Sec-*
23 *retary shall provide to the Committees on Armed*
24 *Services of the Senate and the House of Representa-*

1 *tives a briefing on the methodology and approach of*
2 *the study.*

3 (2) *REPORT.—If the Secretary conducts the*
4 *study under subsection (a), not later than two years*
5 *after the date of the enactment of this Act, the Sec-*
6 *retary shall submit to the Committees on Armed Serv-*
7 *ices of the Senate and the House of Representatives a*
8 *report on the results of the study.*

9 (f) *DEFINITIONS.—In this section:*

10 (1) *The term “TRICARE dental program”*
11 *means dental benefits under section 1076a of title 10,*
12 *United States Code.*

13 (2) *The term “TRICARE Reserve Select” means*
14 *health benefits under section 1076d of such title.*

15 **SEC. 708. GAO STUDY ON CERTAIN CONTRACTS RELATING**
16 **TO TRICARE PROGRAM AND OVERSIGHT OF**
17 **SUCH CONTRACTS.**

18 (a) *STUDY.—The Comptroller General of the United*
19 *States shall conduct a study on certain contracts relating*
20 *to the TRICARE program and the oversight provided by*
21 *the Director of the Defense Health Agency with respect to*
22 *such contracts.*

23 (b) *MATTERS.—The study under subsection (a) shall*
24 *include an assessment of the following:*

1 (1) *TRICARE MANAGED CARE SUPPORT CON-*
2 *TRACTS.*—*With respect to TRICARE managed care*
3 *support contracts (including the TRICARE managed*
4 *care support contract for which the Director of the*
5 *Defense Health Agency published a request for pro-*
6 *posals on April 15, 2021, commonly referred to as “T-*
7 *5”), the process used in awarding such contracts.*

8 (2) *OTHER CONTRACTS.*—*With respect to each*
9 *contract relating to the TRICARE program other*
10 *than a contract specified in paragraph (1) entered*
11 *into by the Director of the Defense Health Agency*
12 *during the period beginning on October 1, 2017, and*
13 *ending on September 30, 2022, where the value of*
14 *such contract is greater than \$500,000,000, the fol-*
15 *lowing:*

16 (A) *The total number of such contracts,*
17 *disaggregated by fiscal year, contract type, type*
18 *of product or service procured, and total expend-*
19 *iture under each such contract by fiscal year.*

20 (B) *The total number of bid protests filed*
21 *with respect to such contracts, and the outcome*
22 *of such protests.*

23 (C) *The total number of such contracts*
24 *awarded through means other than full and open*
25 *competition.*

1 (3) *DEFENSE HEALTH AGENCY CONTRACT OVER-*
2 *SIGHT.*—*With respect to the period beginning on Oc-*
3 *tober 1, 2017, and ending on September 30, 2022, the*
4 *following:*

5 (A) *The staff of the Defense Health Agency*
6 *responsible for performing oversight of the con-*
7 *tracts specified in paragraphs (1) and (2), in-*
8 *cluding the following:*

9 (i) *The number of such staff.*

10 (ii) *Any professional training require-*
11 *ments for such staff.*

12 (iii) *Any acquisition certifications or*
13 *accreditations held by such staff.*

14 (B) *Any office or other element of the De-*
15 *fense Health Agency responsible for contract*
16 *award, administration, or oversight with respect*
17 *to the TRICARE program, including the organi-*
18 *zational structure, responsibilities, authorities,*
19 *and key roles of each such office or element.*

20 (C) *The process used by the Director of the*
21 *Defense Health Agency for determining staffing*
22 *needs and competencies relating to contract*
23 *award, administration, or oversight with respect*
24 *to the TRICARE program.*

25 (c) *INTERIM BRIEFING; REPORT.*—

1 (1) *INTERIM BRIEFING.*—Not later than one year
2 after the date of the enactment of this Act, the Comp-
3 troller General shall provide to the Committees on
4 Armed Services of the House of Representatives and
5 the Senate an interim briefing on the study under
6 subsection (a).

7 (2) *REPORT.*—Not later than two years after the
8 date of the enactment of this Act, the Comptroller
9 General shall submit to the Committees on Armed
10 Services of the House of Representatives and the Sen-
11 ate a report containing the results of the study under
12 subsection (a).

13 **SEC. 709. GAO STUDY ON COVERAGE OF MENTAL HEALTH**
14 **SERVICES UNDER TRICARE PROGRAM AND**
15 **RELATIONSHIP TO CERTAIN MENTAL HEALTH**
16 **PARITY LAWS.**

17 (a) *STUDY AND REPORT REQUIRED.*—Not later than
18 one year after the date of the enactment of this Act, the
19 Comptroller General of the United States shall—

20 (1) *conduct a study to describe—*

21 (A) *coverage of mental health services under*
22 *the TRICARE program;*

23 (B) *any limits on such coverage that are*
24 *not also imposed on health services other than*

1 *mental health services under the TRICARE pro-*
2 *gram; and*

3 *(C) the efforts of the Department of Defense*
4 *to align coverage of mental health services under*
5 *the TRICARE program with coverage require-*
6 *ments under mental health parity laws; and*

7 *(2) submit to the Secretary of Defense, the con-*
8 *gressional defense committees, and (with respect to*
9 *any findings concerning the Coast Guard when it is*
10 *not operating as a service in the Department of the*
11 *Navy), the Secretary of Homeland Security, the Com-*
12 *mittee on Transportation and Infrastructure of the*
13 *House of Representatives, and the Committee on Com-*
14 *merce, Science, and Transportation of the Senate a*
15 *report containing the findings of such study.*

16 ***(b) DEFINITIONS.—In this section:***

17 *(1) The term “mental health parity laws”*
18 *means—*

19 *(A) section 2726 of the Public Health Serv-*
20 *ice Act (42 U.S.C. 300gg–26);*

21 *(B) section 712 of the Employee Retirement*
22 *Income Security Act of 1974 (29 U.S.C. 1185a);*

23 *(C) section 9812 of the Internal Revenue*
24 *Code of 1986 (26 U.S.C. 9812); or*

1 (D) any other Federal law that applies the
2 requirements under any of the sections described
3 in subparagraph (A), (B), or (C), or require-
4 ments that are substantially similar to those pro-
5 vided under any such section, as determined by
6 the Comptroller General.

7 (2) The term “TRICARE program” has the
8 meaning given such term in section 1072 of title 10,
9 United States Code.

10 **Subtitle B—Health Care**
11 **Administration**

12 **SEC. 711. ACCOUNTABILITY FOR WOUNDED WARRIORS UN-**
13 **DERGOING DISABILITY EVALUATION.**

14 (a) *POLICY.*—Not later than April 1, 2023, the Sec-
15 retary of Defense, in consultation with the Secretaries con-
16 cerned, shall establish a policy to ensure accountability for
17 actions taken under the authorities of the Defense Health
18 Agency and the Armed Forces, respectively, concerning
19 wounded, ill, and injured members of the Armed Forces
20 during the integrated disability evaluation system process.
21 Such policy shall include the following:

22 (1) A restatement of the requirement that, in ac-
23 cordance with section 1216(b) of title 10, United
24 States Code, a determination of fitness for duty of a
25 member of the Armed Forces under chapter 61 of title

1 10, *United States Code*, is the responsibility of the
2 Secretary concerned.

3 (2) *A description of the role of the Director of the*
4 *Defense Health Agency in supporting the Secretaries*
5 *concerned in carrying out determinations of fitness*
6 *for duty as specified in paragraph (1).*

7 (3) *A description of how the medical evaluation*
8 *board processes of the Armed Forces are integrated*
9 *with the Defense Health Agency, including with re-*
10 *spect to case management, appointments, and other*
11 *relevant matters.*

12 (4) *A requirement that, in determining fitness*
13 *for duty of a member of the Armed Forces under*
14 *chapter 61 of title 10, United States Code, the Sec-*
15 *retary concerned shall consider the results of any*
16 *medical evaluation of the member provided under the*
17 *authority of the Defense Health Agency pursuant to*
18 *section 1073c of title 10, United States Code.*

19 (5) *A description of how the Director of the De-*
20 *fense Health Agency adheres to the medical evaluation*
21 *processes of the Armed Forces, including an identi-*
22 *fication of each applicable regulation or policy to*
23 *which the Director is required to so adhere.*

24 (6) *An assessment of the feasibility of affording*
25 *various additional due process protections to members*

1 *of the Armed Forces undergoing the medical evalua-*
2 *tion board process.*

3 (7) *A restatement of the requirement that wound-*
4 *ed, ill, and injured members of the Armed Forces may*
5 *not be denied any due process protection afforded*
6 *under applicable law or regulation of the Department*
7 *of Defense or the Armed Forces.*

8 (8) *A description of the types of due process pro-*
9 *tections specified in paragraph (7), including an*
10 *identification of each specific due process protection.*

11 (b) *CLARIFICATION OF RESPONSIBILITIES REGARDING*
12 *MEDICAL EVALUATION BOARDS.—Section 1073c of title 10,*
13 *United States Code, is amended—*

14 (1) *by redesignating subsection (h) as subsection*
15 *(i); and*

16 (2) *by inserting after subsection (g) the following*
17 *new subsection (h):*

18 “(h) *RULE OF CONSTRUCTION REGARDING SECRE-*
19 *TARIES CONCERNED AND MEDICAL EVALUATION*
20 *BOARDS.—Nothing in this section shall be construed as*
21 *transferring to the Director of the Defense Health Agency,*
22 *or otherwise revoking, any authority or responsibility of the*
23 *Secretary concerned under chapter 61 of this title with re-*
24 *spect to a member of the armed forces (including with re-*
25 *spect to the administration of morale and welfare and the*

1 *determination of fitness for duty for the member) while the*
2 *member is being considered by a medical evaluation*
3 *board.”.*

4 (c) *BRIEFING.*—Not later than February 1, 2023, the
5 *Secretary of Defense shall provide to the Committees on*
6 *Armed Services of the House of Representatives and the*
7 *Senate a briefing on the status of the implementation of*
8 *subsections (a) and (b).*

9 (d) *REPORT.*—Not later than one year after the date
10 *of the enactment of this Act, the Secretary of Defense shall*
11 *submit to the Committees on Armed Services of the House*
12 *of Representatives and the Senate a report on the imple-*
13 *mentation of subsections (a) and (b), lessons learned as a*
14 *result of such implementation, and the recommendations of*
15 *the Secretary relating to the policy on wounded, ill, and*
16 *injured members of the Armed Forces undergoing the inte-*
17 *grated disability evaluation system process.*

18 (e) *SECRETARY CONCERNED DEFINED.*—In this sec-
19 *tion, the term “Secretary concerned” has the meaning given*
20 *that term in section 101 of title 10, United States Code.*

1 **SEC. 712. INCLUSION OF LEVEL THREE TRAUMA CARE CA-**
2 **PABILITIES IN REQUIREMENTS FOR MEDICAL**
3 **CENTERS.**

4 *Section 1073d(b)(3) of title 10, United States Code, is*
5 *amended by striking “or level two” and inserting “, level*
6 *two, or level three”.*

7 **SEC. 713. CENTERS OF EXCELLENCE FOR SPECIALTY CARE**
8 **IN MILITARY HEALTH SYSTEM.**

9 *(a) CENTERS OF EXCELLENCE.—Section 1073d(b)(4)*
10 *of title 10, United States Code, is amended to read as fol-*
11 *lows:*

12 *“(4)(A) The Secretary shall designate certain major*
13 *medical centers as regional centers of excellence for the pro-*
14 *vision of specialty care services in the areas of specialty*
15 *care described in subparagraph (D). A major medical center*
16 *may be designated as a center of excellence under this sub-*
17 *paragraph for more than one such area of specialty care.*

18 *“(B) The Secretary may designate certain medical*
19 *centers as satellite centers of excellence for the provision of*
20 *specialty care services for specific conditions, such as the*
21 *following:*

22 *“(i) Post-traumatic stress.*

23 *“(ii) Traumatic brain injury.*

24 *“(iii) Such other conditions as the Secretary de-*
25 *termines appropriate.*

1 “(C) Centers of excellence designated under this para-
2 graph shall serve the purposes of—

3 “(i) ensuring the military medical force readi-
4 ness of the Department of Defense and the medical
5 readiness of the armed forces;

6 “(ii) improving the quality of health care fur-
7 nished by the Secretary to eligible beneficiaries; and

8 “(iii) improving health outcomes for eligible
9 beneficiaries.

10 “(D) The areas of specialty care described in this sub-
11 paragraph are as follows:

12 “(i) Oncology.

13 “(ii) Burn injuries and wound care.

14 “(iii) Rehabilitation medicine.

15 “(iv) Psychological health and traumatic brain
16 injury.

17 “(v) Amputations and prosthetics.

18 “(vi) Neurosurgery.

19 “(vii) Orthopedic care.

20 “(viii) Substance abuse.

21 “(ix) Infectious diseases and preventive medi-
22 cine.

23 “(x) Cardiothoracic surgery.

24 “(xi) Such other areas of specialty care as the
25 Secretary determines appropriate.

1 “(E)(i) Centers of excellence designated under this
2 paragraph shall be the primary source within the military
3 health system for the receipt by eligible beneficiaries of spe-
4 cialty care.

5 “(ii) Eligible beneficiaries seeking a specialty care
6 service through the military health system shall be referred
7 to a center of excellence designated under subparagraph (A)
8 for that area of specialty care or, if the specialty care service
9 sought is unavailable at such center, to an appropriate spe-
10 cialty care provider in the private sector.

11 “(F) Not later than 90 days prior to the designation
12 of a center of excellence under this paragraph, the Secretary
13 shall notify the Committees on Armed Services of the House
14 of Representatives and the Senate of such designation.

15 “(G) In this paragraph, the term ‘eligible beneficiary’
16 means any beneficiary under this chapter.”.

17 (b) *DEADLINE.*—The Secretary of Defense shall des-
18 ignate certain major medical centers as regional centers of
19 excellence in accordance with section 1073d(b)(4)(A) of title
20 10, United States Code, as added by subsection (a), by not
21 later than one year after the date of the enactment of this
22 Act.

23 (c) *REPORT.*—

24 (1) *SUBMISSION.*—Not later than 180 days after
25 the date of the enactment of this Act, the Secretary of

1 *Defense shall submit to the Committees on Armed*
2 *Services of the House of Representatives and the Sen-*
3 *ate a report that sets forth the plan of the Department*
4 *of Defense to designate centers of excellence under sec-*
5 *tion 1073d(b)(4) of title 10, United States Code, as*
6 *added by subsection (a).*

7 (2) *ELEMENTS.*—*The report under paragraph*
8 *(1) shall include the following:*

9 (A) *A list of the centers of excellence to be*
10 *designated under such section 1073d(b)(4) and*
11 *the locations of such centers.*

12 (B) *A description of the specialty care serv-*
13 *ices to be provided at each such center and a*
14 *staffing plan for each such center.*

15 (C) *A description of how each such center*
16 *shall improve—*

17 (i) *the military medical force readiness*
18 *of the Department and the medical readi-*
19 *ness of the Armed Forces;*

20 (ii) *the quality of care received by eli-*
21 *gible beneficiaries; and*

22 (iii) *the health outcomes of eligible*
23 *beneficiaries.*

24 (D) *A comprehensive plan for the referral of*
25 *eligible beneficiaries for specialty care services at*

1 *centers of excellence designated under such sec-*
2 *tion 1073d(b)(4) and appropriate specialty care*
3 *providers in the private sector.*

4 *(E) A plan to assist eligible beneficiaries*
5 *with travel and lodging, if necessary, in connec-*
6 *tion with the receipt of specialty care services at*
7 *centers of excellence designated under such sec-*
8 *tion 1073d(b)(4) or appropriate specialty care*
9 *providers in the private sector.*

10 *(F) A plan to transfer specialty care pro-*
11 *viders of the Department to centers of excellence*
12 *designated under such section 1073d(b)(4), in a*
13 *number as determined by the Secretary to be re-*
14 *quired to provide specialty care services to eligi-*
15 *ble beneficiaries at such centers.*

16 *(G) A plan to monitor access to care, bene-*
17 *ficiary satisfaction, experience of care, and clin-*
18 *ical outcomes to understand better the impact of*
19 *such centers on the health care of eligible bene-*
20 *ficiaries.*

21 *(d) ELIGIBLE BENEFICIARY DEFINED.—In this sec-*
22 *tion, the term “eligible beneficiary” means any beneficiary*
23 *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, United
5 States Code, as amended by section 713, is further amended
6 by adding at the end the following new paragraph:

7 “(5)(A) *The Secretary of Defense shall designate and*
8 *maintain certain military medical treatment facilities as*
9 *core casualty receiving facilities, to ensure the medical ca-*
10 *pability and capacity required to diagnose, treat, and reha-*
11 *bilitate large volumes of combat casualties and, as may be*
12 *directed by the President or the Secretary, provide a med-*
13 *ical response to events the President determines or declares*
14 *as natural disasters, mass casualty events, or other national*
15 *emergencies.*

16 “(B) *The Secretary shall ensure that the military med-*
17 *ical treatment facilities selected for designation pursuant*
18 *to subparagraph (A) are geographically located to facilitate*
19 *the aeromedical evacuation of casualties from theaters of op-*
20 *erations.*

21 “(C) *The Secretary—*

22 “(i) *shall ensure that the Secretaries of the mili-*
23 *tary departments assign military personnel to core*
24 *casualty receiving facilities designated under sub-*
25 *paragraph (A) at not less than 90 percent of the staff-*
26 *ing level required to maintain the operating bed ca-*

1 *capacity necessary to support operation planning re-*
2 *quirements;*

3 *“(ii) may augment the staffing of military per-*
4 *sonnel at core casualty receiving facilities under sub-*
5 *paragraph (A) with civilian employees of the Depart-*
6 *ment of Defense to fulfil the staffing requirement*
7 *under clause (i); and*

8 *“(iii) shall ensure that each core casualty receiv-*
9 *ing facility under subparagraph (A) is staffed with a*
10 *civilian Chief Financial Officer and a civilian Chief*
11 *Operating Officer with experience in the management*
12 *of civilian hospital systems, for the purpose of ensur-*
13 *ing continuity in the management of the facility.*

14 *“(D) In this paragraph:*

15 *“(i) The term ‘core casualty receiving facility’*
16 *means a Role 4 medical treatment facility that serves*
17 *as a medical hub for the receipt and treatment of cas-*
18 *ualties, including civilian casualties, that may result*
19 *from combat or from an event the President deter-*
20 *mines or declares as a natural disaster, mass casualty*
21 *event, or other national emergency.*

22 *“(ii) The term ‘Role 4 medical treatment facil-*
23 *ity’ means a medical treatment facility that provides*
24 *the full range of preventative, curative, acute, con-*
25 *valescent, restorative, and rehabilitative care.”.*

1 **(b) TIMELINE FOR ESTABLISHMENT.**—

2 **(1) DESIGNATION.**—*Not later than October 1,*
3 *2024, the Secretary of Defense shall designate four*
4 *military medical treatment facilities as core casualty*
5 *receiving facilities under section 1073d(b)(5) of title*
6 *10, United States Code (as added by subsection (a)).*

7 **(2) OPERATIONAL.**—*Not later than October 1,*
8 *2025, the Secretary shall ensure that each such des-*
9 *ignated military medical treatment facility is fully*
10 *staffed and operational as a core casualty receiving*
11 *facility, in accordance with the requirements of such*
12 *section 1073d(b)(5).*

13 **SEC. 715. CONGRESSIONAL NOTIFICATION REQUIREMENT**
14 **TO MODIFY SCOPE OF SERVICES PROVIDED**
15 **AT MILITARY MEDICAL TREATMENT FACILI-**
16 **TIES.**

17 *Section 1073d of title 10, United States Code, as*
18 *amended by section 714, is further amended by adding at*
19 *the end the following new subsection:*

20 **“(f) NOTIFICATION REQUIRED TO MODIFY SCOPE OF**
21 **SERVICES PROVIDED AT MILITARY MEDICAL TREATMENT**
22 **FACILITIES.**—*(1) The Secretary of Defense may not modify*
23 *the scope of medical care provided at a military medical*
24 *treatment facility, or the beneficiary population served at*
25 *the facility, unless—*

1 “(A) the Secretary submits to the Committees on
2 *Armed Services of the House of Representatives and*
3 *the Senate a notification of the proposed modification*
4 *in scope;*

5 “(B) a period of 180 days has elapsed following
6 *the date on which the Secretary submits such notifica-*
7 *tion; and*

8 “(C) if the proposed modification in scope in-
9 *volves the termination or reduction of inpatient capa-*
10 *bilities at a military medical treatment facility lo-*
11 *cated outside the United States, the Secretary has*
12 *provided to each member of the armed forces or cov-*
13 *ered beneficiary receiving services at such facility a*
14 *transition plan for the continuity of health care for*
15 *such member or covered beneficiary.*

16 “(2) Each notification under paragraph (1) shall con-
17 *tain information demonstrating, with respect to the mili-*
18 *tary medical treatment facility for which the modification*
19 *in scope has been proposed, the extent to which the com-*
20 *mander of the military installation at which the facility*
21 *is located has been consulted regarding such modification,*
22 *to ensure that the proposed modification in scope would*
23 *have no impact on the operational plan for such installa-*
24 *tion.”.*

1 **SEC. 716. IMPROVEMENTS TO PROCESSES TO REDUCE FI-**
2 **NANCIAL HARM CAUSED TO CIVILIANS FOR**
3 **CARE PROVIDED AT MILITARY MEDICAL**
4 **TREATMENT FACILITIES.**

5 (a) *CLARIFICATION OF FEE WAIVER PROCESS.*—*Sec-*
6 *tion 1079b of title 10, United States Code, is amended—*

7 (1) *by amending subsection (b) to read as fol-*
8 *lows:*

9 “(b) *WAIVER OF FEES.*—*The Director of the Defense*
10 *Health Agency may issue a waiver for a fee that would oth-*
11 *erwise be charged under the procedures implemented under*
12 *subsection (a) to a civilian provided medical care who is*
13 *not a covered beneficiary if the provision of such care en-*
14 *hances the knowledge, skills, and abilities of health care pro-*
15 *viders, as determined by the Director of the Defense Health*
16 *Agency.”; and*

17 (2) *by redesignating subsection (c) as subsection*
18 *(d).*

19 (b) *MODIFIED PAYMENT PLAN FOR CERTAIN CIVIL-*
20 *IANS.*—*Such section is further amended—*

21 (1) *by inserting after subsection (b), as amended*
22 *by subsection (a), the following:*

23 “(c) *MODIFIED PAYMENT PLAN FOR CERTAIN CIVIL-*
24 *IANS.*—(1)(A) *If a civilian specified in subsection (a) is*
25 *covered by a covered payer at the time care under this sec-*
26 *tion is provided, the civilian shall only be responsible to*

1 *pay the standard copays, coinsurance, deductibles, or nomi-*
2 *nal fees that are otherwise applicable under the covered*
3 *payer plan.*

4 “(B) *Except with respect to the copays, coinsurance,*
5 *deductibles, and nominal fees specified in subparagraph*
6 *(A)—*

7 “(i) *the Secretary of Defense may bill only the*
8 *covered payer for care provided to a civilian described*
9 *in subparagraph (A); and*

10 “(ii) *payment received by the Secretary from the*
11 *covered payer of a civilian for care provided under*
12 *this section that is provided to the civilian shall be*
13 *considered payment in full for such care.*

14 “(2) *If a civilian specified in subsection (a) does not*
15 *meet the criteria under paragraph (1), is underinsured, or*
16 *has a remaining balance and is at risk of financial harm,*
17 *the Director of the Defense Health Agency shall reduce each*
18 *fee that would otherwise be charged to the civilian under*
19 *this section according to a sliding fee discount program,*
20 *as prescribed by the Director of the Defense Health Agency.*

21 “(3) *If a civilian specified in subsection (a) does not*
22 *meet the criteria under paragraph (1) or (2), the Director*
23 *of the Defense Health Agency shall implement an additional*
24 *catastrophic waiver to prevent severe financial harm.*

1 “(4) *The modified payment plan under this subsection*
2 *may not be administered by a Federal agency other than*
3 *the Department of Defense.*”; and

4 (2) *by adding at the end the following new sub-*
5 *section:*

6 “(e) *DEFINITIONS.—In this section:*

7 “(1) *The term ‘covered payer’ means a third-*
8 *party payer or other insurance, medical service, or*
9 *health plan.*

10 “(2) *The terms ‘third-party payer’ and ‘insur-*
11 *ance, medical service, or health plan’ have the mean-*
12 *ing given those terms in section 1095(h) of this title.*”.

13 (c) *APPLICABILITY.—The amendments made by sub-*
14 *sections (a) and (b) shall apply with respect to care pro-*
15 *vided on or after the date that is 180 days after the date*
16 *of the enactment of this Act.*

17 **SEC. 717. AUTHORITY TO CARRY OUT STUDIES AND DEM-**
18 **ONSTRATION PROJECTS RELATING TO DELIV-**
19 **ERY OF HEALTH AND MEDICAL CARE**
20 **THROUGH USE OF OTHER TRANSACTION AU-**
21 **THORITY.**

22 (a) *IN GENERAL.—Section 1092(b) of title 10, United*
23 *States Code, is amended by inserting “or transactions*
24 *(other than contracts, cooperative agreements, and grants)”*
25 *after “contracts”.*

1 (b) *BRIEFING*.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Defense shall
3 provide to the Committees on Armed Services of the Senate
4 and the House of Representatives a briefing on how the Sec-
5 retary intends to use the authority to enter into trans-
6 actions under section 1092(b) of title 10, United States
7 Code, as amended by subsection (a).

8 **SEC. 718. LICENSURE REQUIREMENT FOR CERTAIN**
9 **HEALTH-CARE PROFESSIONALS PROVIDING**
10 **SERVICES AS PART OF MISSION RELATING TO**
11 **EMERGENCY, HUMANITARIAN, OR REFUGEE**
12 **ASSISTANCE.**

13 Section 1094(d)(2) of title 10, United States Code, is
14 amended by inserting “contractor not covered under section
15 1091 of this title who is providing medical treatment as
16 part of a mission relating to emergency, humanitarian, or
17 refugee assistance,” after “section 1091 of this title,”.

18 **SEC. 719. AUTHORIZATION OF PERMANENT PROGRAM TO**
19 **IMPROVE OPIOID MANAGEMENT IN THE MILI-**
20 **TARY HEALTH SYSTEM.**

21 Section 716 of the John S. McCain National Defense
22 Authorization Act for Fiscal Year 2019 (Public Law 115–
23 232; 10 U.S.C. 1090 note), is amended—

1 (1) *in subsection (a)(1), by striking “Beginning*
2 *not” and inserting “Except as provided in subsection*
3 *(e), beginning not”;*

4 (2) *by redesignating subsection (e) as subsection*
5 *(f); and*

6 (3) *by inserting after subsection (d) the following*
7 *new subsection (e):*

8 “(e) *ALTERNATIVE INITIATIVE TO IMPROVE OPIOID*
9 *MANAGEMENT.—As an alternative to the pilot program*
10 *under this section, the Director of the Defense Health Agen-*
11 *cy, not later than January 1, 2023—*

12 “(1) *may implement a permanent program to*
13 *improve opioid management for beneficiaries under*
14 *the TRICARE program; and*

15 “(2) *if the Director decides to implement such a*
16 *permanent program, shall submit to the Committees*
17 *on Armed Services of the Senate and the House of*
18 *Representatives the specifications of and reasons for*
19 *implementing such program.”.*

20 **SEC. 720. MODIFICATION OF REQUIREMENT TO TRANSFER**
21 **RESEARCH AND DEVELOPMENT AND PUBLIC**
22 **HEALTH FUNCTIONS TO DEFENSE HEALTH**
23 **AGENCY.**

24 (a) *TEMPORARY RETENTION.—Notwithstanding sec-*
25 *tion 1073c(e) of title 10, United States Code, at the discre-*

1 *tion of the Secretary of Defense, a military department may*
2 *retain, until not later than February 1, 2024, a covered*
3 *function if the Secretary of Defense determines the covered*
4 *function—*

5 *(1) addresses a need that is unique to the mili-*
6 *tary department; and*

7 *(2) is in direct support of operating forces and*
8 *necessary to execute strategies relating to national se-*
9 *curity and defense.*

10 *(b) BRIEFING.—*

11 *(1) IN GENERAL.—Not later than March 1, 2023,*
12 *the Secretary of Defense shall provide to the Commit-*
13 *tees on Armed Services of the House of Representa-*
14 *tives and the Senate a briefing on any covered func-*
15 *tion that the Secretary has determined should be re-*
16 *tained by a military department pursuant to sub-*
17 *section (a).*

18 *(2) ELEMENTS.—The briefing required by para-*
19 *graph (1) shall address the following:*

20 *(A) A description of each covered function*
21 *that the Secretary has determined should be re-*
22 *tained by a military department pursuant to*
23 *subsection (a).*

24 *(B) The rationale for each such determina-*
25 *tion.*

1 (C) *Recommendations for amendments to*
2 *section 1073c of title 10, United States Code, to*
3 *authorize the ongoing retention of covered func-*
4 *tions by military departments.*

5 (c) *MODIFICATION TO NAMES OF PUBLIC HEALTH*
6 *COMMANDS.—Section 1073c(e)(2)(B) of title 10, United*
7 *States Code, is amended by striking “Army Public Health*
8 *Command, the Navy–Marine Corps Public Health Com-*
9 *mand” and inserting “Army Public Health Center, the*
10 *Navy–Marine Corps Public Health Center”.*

11 (d) *COVERED FUNCTION DEFINED.—In this section,*
12 *the term “covered function” means—*

13 (1) *a function relating to research and develop-*
14 *ment that would otherwise be transferred to the De-*
15 *fense Health Agency Research and Development pur-*
16 *suant to section 1073c(e)(1) of title 10, United States*
17 *Code; or*

18 (2) *a function relating to public health that*
19 *would otherwise be transferred to the Defense Health*
20 *Agency Public Health pursuant to section 1073c(e)(2)*
21 *of such title.*

22 **SEC. 721. ACCESS TO CERTAIN DEPENDENT MEDICAL**
23 **RECORDS BY REMARRIED FORMER SPOUSES.**

24 (a) *ACCESS.—The Secretary of Defense may authorize*
25 *a remarried former spouse who is a custodial parent of a*

1 *dependent child to retain electronic access to the privileged*
2 *medical records of such dependent child, notwithstanding*
3 *that the former spouse is no longer a dependent under sec-*
4 *tion 1072(2) of title 10, United States Code.*

5 (b) *DEFINITIONS.—In this section:*

6 (1) *The term “dependent” has the meaning given*
7 *that term in section 1072 of title 10, United States*
8 *Code.*

9 (2) *The term “dependent child” means a depend-*
10 *ent child of a remarried former spouse and a member*
11 *or former member of a uniformed service.*

12 (3) *The term “remarried former spouse” means*
13 *a remarried former spouse of a member or former*
14 *member of a uniformed service.*

15 **SEC. 722. AUTHORITY FOR DEPARTMENT OF DEFENSE PRO-**
16 **GRAM TO PROMOTE EARLY LITERACY AMONG**
17 **CERTAIN YOUNG CHILDREN.**

18 (a) *AUTHORITY.—The Secretary of Defense may carry*
19 *out a program to promote early literacy among young chil-*
20 *dren in child development centers and libraries located on*
21 *installations of the Department of Defense.*

22 (b) *ACTIVITIES.—Activities under the program under*
23 *subsection (a) shall include the following:*

1 (1) *The provision of training on early literacy*
2 *promotion to appropriate personnel of the Depart-*
3 *ment.*

4 (2) *The purchase and distribution of age-appro-*
5 *priate books to covered caregivers assigned to or serv-*
6 *ing at an installation of the Department with a child*
7 *development center or library at which the Secretary*
8 *is carrying out the program.*

9 (3) *The dissemination to covered caregivers of*
10 *education materials on early literacy.*

11 (4) *Such other activities as the Secretary deter-*
12 *mines appropriate.*

13 (c) *LOCATIONS.—In carrying out the program under*
14 *subsection (a), the Secretary may conduct the activities*
15 *under subsection (b) at any child development center or li-*
16 *brary located on an installation of the Department.*

17 (d) *BRIEFING.—Not later than one year after the date*
18 *of the enactment of this Act, the Secretary shall provide to*
19 *the Committees on Armed Services of the House of Rep-*
20 *resentatives and the Senate a briefing on the extent to which*
21 *the authority under subsection (a) is used, including—*

22 (1) *a description of any activities carried out*
23 *under the program so authorized; and*

24 (2) *an evaluation of the potential expansion of*
25 *such program to be included as a part of the pediatric*

1 *primary care of young children and to be carried out*
2 *in military medical treatment facilities.*

3 **(b) DEFINITIONS.**—*In this section:*

4 (1) *The term “covered caregiver” means a mem-*
5 *ber of the Armed Forces who is a caregiver of a young*
6 *child.*

7 (2) *The term “young child” means any child*
8 *from birth to the age of five years old, inclusive.*

9 **SEC. 723. PLAN FOR ACCOUNTABLE CARE ORGANIZATION**
10 **DEMONSTRATION.**

11 **(a) IN GENERAL.**—*Not later than 180 days after the*
12 *date of the enactment of this Act, the Secretary of Defense,*
13 *acting through the Director of the Defense Health Agency,*
14 *shall submit to the Committees on Armed Services of the*
15 *House of Representatives and the Senate a plan for the con-*
16 *duct of the Accountable Care Organization demonstration,*
17 *notice of which was published in the Federal Register on*
18 *August 16, 2019 (84 Fed. Reg. 41974), (in this section re-*
19 *ferred to as the “Demonstration”).*

20 **(b) ELEMENTS.**—*The plan under subsection (a) shall*
21 *include, the following:*

22 (1) *A description of how the Demonstration shall*
23 *be conducted to deliver improved health outcomes, im-*
24 *proved quality of care, and lower costs under the*
25 *TRICARE program.*

1 (2) *A description of the results for the TRICARE*
2 *program that the Secretary plans to achieve through*
3 *the Demonstration, with respect to the following out-*
4 *come measures:*

5 (A) *Clinical performance.*

6 (B) *Utilization improvement.*

7 (C) *Beneficiary engagement.*

8 (D) *Membership growth and retention.*

9 (E) *Case management.*

10 (F) *Continuity of care.*

11 (G) *Use of telehealth.*

12 (3) *A description of how the Demonstration shall*
13 *be conducted to shift financial risk from the Depart-*
14 *ment of Defense to civilian health care providers.*

15 (4) *A description of how investment in the Dem-*
16 *onstration shall serve as a bridge to future competi-*
17 *tive demonstrations of the Department of Defense*
18 *with accountable care organizations.*

19 (5) *A detailed description of the geographic loca-*
20 *tions at which the Secretary plans to conduct such fu-*
21 *ture competitive demonstrations.*

22 (6) *A description of how a third-party adminis-*
23 *trator shall manage the administrative components of*
24 *the Demonstration, including with respect to eligi-*
25 *bility, enrollment, premium payment processes, sub-*

1 *mission of qualifying life events changes, and mailing*
2 *address changes.*

3 (c) *TRICARE PROGRAM DEFINED.*—*In this section,*
4 *the term “TRICARE program” has the meaning given that*
5 *term in section 1072 of title 10, United States Code.*

6 **SEC. 724. FEASIBILITY STUDY AND PLAN ON ESTABLISHING**
7 **A MILITARY HEALTH SYSTEM MEDICAL LOGIS-**
8 **TICS DIRECTORATE AND MILITARY HEALTH**
9 **SYSTEM EDUCATION AND TRAINING DIREC-**
10 **TORATE.**

11 (a) *STUDY AND PLAN.*—*The Secretary of Defense, in*
12 *consultation with the Secretaries of the military depart-*
13 *ments and the Joint Chiefs of Staff, shall—*

14 (1) *conduct a study on the feasibility of the es-*
15 *tablishment within the Defense Health Agency of two*
16 *subordinate organizations, to be known as the Mili-*
17 *tary Health System Medical Logistics Directorate and*
18 *the Military Health System Education and Training*
19 *Directorate, respectively; and*

20 (2) *develop a plan for such establishment.*

21 (b) *ELEMENTS.*—*The plan under subsection (a)(2)*
22 *shall include the following:*

23 (1) *MILITARY HEALTH SYSTEM MEDICAL LOGIS-*
24 *TICS DIRECTORATE.*—*With respect to the Military*

1 *Health System Medical Logistics Directorate, the fol-*
2 *lowing:*

3 (A) *A description of the organizational*
4 *structure of the Directorate (including any sub-*
5 *ordinate organizations), including the incorpora-*
6 *tion into the Directorate of existing organiza-*
7 *tions of the military departments that provide*
8 *operational theater medical materiel support.*

9 (B) *A description of the resourcing by the*
10 *Secretary of the executive leadership of the Direc-*
11 *torate.*

12 (C) *A description of the geographic location,*
13 *or multiple such locations, of the elements of the*
14 *Directorate.*

15 (D) *A description of how the head of the*
16 *medical research and development organization*
17 *within the Defense Health Agency shall coordi-*
18 *nate with the Directorate.*

19 (E) *A description of the ability of the Direc-*
20 *torate to address the medical logistics require-*
21 *ments of the military departments, the combat-*
22 *ant commands, and the Joint Staff.*

23 (F) *A description of any additional funding*
24 *required to establish the Directorate.*

1 (G) *A description of any additional legisla-*
2 *tive authorities required to establish the Direc-*
3 *torate, including any such authorities required*
4 *for the leadership and direction of the Direc-*
5 *torate.*

6 (H) *A description of any military depart-*
7 *ment-specific capabilities, requirements, or best*
8 *practices relating to medical logistics necessary*
9 *to be considered prior to the establishment of the*
10 *Directorate.*

11 (I) *Such other matters relating to the estab-*
12 *lishment, operations, or activities of the Direc-*
13 *torate as the Secretary may determine appro-*
14 *priate.*

15 (2) *MILITARY HEALTH SYSTEM EDUCATION AND*
16 *TRAINING DIRECTORATE.—With respect to the Mili-*
17 *tary Health System Education and Training Direc-*
18 *torate, the following:*

19 (A) *A description of the organizational*
20 *structure of the Directorate (including any sub-*
21 *ordinate organizations), including the incorpora-*
22 *tion into the Directorate of existing organiza-*
23 *tions that provide relevant medical education*
24 *and training, such as the following:*

1 (i) *The Uniformed Services University*
2 *of the Health Sciences.*

3 (ii) *The College of Allied Health*
4 *Sciences of the Uniformed Services Univer-*
5 *sity of the Health Sciences.*

6 (iii) *The Medical Education and*
7 *Training Campus of the Department of De-*
8 *fense.*

9 (iv) *The medical education and train-*
10 *ing commands and organizations of the*
11 *military departments.*

12 (v) *The medical training programs of*
13 *the military departments affiliated with ci-*
14 *vilian academic institutions.*

15 (B) *A description of the resourcing by the*
16 *Secretary of the executive leadership of the Direc-*
17 *torate.*

18 (C) *A description of the geographic location,*
19 *or multiple such locations, of the elements of the*
20 *Directorate.*

21 (D) *A description of the ability of the Di-*
22 *rectorate to address the medical education and*
23 *training requirements of the military depart-*
24 *ments.*

1 (E) *A description of any additional funding*
2 *required for the establishment the Directorate.*

3 (F) *A description of any additional legisla-*
4 *tive authorities required for the establishment of*
5 *the Directorate, including any such authorities*
6 *required for the leadership and direction of the*
7 *Directorate.*

8 (G) *Such other matters relating to the es-*
9 *tablishment, operations, or activities of the Di-*
10 *rectorate as the Secretary may determine appro-*
11 *priate.*

12 (c) *SUBMISSION.*—*Not later than one year after the*
13 *date of the enactment of this Act, the Secretary of Defense*
14 *shall submit to the Committees on Armed Services of the*
15 *House of Representatives and the Senate—*

16 (1) *the results of the study under subsection*
17 (a)(1); *and*

18 (2) *the plan under subsection (a)(2).*

1 ***Subtitle C—Reports and Other***
2 ***Matters***

3 ***SEC. 731. BRIEFING AND REPORT ON REDUCTION OR RE-***
4 ***ALIGNMENT OF MILITARY MEDICAL MANNING***
5 ***AND MEDICAL BILLETS.***

6 *Section 731(a)(2)(A) of the National Defense Author-*
7 *ization Act for Fiscal Year 2022 (Public Law 117–81; 135*
8 *Stat. 1796) is amended to read as follows:*

9 “(A) *BRIEFING; REPORT.—The Comptroller*
10 *General of the United States shall—*

11 “(i) *not later than February 1, 2023,*
12 *provide to the Committees on Armed Serv-*
13 *ices of the House of Representatives and the*
14 *Senate a briefing on preliminary observa-*
15 *tions regarding the analyses used to support*
16 *any reduction or realignment of military*
17 *medical manning, including any reduction*
18 *or realignment of medical billets of the mili-*
19 *tary departments; and*

20 “(ii) *not later than May 31, 2023, sub-*
21 *mit to the Committees on Armed Services of*
22 *the House of Representatives and the Senate*
23 *a report on such analyses.”.*

1 **SEC. 732. INDEPENDENT ANALYSIS OF DEPARTMENT OF DE-**
2 **FENSE COMPREHENSIVE AUTISM CARE DEM-**
3 **ONSTRATION PROGRAM.**

4 *Section 737 of the National Defense Authorization Act*
5 *for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1800)*
6 *is amended—*

7 *(1) in subsection (b)(2)—*

8 *(A) in subparagraph (A)—*

9 *(i) by inserting “broadly” after “dis-*
10 *order”; and*

11 *(ii) by striking “demonstration*
12 *project” and inserting “demonstration pro-*
13 *gram”;*

14 *(B) in subparagraph (B), by striking “dem-*
15 *onstration project” and inserting “demonstration*
16 *program”;*

17 *(C) in subparagraph (C), by inserting “pa-*
18 *rental involvement in applied behavioral anal-*
19 *ysis treatment, and” after “including”;*

20 *(D) in subparagraph (D), by striking “for*
21 *an individual who has” and inserting “, includ-*
22 *ing mental health outcomes, for individuals who*
23 *have”;*

24 *(E) in subparagraph (E), by inserting*
25 *“since its inception” after “demonstration pro-*
26 *gram”;*

1 (F) in subparagraph (F), by inserting “cost
2 effectiveness, program effectiveness, and clinical”
3 after “measure the”;

4 (G) in subparagraph (G), by inserting
5 “than in the general population” after “fami-
6 lies”;

7 (H) by redesignating subparagraph (H) as
8 subparagraph (I); and

9 (I) by inserting after subparagraph (G) the
10 following new subparagraph (H):

11 “(H) An analysis of whether the diagnosis
12 and treatment of autism is higher among the
13 children of military families than in the general
14 population.”; and

15 (2) in subsection (c), in the matter preceding
16 paragraph (1), by striking “nine” and inserting
17 “31”.

18 **SEC. 733. CLARIFICATION OF MEMBERSHIP REQUIREMENTS**
19 **AND COMPENSATION AUTHORITY FOR INDE-**
20 **PENDENT SUICIDE PREVENTION AND RE-**
21 **SPONSE REVIEW COMMITTEE.**

22 Section 738 of the National Defense Authorization Act
23 for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1801)
24 is amended—

1 (1) *in subsection (b)(3), by striking “none of*
2 *whom may be” and all that follows through the clos-*
3 *ing period and inserting “none of whom may be—”*

4 *“(A) a member of an Armed Force; or*

5 *“(B) a civilian employee of the Department*
6 *of Defense, unless the individual is a former*
7 *member of an Armed Force.”.*

8 (2) *by redesignating subsections (f) through (h)*
9 *as subsections (g) through (i), respectively; and*

10 (3) *by inserting after subsection (e) the following*
11 *new subsection (f):*

12 *“(f) COMPENSATION.—*

13 *“(1) IN GENERAL.—Except as provided in para-*
14 *graph (2), the Secretary may compensate members of*
15 *the committee established under subsection (a) for the*
16 *work of such members for the committee.*

17 *“(2) EXCEPTION.—A member of the committee*
18 *established under subsection (a) who is a civilian em-*
19 *ployee of the Department of Defense and a former*
20 *member of an Armed Force may not receive com-*
21 *penetration under paragraph (1).*

22 *“(3) TREATMENT OF COMPENSATION.—A member*
23 *of the committee established under subsection (a) who*
24 *receives compensation under paragraph (1) shall not*

1 *be considered a civilian employee of the Department*
2 *of Defense for purposes of subsection (b)(3)(B).”.*

3 **SEC. 734. TERMINATION OF VETERANS’ ADVISORY BOARD**
4 **ON RADIATION DOSE RECONSTRUCTION.**

5 *Section 601 of the Veterans Benefit Act of 2003 (Public*
6 *Law 108–183; 38 U.S.C. 1154 note) is amended—*

7 (1) *in subsection (b), by striking “, including the*
8 *establishment of the advisory board required by sub-*
9 *section (c)”;* and

10 (2) *by striking subsection (c).*

11 **SEC. 735. BRAIN HEALTH INITIATIVE OF DEPARTMENT OF**
12 **DEFENSE.**

13 (a) *IN GENERAL.—The Secretary of Defense, in con-*
14 *sultation with the Secretaries concerned, shall establish a*
15 *comprehensive initiative for brain health to be known as*
16 *the “Warfighter Brain Health Initiative” (in this section*
17 *referred to as the “Initiative”) for the purpose of unifying*
18 *efforts and programs across the Department of Defense to*
19 *improve the cognitive performance and brain health of*
20 *members of the Armed Forces.*

21 (b) *OBJECTIVES.—The objectives of the Initiative shall*
22 *be the following:*

23 (1) *To enhance, maintain, and restore the cog-*
24 *nitive performance of members of the Armed Forces*
25 *through education, training, prevention, protection,*

1 *monitoring, detection, diagnosis, treatment, and reha-*
2 *bilitation, including through the following activities:*

3 *(A) The establishment of a program to mon-*
4 *itor cognitive brain health across the Department*
5 *of Defense, with the goal of detecting any need*
6 *for cognitive enhancement or restoration result-*
7 *ing from potential brain exposures of members of*
8 *Armed Forces, to mitigate possible evolution of*
9 *injury or disease progression.*

10 *(B) The identification and dissemination of*
11 *thresholds for blast pressure safety and associated*
12 *emerging scientific evidence.*

13 *(C) The modification of high-risk training*
14 *and operational activities to mitigate the nega-*
15 *tive effects of repetitive blast exposure.*

16 *(D) The identification of individuals who*
17 *perform high-risk training or occupational ac-*
18 *tivities, for purposes of increased monitoring of*
19 *the brain health of such individuals.*

20 *(E) The development and operational field-*
21 *ing of non-invasive, portable, point-of-care med-*
22 *ical devices, to inform the diagnosis and treat-*
23 *ment of traumatic brain injury.*

24 *(F) The establishment of a standardized*
25 *monitoring program that documents and ana-*

1 *lyzes blast exposures that may affect the brain*
2 *health of members of the Armed Forces.*

3 *(G) The consideration of the findings and*
4 *recommendations of the report of the National*
5 *Academies of Science, Engineering, and Medi-*
6 *cine titled “Traumatic Brain Injury: A Road-*
7 *map for Accelerating Progress” and published in*
8 *2022 (relating to the acceleration of progress in*
9 *traumatic brain injury research and care), or*
10 *any successor report, in relation to the activities*
11 *of the Department relating to brain health, as*
12 *applicable.*

13 *(2) To harmonize and prioritize the efforts of the*
14 *Department of Defense into a single approach to*
15 *brain health.*

16 *(c) ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—*
17 *In the budget justification materials submitted to Congress*
18 *in support of the Department of Defense budget for each*
19 *of fiscal years 2025 through 2029 (as submitted with the*
20 *budget of the President under section 1105(a) of title 31,*
21 *United States Code), the Secretary of Defense shall include*
22 *a budget justification display that includes all activities of*
23 *the Department relating to the Initiative.*

24 *(d) PILOT PROGRAM RELATING TO MONITORING OF*
25 *BLAST COVERAGE.—*

1 (1) *AUTHORITY.*—*The Director of the Defense*
2 *Health Agency may conduct, as part of the Initiative,*
3 *a pilot program under which the Director shall mon-*
4 *itor blast overpressure exposure through the use of*
5 *commercially available, off-the-shelf, wearable sensors,*
6 *and document and evaluate data collected as a result*
7 *of such monitoring.*

8 (2) *LOCATIONS.*—*Monitoring activities under a*
9 *pilot program conducted pursuant to paragraph (1)*
10 *shall be carried out in each training environment*
11 *that the Director determines poses a risk for blast*
12 *overpressure exposure.*

13 (3) *DOCUMENTATION AND SHARING OF DATA.*—
14 *If the Director conducts a pilot program pursuant to*
15 *paragraph (1), the Director shall—*

16 (A) *ensure that any data collected pursuant*
17 *to such pilot program that is related to the*
18 *health effects of the blast overpressure exposure of*
19 *a member of the Armed Forces who participated*
20 *in the pilot program is documented and main-*
21 *tained by the Secretary of Defense in an elec-*
22 *tronic health record for the member; and*

23 (B) *to the extent practicable, and in accord-*
24 *ance with applicable provisions of law relating*
25 *to data privacy, make data collected pursuant to*

1 *such pilot program available to other academic*
2 *and medical researchers for the purpose of in-*
3 *forming future research and treatment options.*

4 *(e) STRATEGY AND IMPLEMENTATION PLAN.—Not*
5 *later than one year after the date of the enactment of this*
6 *Act, the Secretary of Defense shall submit to the Committees*
7 *on Armed Services of the House of Representatives and the*
8 *Senate a report setting forth a strategy and implementation*
9 *plan of the Department of Defense to achieve the objectives*
10 *of the Initiative under subsection (b).*

11 *(f) ANNUAL BRIEFINGS.—Not later than January 31,*
12 *2024, and annually thereafter until January 31, 2027, the*
13 *Secretary of Defense shall provide to the Committees on*
14 *Armed Services of the House of Representatives and the*
15 *Senate a report on the Initiative that includes the following:*

16 *(1) A description of the activities taken under*
17 *the Initiative and resources expended under the Ini-*
18 *tiative during the prior fiscal year.*

19 *(2) A summary of the progress made during the*
20 *prior fiscal year with respect to the objectives of the*
21 *Initiative under subsection (b).*

22 *(g) SECRETARY CONCERNED DEFINED.—In this sec-*
23 *tion, the term “Secretary concerned” has the meaning given*
24 *that term in section 101 of title 10, United States Code.*

1 **SEC. 736. ESTABLISHMENT OF PARTNERSHIP PROGRAM BE-**
2 **TWEEN UNITED STATES AND UKRAINE FOR**
3 **MILITARY TRAUMA CARE AND RESEARCH.**

4 *Not later than February 24, 2023, the Secretary of De-*
5 *fense shall seek to enter into a partnership with the appro-*
6 *priate counterpart from the Government of Ukraine for the*
7 *establishment of a joint program on military trauma care*
8 *and research. Such program shall consist of the following:*

9 (1) *The sharing of relevant lessons learned from*
10 *the Russo-Ukraine War.*

11 (2) *The conduct of relevant joint conferences and*
12 *exchanges with military medical professionals from*
13 *Ukraine and the United States.*

14 (3) *Collaboration with the armed forces of*
15 *Ukraine on matters relating to health policy, health*
16 *administration, and medical supplies and equipment,*
17 *including through knowledge exchanges.*

18 (4) *The conduct of joint research and develop-*
19 *ment on the health effects of new and emerging weap-*
20 *ons.*

21 (5) *The entrance into agreements with military*
22 *medical schools of Ukraine for reciprocal education*
23 *programs under which students at the Uniformed*
24 *Services University of the Health Sciences receive spe-*
25 *cialized military medical instruction at the such*
26 *military medical schools of Ukraine and military*

1 *medical personnel of Ukraine receive specialized mili-*
2 *tary medical instruction at the Uniformed Services*
3 *University of the Health Sciences, pursuant to section*
4 *2114(f) of title 10, United States Code.*

5 *(6) The provision of support to Ukraine for the*
6 *purpose of facilitating the establishment in Ukraine*
7 *of a program substantially similar to the Wounded*
8 *Warrior Program in the United States.*

9 *(7) The provision of training to the armed forces*
10 *of Ukraine in the following areas:*

11 *(A) Health matters relating to chemical, bi-*
12 *ological, radiological, nuclear and explosive*
13 *weapons.*

14 *(B) Preventive medicine and infectious dis-*
15 *ease.*

16 *(C) Post traumatic stress disorder.*

17 *(D) Suicide prevention.*

18 *(8) The maintenance of a list of medical supplies*
19 *and equipment needed.*

20 *(9) Such other elements as the Secretary of De-*
21 *fense may determine appropriate.*

1 **SEC. 737. IMPROVEMENTS RELATING TO BEHAVIORAL**
2 **HEALTH CARE AVAILABLE UNDER MILITARY**
3 **HEALTH SYSTEM.**

4 *(a) STUDY RELATING TO UNIFORMED SERVICES UNI-*
5 *VERSITY OF THE HEALTH SCIENCE.—*

6 *(1) STUDY.—The Secretary of Defense shall con-*
7 *duct a study on the feasibility and advisability of the*
8 *following:*

9 *(A) Establishing graduate degree-granting*
10 *programs in counseling and social work at the*
11 *Uniformed Services University of the Health*
12 *Sciences.*

13 *(B) Expanding the clinical psychology*
14 *graduate program of the Uniformed Services*
15 *University of the Health Sciences.*

16 *(2) MATTERS.—The study under paragraph (1)*
17 *shall include a description of—*

18 *(A) the process by which, as a condition of*
19 *enrolling in a degree-granting program specified*
20 *in such paragraph, a civilian student would be*
21 *required to commit to post-award employment*
22 *obligations; and*

23 *(B) the processes and consequences that*
24 *would apply if such obligations are not met.*

25 *(3) REPORT.—Not later than one year after the*
26 *date of the enactment of this Act, the Secretary shall*

1 *submit to the Committees on Armed Services of the*
2 *House of Representatives and the Senate a report con-*
3 *taining the findings of the study under paragraph*
4 *(1).*

5 ***(b) PILOT PROGRAM ON SCHOLARSHIP-FOR-SERVICE***
6 ***FOR CIVILIAN BEHAVIORAL HEALTH PROVIDERS.—***

7 ***(1) PILOT PROGRAM.—****Not later than two years*
8 *after the date of the enactment of this Act, the Sec-*
9 *retary of Defense shall commence the conduct of a*
10 *pilot program under which—*

11 ***(A) the Secretary may provide—***

12 ***(i) scholarships to cover tuition and re-***
13 *lated fees at an institution of higher edu-*
14 *cation to an individual enrolled in a pro-*
15 *gram of study leading to a graduate degree*
16 *in clinical psychology, social work, coun-*
17 *seling, or a related field (as determined by*
18 *the Secretary); and*

19 ***(ii) student loan repayment assistance***
20 *to a credentialed behavioral health provider*
21 *who has a graduate degree in clinical psy-*
22 *chology, social work, counseling, or a related*
23 *field (as determined by the Secretary); and*

24 ***(B) in exchange for such assistance, the re-***
25 *cipient shall commit to work as a covered civil-*

1 *ian behavioral health provider in accordance*
2 *with paragraph (2).*

3 *(2) POST-AWARD EMPLOYMENT OBLIGATIONS.—*

4 *(A) IN GENERAL.—Subject to subparagraph*
5 *(B), as a condition of receiving assistance under*
6 *paragraph (1), the recipient of such assistance*
7 *shall enter into an agreement with the Secretary*
8 *of Defense pursuant to which the recipient agrees*
9 *to work on a full-time basis as a covered civilian*
10 *behavioral health provider for a period of a du-*
11 *ration that is at least equivalent to the period*
12 *during which the recipient received assistance*
13 *under such paragraph.*

14 *(B) OTHER TERMS AND CONDITIONS.—An*
15 *agreement entered into pursuant to subpara-*
16 *graph (A) may include such other terms and*
17 *conditions as the Secretary of Defense may deter-*
18 *mine necessary to protect the interests of the*
19 *United States or otherwise appropriate for pur-*
20 *poses of this section, including terms and condi-*
21 *tions providing for limited exceptions from the*
22 *post-award employment obligation specified in*
23 *such subparagraph.*

24 *(3) REPAYMENT.—*

1 (A) *IN GENERAL.*—*An individual who re-*
2 *ceives assistance under paragraph (1) and does*
3 *not complete the employment obligation required*
4 *under the agreement entered into pursuant to*
5 *paragraph (2) shall repay to the Secretary of*
6 *Defense a prorated portion of the financial as-*
7 *stance received by the individual under para-*
8 *graph (1).*

9 (B) *DETERMINATION OF AMOUNT.*—*The*
10 *amount of any repayment required under sub-*
11 *paragraph (A) shall be determined by the Sec-*
12 *retary.*

13 (4) *DURATION.*—*The authority to carry out the*
14 *pilot program under paragraph (1) shall terminate*
15 *on the date that is 10 years after the date on which*
16 *such pilot program commences.*

17 (5) *IMPLEMENTATION PLAN.*—*Not later than one*
18 *year after the date of the enactment of this Act, the*
19 *Secretary of Defense shall submit to the Committees*
20 *on Armed Services of the House of Representatives*
21 *and the Senate a plan for the implementation of this*
22 *section.*

23 (6) *REPORTS.*—

24 (A) *IN GENERAL.*—*Not later than each of*
25 *one year and five years after the commencement*

1 of the pilot program under paragraph (1), the
2 Secretary of Defense shall submit to the Commit-
3 tees on Armed Services of the House of Rep-
4 resentative and the Senate a report on the pilot
5 program.

6 (B) *ELEMENTS.*—Each report under sub-
7 paragraph (A) shall include, with respect to the
8 pilot program under subsection (1), the fol-
9 lowing:

10 (i) *The number of students receiving*
11 *scholarships under the pilot program.*

12 (ii) *The institutions of higher edu-*
13 *cation at which such students are enrolled.*

14 (iii) *The total amount of financial as-*
15 *sistance expended under the pilot program*
16 *per academic year.*

17 (iv) *The average scholarship amount*
18 *per student under the pilot program.*

19 (v) *The number of students hired as*
20 *covered behavioral health providers pursu-*
21 *ant to the pilot program.*

22 (vi) *Any recommendations for termi-*
23 *nating the pilot program, extending the*
24 *pilot program, or making the pilot program*
25 *permanent.*

1 (c) *REPORT ON BEHAVIORAL HEALTH WORKFORCE.*—

2 (1) *REPORT.*—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of De-
4 fense shall conduct an analysis of the behavioral
5 health workforce under the direct care component of
6 the military health system and submit to the Commit-
7 tees on Armed Services of the House of Representa-
8 tives and the Senate a report containing the results
9 of such analysis. Such report shall include, with re-
10 spect to such workforce, the following:

11 (A) *The number of positions authorized for*
12 *military behavioral health providers within such*
13 *workforce, and the number of such positions*
14 *filled, disaggregated by the professions described*
15 *in paragraph (2).*

16 (B) *The number of positions authorized for*
17 *civilian behavioral health providers within such*
18 *workforce, and the number of such positions*
19 *filled, disaggregated by the professions described*
20 *in paragraph (2).*

21 (C) *For each military department, the ratio*
22 *of military behavioral health providers assigned*
23 *to military medical treatment facilities com-*
24 *pared to civilian behavioral health providers so*

1 assigned, disaggregated by the professions de-
2 scribed in paragraph (2).

3 (D) For each military department, the
4 number of military behavioral health providers
5 authorized to be embedded within an operational
6 unit, and the number of such positions filled,
7 disaggregated by the professions described in
8 paragraph (2).

9 (E) Data on the historical demand for be-
10 havioral health services by members of the Armed
11 Forces.

12 (F) An estimate of the number of health
13 care providers necessary to meet the demand by
14 such members for behavioral health care services
15 under the direct care component of the military
16 health system, disaggregated by provider type.

17 (G) An identification of any shortfall be-
18 tween the estimated number under subparagraph
19 (F) and the total number of positions for behav-
20 ioral health providers filled within such work-
21 force.

22 (H) Such other information as the Sec-
23 retary may determine appropriate.

24 (2) PROVIDER TYPES.—The professions described
25 in this paragraph are as follows:

1 (A) *Clinical psychologists.*

2 (B) *Social workers.*

3 (C) *Counselors.*

4 (D) *Such other professions as the Secretary*
5 *may determine appropriate.*

6 (3) *BEHAVIORAL HEALTH WORKFORCE AT RE-*
7 *MOTE LOCATIONS.—In conducting the analysis of the*
8 *behavioral health workforce under paragraph (1), the*
9 *Secretary of Defense shall ensure such behavioral*
10 *health workforce at remote locations (including Guam*
11 *and Hawaii) and any shortfalls thereof, is taken into*
12 *account.*

13 (d) *PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL*
14 *HEALTH WORKFORCE.—Not later than one year after the*
15 *date on which the report under subsection (c) is submitted,*
16 *the Secretary of Defense shall submit to the Committees on*
17 *Armed Services of the House of Representatives and the*
18 *Senate a plan to address any shortfall of the behavioral*
19 *health workforce identified under paragraph (1)(G) of such*
20 *subsection. Such plan shall address the following:*

21 (1) *With respect to any such shortfall of military*
22 *behavioral health providers (addressed separately with*
23 *respect to such providers assigned to military medical*
24 *treatment facilities and such providers assigned to be*
25 *embedded within operational units), the recruitment,*

1 *accession, retention, special pay and other aspects of*
2 *compensation, workload, role of the Uniformed Serv-*
3 *ices University of the Health Sciences and the Armed*
4 *Forces Health Professions Scholarship Program under*
5 *chapter 105 of title 10, United States Code, any addi-*
6 *tional authorities or resources necessary for the Sec-*
7 *retary to increase the number of such providers, and*
8 *such other considerations as the Secretary may con-*
9 *sider appropriate.*

10 (2) *With respect to addressing any such shortfall*
11 *of civilian behavioral health providers, the recruit-*
12 *ment, hiring, retention, pay and benefits, workload,*
13 *educational scholarship programs, any additional au-*
14 *thorities or resources necessary for the Secretary to*
15 *increase the number of such providers, and such other*
16 *considerations as the Secretary may consider appro-*
17 *priate.*

18 (3) *A recommendation as to whether the number*
19 *of military behavioral health providers in each mili-*
20 *tary department should be increased, and if so, by*
21 *how many.*

22 (4) *A plan to ensure that remote installations*
23 *are prioritized for the assignment of military behav-*
24 *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 patient*
6 *receiving individualized treatment (following an*
7 *initial intake assessment) from a behavioral*
8 *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 health*
14 *care under the military health system using tele-*
15 *health.*

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 a
7 State that grants the individual the authority to
8 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 a
15 military medical treatment facility.

16 (5) The term “institution of higher education”
17 has the meaning given that term in section 101 of the
18 Higher Education Act of 1965 (20 U.S.C. 1001).

19 (6) The term “military behavioral health pro-
20 vider” means a behavioral health provider who is a
21 member of the Armed Forces.

22 (7) The term “military installation” has the
23 meaning given that term in section 2801 of title 10,
24 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 several*
8 *States, the District of Columbia, and each common-*
9 *wealth, territory or possession of the United States.*

10 **SEC. 738. CERTIFICATION PROGRAM IN PROVISION OF MEN-**
11 **TAL HEALTH SERVICES TO MEMBERS OF THE**
12 **ARMED FORCES AND MILITARY FAMILIES.**

13 (a) *IN GENERAL.*—*The Secretary of Defense, in con-*
14 *sultation with the President of the Uniformed Services Uni-*
15 *versity of the Health Sciences, shall develop a curriculum*
16 *and certification program to provide civilian mental health*
17 *professionals and students in mental health-related dis-*
18 *ciplines with the specialized knowledge and skills necessary*
19 *to address the unique mental health needs of members of*
20 *the Armed Forces and military families.*

21 (b) *IMPLEMENTATION.*—*Not later than 90 days after*
22 *completing the development of the curriculum and certifi-*
23 *cation program under subsection (a), the Secretary of De-*
24 *fense shall implement such curriculum and certification*

1 *program in the Uniformed Services University of the*
2 *Health Sciences.*

3 (c) *AUTHORITY TO DISSEMINATE BEST PRACTICES.—*
4 *The Secretary of Defense may disseminate best practices*
5 *based on the curriculum and certification program devel-*
6 *oped and implemented under this section to other institu-*
7 *tions of higher education, as such term is defined in section*
8 *102 of the Higher Education Act of 1965 (20 U.S.C. 1002).*

9 (d) *TERMINATION.—The authority to carry out the*
10 *curriculum and certification program under this section*
11 *shall terminate on the date that is five years after the date*
12 *of the enactment of this Act.*

13 (e) *BRIEFING.—Not later than 180 days after the ter-*
14 *mination date specified in subsection (d), the Secretary of*
15 *Defense shall provide to the Committees on Armed Services*
16 *of the House of Representatives and the Senate a briefing*
17 *on the results of the curriculum and certification program*
18 *developed and implemented under this section.*

19 **SEC. 739. STANDARDIZATION OF POLICIES RELATING TO**
20 **SERVICE IN ARMED FORCES BY INDIVIDUALS**
21 **DIAGNOSED WITH HBV.**

22 (a) *IN GENERAL.—Not later than one year after the*
23 *date of the enactment of this Act, the Secretary of Defense,*
24 *in coordination with the Secretaries concerned, shall—*

1 (1) *review regulations, establish policies, and*
2 *issue guidance relating to service in the Armed Forces*
3 *by individuals diagnosed with HBV, consistent with*
4 *the health care standards and clinical guidelines of*
5 *the Department of Defense; and*

6 (2) *identify areas where the regulations, policies,*
7 *and guidance of the Department relating to individ-*
8 *uals diagnosed with HBV (including with respect to*
9 *enlistments, assignments, deployments, and retention*
10 *standards) may be standardized across the Armed*
11 *Forces.*

12 (b) *DEFINITIONS.—In this section:*

13 (1) *The term “HBV” means the Hepatitis B*
14 *Virus.*

15 (2) *The term “Secretary concerned” has the*
16 *meaning given that term in section 101 of title 10,*
17 *United States Code.*

18 **SEC. 740. SUICIDE CLUSTER: STANDARDIZED DEFINITION**
19 **FOR USE BY DEPARTMENT OF DEFENSE; CON-**
20 **GRESSIONAL NOTIFICATION.**

21 (a) *STANDARDIZATION OF DEFINITION.—Not later*
22 *than one year after the date of the enactment of this Act,*
23 *the Secretary of Defense, in consultation with the Secre-*
24 *taries concerned, shall develop, for use across the Armed*

1 *Forces, a standardized definition for the term “suicide cluster”.*
2 *ter”.*

3 **(b) NOTIFICATION REQUIRED.**—*Beginning not later*
4 *than one year after the date of the enactment of this Act,*
5 *whenever the Secretary determines the occurrence of a sui-*
6 *cide cluster (as that term is defined pursuant to subsection*
7 *(a)) among members of the Armed Forces, the Secretary*
8 *shall submit to the Committees on Armed Services of the*
9 *House of Representatives and the Senate a notification of*
10 *such determination.*

11 **(c) BRIEFING.**—*Not later than April 1, 2023, the Sec-*
12 *retary of Defense shall provide to the Committees on Armed*
13 *Services of the House of Representatives and the Senate a*
14 *briefing on the following:*

15 **(1)** *The methodology being used in the develop-*
16 *ment of the definition under subsection (a).*

17 **(2)** *The progress made towards the development*
18 *of the process for submitting required notifications*
19 *under subsection (b).*

20 **(3)** *An estimated timeline for the implementa-*
21 *tion of this section.*

22 **(d) COORDINATION REQUIRED.**—*In developing the def-*
23 *inition under subsection (a) and the process for submitting*
24 *required notifications under subsection (b), the Secretary*
25 *of Defense shall coordinate with the Secretaries concerned.*

1 (e) *SECRETARY CONCERNED DEFINED.*—*In this sec-*
2 *tion, the term “Secretary concerned” has the meaning given*
3 *that term in section 101 of title 10, United States Codes.*

4 **SEC. 741. LIMITATION ON REDUCTION OF MILITARY MED-**
5 **ICAL MANNING END STRENGTH: CERTIFI-**
6 **CATION REQUIREMENT AND OTHER RE-**
7 **FORMS.**

8 (a) *LIMITATION.*—

9 (1) *IN GENERAL.*—*Except as provided in para-*
10 *graph (2), and in addition to the limitation under*
11 *section 719 of the National Defense Authorization Act*
12 *for Fiscal Year 2020 (Public Law 116–92; 133 Stat.*
13 *1454), as most recently amended by section 731 of the*
14 *National Defense Authorization Act for Fiscal Year*
15 *2022 (Public Law 117–81; 135 Stat. 1795), during*
16 *the five-year period beginning on the date of the en-*
17 *actment of this Act, neither the Secretary of Defense*
18 *nor a Secretary concerned may reduce military med-*
19 *ical end strength authorizations, and following such*
20 *period, neither may reduce such authorizations unless*
21 *the Secretary of Defense issues a waiver pursuant to*
22 *paragraph (6).*

23 (2) *EXCEPTION.*—*The limitation under para-*
24 *graph (1) shall not apply with respect to the fol-*
25 *lowing:*

1 (A) *Administrative billets of a military de-*
2 *partment that have remained unfilled since at*
3 *least October 1, 2018.*

4 (B) *Billets identified as non-clinical in the*
5 *budget of the President for fiscal year 2020 sub-*
6 *mitted to Congress pursuant to section 1105(a)*
7 *of title 31, United States Code, except that the*
8 *number of such billets may not exceed 1,700.*

9 (C) *Medical headquarters billets of the mili-*
10 *tary departments not assigned to, or providing*
11 *direct support to, operational commands.*

12 (3) *REPORT ON COMPOSITION OF MILITARY MED-*
13 *ICAL WORKFORCE REQUIREMENTS.—The Secretary of*
14 *Defense, in coordination with the Secretaries of the*
15 *military departments, shall conduct an assessment of*
16 *current military medical manning requirements (tak-*
17 *ing into consideration factors including future oper-*
18 *ational planning, training, and beneficiary*
19 *healthcare) and submit to the Committees on Armed*
20 *Services of the House of Representatives and the Sen-*
21 *ate a report containing the findings of such assess-*
22 *ment. Such assessment shall be informed by the fol-*
23 *lowing:*

1 (A) *The National Defense Strategy sub-*
2 *mitted under section 113(g) of title 10, United*
3 *States Code.*

4 (B) *The National Military Strategy pre-*
5 *pared under section 153(b) of such title.*

6 (C) *The campaign plans of the combatant*
7 *commands.*

8 (D) *Theater strategies.*

9 (E) *The joint medical estimate under sec-*
10 *tion 732 of the John S. McCain National Defense*
11 *Authorization Act for Fiscal Year 2019 (Public*
12 *Law 115–232; 132 Stat. 1817).*

13 (F) *The plan of the Department of Defense*
14 *on integrated medical operations, as updated*
15 *pursuant to paragraph (1) of section 724(a) of*
16 *the National Defense Authorization Act for Fis-*
17 *cal Year 2022 (Public Law 117–81; 135 Stat.*
18 *1793; 10 U.S.C. 1096 note).*

19 (G) *The plan of the Department of Defense*
20 *on global patient movement, as updated pursu-*
21 *ant to paragraph (2) of such section 724(a).*

22 (H) *The biosurveillance program of the De-*
23 *partment of Defense established pursuant to De-*
24 *partment of Defense Directive 6420.02 (relating*
25 *to biosurveillance).*

1 (I) *Requirements for graduate medical edu-*
2 *cation.*

3 (J) *The report of the COVID–19 Military*
4 *Health System Review Panel under section 731*
5 *of the William M. (Mac) Thornberry National*
6 *Defense Authorization Act for Fiscal Year 2021*
7 *(Public Law 116–283; 134 Stat. 3698).*

8 (K) *The report of the Inspector General of*
9 *the Department of Defense titled “Evaluation of*
10 *Department of Defense Military Medical Treat-*
11 *ment Facility Challenges During the*
12 *Coronavirus Disease-2019 (COVID-19) Pan-*
13 *demic in Fiscal Year 2021 (DODIG-2022-081)”*
14 *and published on April 5, 2022.*

15 (L) *Reports of the Comptroller General of*
16 *the United States relating to military health sys-*
17 *tem reforms undertaken on or after January, 1,*
18 *2017, including any such reports relating to*
19 *military medical manning and force composition*
20 *mix.*

21 (M) *Such other reports as may be deter-*
22 *mined appropriate by the Secretary of Defense.*

23 (4) *CERTIFICATION.*—*The Secretary of Defense*
24 *shall submit to the Committees on Armed Services of*

1 *the House of Representatives and the Senate a certifi-*
2 *cation containing the following:*

3 (A) *A certification of the completion of a*
4 *comprehensive review of military medical man-*
5 *ning, including with respect to the medical corps*
6 *(or other health- or medical-related component of*
7 *a military department), designator, profession,*
8 *occupation, and rating of medical personnel.*

9 (B) *A justification for any proposed in-*
10 *crease, realignment, reduction, or other change to*
11 *the specialty or occupational composition of*
12 *military medical end strength authorizations,*
13 *which may include compliance with a require-*
14 *ment or recommendation set forth in a strategy,*
15 *plan, or other matter specified in paragraph (3).*

16 (C) *A certification that, in the case that*
17 *any change to such specialty or occupational*
18 *composition is required, a vacancy resulting*
19 *from such change may not be filled with a posi-*
20 *tion other than a health- or medical-related posi-*
21 *tion until such time as there are no military*
22 *medical billets remaining to fill the vacancy.*

23 (D) *A risk analysis associated with the po-*
24 *tential realignment or reduction of any military*
25 *medical end strength authorizations.*

1 (E) *An identification of any plans of the*
2 *Department to backfill military medical per-*
3 *sonnel positions with civilian personnel.*

4 (F) *A plan to address persistent vacancies*
5 *for civilian personnel in health- or medical-re-*
6 *lated positions, and a risk analysis associated*
7 *with the hiring, onboarding, and retention of*
8 *such civilian personnel, taking into account pro-*
9 *vider shortfalls across the United States.*

10 (G) *A comprehensive plan to mitigate any*
11 *risk identified pursuant to subparagraph (D) or*
12 *(F), including with respect to funding necessary*
13 *for such mitigation across fiscal years.*

14 (5) *PROCESS REQUIRED.—The Secretaries of the*
15 *military departments, in coordination with the Sec-*
16 *retary of Defense and the Chairman of the Joint*
17 *Chiefs of Staff, shall develop and submit to the Com-*
18 *mittees on Armed Services of the House of Represent-*
19 *atives and the Senate a process for the authorization*
20 *of proposed modifications to the composition of the*
21 *medical manning force mix across the military de-*
22 *partments while maintaining compliance with the*
23 *limitation under paragraph (1). Such process shall—*

24 (A) *take into consideration the funding re-*
25 *quired for any such proposed modification; and*

1 (B) include distinct processes for proposed
2 increases and proposed decreases, respectively, to
3 the medical manning force mix of each military
4 department.

5 (6) WAIVER.—

6 (A) IN GENERAL.—Following the conclusion
7 of the five-year period specified in paragraph
8 (1), the Secretary of Defense may waive the pro-
9 hibition under such subsection if—

10 (i) the report requirement under para-
11 graph (3), the certification requirement
12 under paragraph (4), and the process re-
13 quirement under paragraph (5) have been
14 completed;

15 (ii) the Secretary determines that the
16 waiver is necessary and in the interests of
17 the national security of the United States;
18 and

19 (iii) the waiver is issued in writing.

20 (B) NOTIFICATION TO CONGRESS.—Not
21 later than five days after issuing a waiver under
22 subparagraph (A), the Secretary of Defense shall
23 submit to the Committees on Armed Services of
24 the House of Representatives and the Senate a
25 notification of the waiver (including the text of

1 *the waiver and a justification for the waiver)*
2 *and provide to such committees a briefing on the*
3 *components of the waiver.*

4 ***(b) TEMPORARY SUSPENSION OF IMPLEMENTATION OF***
5 ***PLAN FOR RESTRUCTURE OR REALIGNMENT OF MILITARY***
6 ***MEDICAL TREATMENT FACILITIES.—The Secretary of De-***
7 ***fense may not implement the plan under section 703(d)(1)***
8 ***of the National Defense Authorization Act for Fiscal Year***
9 ***2017 (Public Law 114–328; 130 Stat. 2199) until the later***
10 ***of the following:***

11 ***(1) The date that is one year after the date of***
12 ***the enactment of this Act.***

13 ***(2) The date on which the Secretary of Defense***
14 ***completes the following:***

15 ***(A) A risk analysis for each military med-***
16 ***ical treatment facility to be realigned, restruc-***
17 ***tured, or otherwise affected under the implemen-***
18 ***tation plan under such section 703(d)(1), includ-***
19 ***ing an assessment of the capacity of the***
20 ***TRICARE network of providers in the area of***
21 ***such military medical treatment facility to pro-***
22 ***vide care to the TRICARE Prime beneficiaries***
23 ***that would otherwise be assigned to such mili-***
24 ***tary medical treatment facility.***

1 (B) *An identification of the process by*
2 *which the assessment conducted under subsection*
3 *(a)(3) and the certification required under sub-*
4 *section (a)(4) shall be linked to any restruc-*
5 *turing or realignment of military medical treat-*
6 *ment facilities.*

7 (c) *BRIEFINGS; FINAL REPORT.—*

8 (1) *INITIAL BRIEFING.—Not later than April 1,*
9 *2023, the Secretary of Defense shall provide to the*
10 *Committees on Armed Services of the House of Rep-*
11 *resentatives and the Senate a briefing on—*

12 (A) *the method by which the Secretary*
13 *plans to meet the report requirement under sub-*
14 *section (a)(3), the certification requirement*
15 *under subsection (a)(4), and the process require-*
16 *ment under subsection (a)(5); and*

17 (B) *the matters specified in subparagraphs*
18 (A) *and (B) of subsection (b)(2).*

19 (2) *BRIEFING ON PROGRESS.—Not later than*
20 *two years after the date of the enactment of this Act,*
21 *the Secretary of Defense shall provide to the Commit-*
22 *tees on Armed Services of the House of Representa-*
23 *tives and the Senate a briefing on the progress made*
24 *towards completion of the requirements specified in*
25 *paragraph (1)(A).*

1 (3) *FINAL BRIEFING.*—Not later than three years
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall provide to the Committees on
4 Armed Services of the House of Representatives and
5 the Senate a final briefing on the completion of such
6 requirements.

7 (4) *FINAL REPORT.*—Not later than three years
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the Committees on
10 Armed Services of the House of Representatives and
11 the Senate a final report on the completion of such
12 requirements. Such final report shall be in addition
13 to the report, certification, and process submitted
14 under paragraphs (3), (4), and (5) of subsection (a),
15 respectively.

16 (d) *DEFINITIONS.*—In this section:

17 (1) The term “medical personnel” has the mean-
18 ing given such term in section 115a(e) of title 10,
19 United States Code.

20 (2) The term “Secretary concerned” has the
21 meaning given that term in section 101(a) of such
22 title.

23 (3) The term “theater strategy” means an over-
24 arching construct outlining the vision of a combatant
25 commander for the integration and synchronization of

1 *military activities and operations with other national*
2 *power instruments to achieve the strategic objectives*
3 *of the United States.*

4 **SEC. 742. FEASIBILITY STUDY ON ESTABLISHMENT OF DE-**
5 **PARTMENT OF DEFENSE INTERNSHIP PRO-**
6 **GRAMS RELATING TO CIVILIAN BEHAVIORAL**
7 **HEALTH PROVIDERS.**

8 (a) *FEASIBILITY STUDY.*—*The Secretary of Defense*
9 *shall conduct a study on the feasibility of establishing paid*
10 *pre-doctoral and post-doctoral internship programs for the*
11 *purpose of training clinical psychologists to work as covered*
12 *civilian behavioral health providers.*

13 (b) *ELEMENTS.*—*The feasibility study under sub-*
14 *section (a) shall assess, with respect to the potential intern-*
15 *ship programs specified in such subsection, the following:*

16 (1) *A model under which, as a condition of par-*
17 *ticipating in such an internship program, the partic-*
18 *ipant would enter into an agreement with the Sec-*
19 *retary under which the participant agrees to work on*
20 *a full-time basis as a covered civilian behavioral*
21 *health provider for a period of a duration that is at*
22 *least equivalent to the period of participation in such*
23 *internship program.*

24 (2) *Methods by which the Secretary may address*
25 *scenarios in which an individual who participates in*

1 *such an internship program does not complete the em-*
2 *ployment obligation required under the agreement re-*
3 *ferred to in paragraph (1), including by requiring the*
4 *individual to repay to the Secretary a prorated por-*
5 *tion of the cost of administering such program (to be*
6 *determined by the Secretary) with respect to such in-*
7 *dividual and of any payment received by the indi-*
8 *vidual under such program.*

9 *(3) The methods by which the Secretary may ad-*
10 *just the workload and staffing of behavioral health*
11 *providers in military medical treatment facilities to*
12 *ensure sufficient capacity to supervise participants in*
13 *such internship programs.*

14 *(c) REPORT.—Not later than one year after the date*
15 *of the enactment of this Act, the Secretary shall submit to*
16 *the Committees on Armed Services of the House of Rep-*
17 *resentatives and the Senate a report containing the findings*
18 *of the feasibility study under subsection (a).*

19 *(d) DEFINITIONS.—In this section:*

20 *(1) The term “behavioral health” includes psy-*
21 *chiatry, clinical psychology, social work, counseling,*
22 *and related fields.*

23 *(2) The term “behavioral health provider” in-*
24 *cludes the following:*

25 *(A) A licensed professional counselor.*

1 (B) *A licensed mental health counselor.*

2 (C) *A licensed clinical professional coun-*
3 *selor.*

4 (D) *A licensed professional clinical coun-*
5 *selor of mental health.*

6 (E) *A licensed clinical mental health coun-*
7 *selor.*

8 (F) *A licensed mental health practitioner.*

9 (3) *The term “covered civilian behavioral health*
10 *provider” means a civilian behavioral health provider*
11 *whose employment by the Secretary of Defense in-*
12 *volves the provision of behavioral health services at a*
13 *military medical treatment facility.*

14 (4) *The term “civilian behavioral health pro-*
15 *vider” means a behavioral health provider who is a*
16 *civilian employee of the Department of Defense.*

17 (5) *The term “military medical treatment facil-*
18 *ity” means a facility specified in section 1073d of*
19 *title 10, United States Code.*

20 **SEC. 743. UPDATES TO PRIOR FEASIBILITY STUDIES ON ES-**
21 **TABLISHMENT OF NEW COMMAND ON DE-**
22 **FENSE HEALTH.**

23 (a) *UPDATES.—The Secretary of Defense shall update*
24 *prior studies regarding the feasibility of establishing a new*
25 *defense health command under which the Defense Health*

1 *Agency would be a joint component. In conducting such up-*
2 *dates, the Secretary shall consider for such new command*
3 *each of the following potential structures:*

4 (1) *A unified combatant command.*

5 (2) *A specified combatant command.*

6 (3) *Any other command structure the Secretary*
7 *determines is appropriate for consideration.*

8 (b) *MATTERS.—The updates under subsection (a) shall*
9 *include, with respect to the new command specified in such*
10 *subsection, the following:*

11 (1) *An assessment of the potential organizational*
12 *structure of the new command sufficient for the new*
13 *command to carry out the responsibilities described in*
14 *subsection (c), including a description of the fol-*
15 *lowing:*

16 (A) *The potential reporting relationship be-*
17 *tween the commander of the new command, the*
18 *Assistant Secretary of Defense for Health Affairs,*
19 *and the Under Secretary of Defense for Personnel*
20 *and Readiness.*

21 (B) *The potential relationship of the new*
22 *command to the military departments, the com-*
23 *batant commands, and the Joint Staff.*

24 (C) *The potential responsibilities of the*
25 *commander of the new command and how such*

1 *responsibilities would differ from the responsibil-*
2 *ities of the Director of the Defense Health Agen-*
3 *cy.*

4 *(D) The potential chain of command be-*
5 *tween such commander and the Secretary of De-*
6 *fense.*

7 *(E) The potential roles of the Surgeons Gen-*
8 *eral of the Army, Navy, and Air Force, with re-*
9 *spect to such commander.*

10 *(F) Any organizations that support the De-*
11 *fense Health Agency, such as the medical depart-*
12 *ments and medical logistics organizations of*
13 *each military department.*

14 *(G) The potential organizational structure*
15 *of the new command, including any subordinate*
16 *commands.*

17 *(H) The geographic location, or multiple*
18 *such locations, of the headquarters of the new*
19 *command and any subordinate commands.*

20 *(I) How the Defense Health Agency cur-*
21 *rently serves as a provider of optimally trained*
22 *and clinically proficient health care professionals*
23 *to support combatant commands.*

24 *(J) How the new command may further*
25 *serve as a provider of optimally trained and*

1 *clinically proficient health care professionals to*
2 *support combatant commands.*

3 (2) *An assessment of any additional funding*
4 *necessary to establish the new command.*

5 (3) *An assessment of any additional legislative*
6 *authorities necessary to establish the new command,*
7 *including with respect to the executive leadership and*
8 *direction of the new command.*

9 (4) *An assessment of the required resourcing of*
10 *the executive leadership of the new command.*

11 (5) *If the Secretary makes the determination to*
12 *establish the new command, a timeline for such estab-*
13 *lishment.*

14 (6) *If the Secretary defers such determination*
15 *pending further implementation of other organiza-*
16 *tional reforms to the military health system, a*
17 *timeline for such future determination.*

18 (7) *Such other matters relating to the establish-*
19 *ment, operations, or activities of the new command as*
20 *the Secretary may determine appropriate.*

21 (c) *RESPONSIBILITIES DESCRIBED.—The responsibil-*
22 *ities described in this subsection are as follows:*

23 (1) *The conduct of health operations among oper-*
24 *ational units of the Armed Forces.*

1 (2) *The administration of military medical*
2 *treatment facilities.*

3 (3) *The administration of the TRICARE pro-*
4 *gram.*

5 (4) *Serving as the element of the Armed Forces*
6 *with the primary responsibility for the following:*

7 (A) *Medical treatment, advanced trauma*
8 *management, emergency surgery, and*
9 *resuscitative care.*

10 (B) *Emergency and specialty surgery, in-*
11 *tensive care, medical specialty care, and related*
12 *services.*

13 (C) *Preventive, acute, restorative, curative,*
14 *rehabilitative, and convalescent care.*

15 (5) *Collaboration with medical facilities partici-*
16 *pating in the National Disaster Medical System es-*
17 *tablished pursuant to section 2812 of the Public*
18 *Health Service Act (42 U.S.C. 300hh–11), the Vet-*
19 *erans Health Administration, and such other Federal*
20 *departments and agencies and nongovernmental orga-*
21 *nizations as may be determined appropriate by the*
22 *Secretary, including with respect to the care services*
23 *specified in paragraph (4)(C).*

1 (6) *The conduct of existing research and edu-*
2 *cation activities of the Department of Defense in the*
3 *field of health sciences.*

4 (7) *The conduct of public health and global*
5 *health activities not otherwise assigned to the Armed*
6 *Forces.*

7 (8) *The administration of the Defense Health*
8 *Program Account under section 1100 of title 10,*
9 *United States Code.*

10 (d) *INTERIM BRIEFING.*—*Not later than 180 days after*
11 *the date of the enactment of this Act, the Secretary of De-*
12 *fense shall provide to the Committees on Armed Services*
13 *of the House of Representatives and the Senate a briefing*
14 *on the method by which the Secretary intends to update*
15 *prior studies as required pursuant to subsection (a).*

16 (e) *FINAL BRIEFING; REPORT.*—*Not later than one*
17 *year after the date of the enactment of this Act, the Sec-*
18 *retary of Defense shall—*

19 (1) *provide to the Committees on Armed Services*
20 *of the House of Representatives and the Senate a final*
21 *briefing on the implementation of this section; and*

22 (2) *submit to the Committees on Armed Services*
23 *of the House of Representatives and the Senate a re-*
24 *port containing the updates to prior studies required*

1 *pursuant to subsection (a), including each of the ele-*
2 *ments specified in subsection (b).*

3 **SEC. 744. CAPABILITY ASSESSMENT AND ACTION PLAN**
4 **WITH RESPECT TO EFFECTS OF EXPOSURE TO**
5 **OPEN BURN PITS AND OTHER ENVIRON-**
6 **MENTAL HAZARDS.**

7 *(a) IN GENERAL.—Not later than 180 days after the*
8 *date of the enactment of this Act, the Secretary of Defense*
9 *shall—*

10 *(1) conduct a capability assessment of potential*
11 *improvements to activities of the Department of De-*
12 *fense to reduce the effects of environmental exposures*
13 *with respect to members of the Armed Forces; and*

14 *(2) develop an action plan to implement such*
15 *improvements assessed under paragraph (1) as the*
16 *Secretary considers appropriate.*

17 *(b) ELEMENTS.—The capability assessment required*
18 *by subsection (a)(1) shall include the following elements:*

19 *(1) With respect to the conduct of periodic health*
20 *assessments, the following:*

21 *(A) An assessment of the feasibility and ad-*
22 *visability of adding additional screening ques-*
23 *tions relating to environmental and occupational*
24 *exposures to current health assessments of mem-*
25 *bers of the Armed Forces conducted by the Sec-*

1 *retary of Defense, including pre- and post-de-*
2 *ployment assessments and pre-separation assess-*
3 *ments.*

4 *(B) An assessment of the potential value*
5 *and feasibility of regularly requiring spirometry*
6 *or other pulmonary function testing pre- and*
7 *post-deployment for all members, or selected*
8 *members, of the Armed Forces.*

9 *(2) With respect to the conduct of outreach and*
10 *education, the following:*

11 *(A) An evaluation of clinician training on*
12 *the health effects of airborne hazards and how to*
13 *document exposure information in health records*
14 *maintained by the Department of Defense and*
15 *the Department of Veterans Affairs.*

16 *(B) An assessment of the adequacy of cur-*
17 *rent actions by the Secretary of Defense and the*
18 *Secretary of Veterans Affairs to increase aware-*
19 *ness among members of the Armed Forces and*
20 *veterans of the purposes and uses of the Airborne*
21 *Hazards and Open Burn Pit Registry and the*
22 *effect of a potential requirement that individuals*
23 *meeting applicable criteria be automatically en-*
24 *rolled in the registry unless such individuals opt*
25 *out of enrollment.*

1 (C) *An assessment of operational plans for*
2 *deployment with respect to the adequacy of edu-*
3 *cational activities for, and evaluations of, per-*
4 *formance of command authorities, medical per-*
5 *sonnel, and members of the Armed Forces on de-*
6 *ployment on anticipated environmental expo-*
7 *sures and potential means to minimize and*
8 *mitigate any adverse health effects of such expo-*
9 *sures, including through the use of monitoring,*
10 *personal protective equipment, and medical re-*
11 *sponses.*

12 (D) *An evaluation of potential means to*
13 *improve the education of health care providers of*
14 *the Department of Defense with respect to the di-*
15 *agnosis and treatment of health conditions asso-*
16 *ciated with environmental exposures.*

17 (3) *With respect to the monitoring of exposure*
18 *during deployment operations, the following:*

19 (A) *An evaluation of potential means to*
20 *strengthen tactics, techniques, and procedures*
21 *used in deployment operations to document—*

22 (i) *specific locations where members of*
23 *the Armed Forces served;*

24 (ii) *environmental exposures in such*
25 *locations; and*

1 (iii) any munitions involved during
2 such service in such locations.

3 (B) An assessment of potential improve-
4 ments in the acquisition and use of wearable
5 monitoring technology and remote sensing capa-
6 bilities to record environmental exposures by geo-
7 graphic location.

8 (C) An analysis of the potential value and
9 feasibility of maintaining a repository of frozen
10 soil samples from each deployment location to be
11 later tested as needed when concerns relating to
12 environmental exposures are identified.

13 (4) With respect to the use of the Individual
14 Longitudinal Exposure Record, the following:

15 (A) An assessment of feasibility and advis-
16 ability of recording individual clinical diagnosis
17 and treatment information in the Individual
18 Longitudinal Exposure Record to be integrated
19 with exposure data.

20 (B) An evaluation of—

21 (i) the progress toward making the In-
22 dividual Longitudinal Exposure Record
23 operationally capable and accessible to
24 members of the Armed Forces and veterans
25 by 2023; and

1 (ii) the integration of data from the
2 *Individual Longitudinal Exposure Record*
3 with the electronic health records of the De-
4 partment of Defense and the Department of
5 Veterans Affairs.

6 (C) An assessment of the feasibility and ad-
7 visability of making such data accessible to the
8 surviving family members of members of the
9 Armed Forces and veterans.

10 (5) With respect to the conduct of research, the
11 following:

12 (A) An assessment of the potential use of the
13 *Airborne Hazards and Open Burn Pit Registry*
14 for research on monitoring and identifying the
15 health consequences of exposure to open burn
16 pits.

17 (B) An analysis of options for increasing
18 the amount and the relevance of additional re-
19 search into the health effects of open burn pits
20 and effective treatments for such health effects.

21 (C) An evaluation of potential research of
22 biomarker monitoring to document environ-
23 mental exposures during deployment or through-
24 out the military career of a member of the
25 Armed Forces.

1 (D) *An analysis of potential organizational*
2 *strengthening with respect to the management of*
3 *research on environmental exposure hazards, in-*
4 *cluding the establishment of a joint program ex-*
5 *ecutive office for such management.*

6 (E) *An assessment of the findings and rec-*
7 *ommendations of the 2020 report by the National*
8 *Academies of Science, Engineering, and Medi-*
9 *cine titled “Respiratory Health Effects of Air-*
10 *borne Hazards Exposures in the Southwest Asia*
11 *Theater of Military Operations”.*

12 (6) *An evaluation of such other matters as the*
13 *Secretary of Defense determines appropriate to ensure*
14 *a comprehensive review of activities relating to the ef-*
15 *fects of exposure to open burn pits and other environ-*
16 *mental hazards.*

17 (c) *SUBMISSION OF PLAN AND BRIEFING.*—*Not later*
18 *than 240 days after the date of the enactment of this Act,*
19 *the Secretary of Defense shall—*

20 (1) *submit to the Committees on Armed Services*
21 *of the House of Representatives and the Senate the ac-*
22 *tion plan required by subsection (a)(2); and*

23 (2) *provide to such committees a briefing on the*
24 *results of the capability assessment required by sub-*
25 *section (a)(1).*

1 (d) *DEFINITIONS.*—*In this section:*

2 (1) *The term “Airborne Hazards and Open Burn*
3 *Pit Registry” means the registry established under*
4 *section 201 of the Dignified Burial and Other Vet-*
5 *erans’ Benefits Improvement Act of 2012 (Public Law*
6 *112–260; 38 U.S.C. 527 note).*

7 (2) *The term “environmental exposure” means*
8 *an exposure to an open burn pit or other environ-*
9 *mental hazard, as determined by the Secretary of De-*
10 *fense.*

11 (3) *The term “open burn pit” has the meaning*
12 *given that term in section 201(c) of the Dignified*
13 *Burial and Other Veterans’ Benefits Improvement Act*
14 *of 2012 (Public Law 112–260; 38 U.S.C. 527 note).*

15 **SEC. 745. KYLE MULLEN NAVY SEAL MEDICAL TRAINING RE-**
16 **VIEW.**

17 (a) *REVIEW.*—*The Inspector General of the Depart-*
18 *ment of Defense shall conduct a comprehensive review of*
19 *the medical training for health care professionals furnishing*
20 *medical care to individuals undergoing Navy Sea, Air, and*
21 *Land (SEAL) training, the quality assurance mechanisms*
22 *in place with respect to such care, and the efforts to mitigate*
23 *health stress of individuals undergoing such training.*

24 (b) *ELEMENTS.*—*The review under subsection (a) shall*
25 *include the following elements:*

1 (1) *A review of the policies for improved medical*
2 *care of individuals undergoing Navy SEAL training*
3 *and quality assurance with respect to such care.*

4 (2) *A review of sleep deprivation practices im-*
5 *plemented with respect to Navy SEAL training, in-*
6 *cluding an identification of when such practices were*
7 *initially implemented and how frequently such prac-*
8 *tices are updated.*

9 (3) *An assessment of the policies and rules relat-*
10 *ing to the use of performance enhancing drugs by in-*
11 *dividuals undergoing Navy SEAL training.*

12 (4) *An assessment of the oversight of health care*
13 *professionals (including enlisted and officer medical*
14 *personnel, civilian employees of the Department of*
15 *Defense, and contractors of the Department) with re-*
16 *spect to the provision by such professionals of health*
17 *care services to individuals undergoing Navy SEAL*
18 *training.*

19 (5) *A review and assessment of deaths, occurring*
20 *during the twenty-year period preceding the date of*
21 *the review, of individuals who were undergoing Navy*
22 *SEAL training at the time of death.*

23 (6) *A review of ongoing efforts and initiatives to*
24 *ensure the safety of individuals undergoing Navy*
25 *SEAL training and to prevent the occurrence of long-*

1 *term injury, illness, and death among such individ-*
2 *uals.*

3 *(7) An assessment of the role of nutrition in*
4 *Navy SEAL training.*

5 *(c) INTERIM BRIEFING.—Not later than March 1,*
6 *2023, the Inspector General of the Department of Defense*
7 *shall provide to the Committees on Armed Services of the*
8 *House of Representatives and the Senate a briefing on how*
9 *the Inspector General plans to conduct the review under*
10 *subsection (a), including with respect to each element speci-*
11 *fied in subsection (b).*

12 *(d) FINAL REPORT.—Not later than one year after the*
13 *date of the enactment of this Act, the Inspector General of*
14 *the Department of Defense shall submit to the Committees*
15 *on Armed Services of the House of Representatives and the*
16 *Senate a final report on the completion of the review under*
17 *subsection (a), including recommendations of the Inspector*
18 *General developed as a result of such review.*

19 **SEC. 746. REPORTS ON COMPOSITION OF MEDICAL PER-**
20 **SONNEL OF EACH MILITARY DEPARTMENT**
21 **AND RELATED MATTERS.**

22 *(a) REPORTS.—Not later than 180 days after the date*
23 *of the enactment of this Act, and annually thereafter for*
24 *three years, the Secretary of Defense, in coordination with*
25 *the Secretaries of the military departments, shall submit*

1 *to the Committees on Armed Services of the House of Rep-*
2 *resentatives and the Senate a report on the composition of*
3 *the medical personnel of each military department and re-*
4 *lated matters.*

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

7 (1) *With respect to each military department,*
8 *the following:*

9 (A) *An identification of the number of med-*
10 *ical personnel of the military department who*
11 *are officers in a grade above O–6.*

12 (B) *An identification of the number of such*
13 *medical personnel who are officers in a grade*
14 *below O–7.*

15 (C) *A description of any plans of the Sec-*
16 *retary to—*

17 (i) *reduce the total number of such*
18 *medical personnel; or*

19 (ii) *eliminate any covered position for*
20 *such medical personnel.*

21 (D) *A recommendation by the Secretary for*
22 *the number of covered positions for such medical*
23 *personnel that should be required for purposes of*
24 *maximizing medical readiness (without regard to*
25 *current statutory limitations, or potential future*

1 *statutory limitations, on such number), pre-*
2 *sented as a total number for each military de-*
3 *partment and disaggregated by 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 associ-*
11 *ated 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 health-*
2 *related specialty requirements for such covered*
3 *positions.*

4 (C) *For each such covered position, an iden-*
5 *tification of the title and geographic location of,*
6 *and a summary of the responsibility description*
7 *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 posi-*
14 *tions occurring during the 10-year period pre-*
15 *ceding the date of the report, and an assessment*
16 *of whether any such changes have resulted in the*
17 *transfer of responsibilities previously assigned to*
18 *such a covered position to—*

19 (i) *a position in the Senior Executive*
20 *Service or another executive personnel posi-*
21 *tion; or*

22 (ii) *a position other than a covered po-*
23 *sition.*

24 (F) *A description of any officers in a grade*
25 *above O–6 assigned to the Defense Health Agen-*

1 *cy, the Office of the Assistant Secretary of De-*
2 *fense for Health Affairs, the Joint Staff, or any*
3 *other position within the military health system.*

4 *(G) A description of the process by which*
5 *the positions specified in subparagraph (F) are*
6 *validated against military requirements or simi-*
7 *lar billet justification processes.*

8 *(H) A side-by-side comparison dem-*
9 *onstrating, across the military departments, the*
10 *span of control and the responsibilities of covered*
11 *positions for medical personnel of each military*
12 *department.*

13 *(c) DISAGGREGATION OF CERTAIN DATA.—The data*
14 *specified in subparagraphs (A) and (B) of subsection (b)(1)*
15 *shall be presented as a total number and disaggregated by*
16 *each medical component of the respective military depart-*
17 *ment.*

18 *(d) DEFINITIONS.—In this section:*

19 *(1) The term “covered position” means a posi-*
20 *tion for an officer in a grade above O–6.*

21 *(2) The term “officer” has the meanings given*
22 *that term in section 101(b) of title 10, United States*
23 *Code.*

24 *(3) The term “medical component” means—*

1 (A) *in the case of the Army, the Medical*
2 *Corps, Dental Corps, Nurse Corps, Medical Serv-*
3 *ice Corps, Veterinary Corps, and Army Medical*
4 *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 mean-*
13 *ing given such term in section 115a(e) of title 10,*
14 *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, in*
24 *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 on*
2 *the effects of low recruitment and retention on the Armed*
3 *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 for*
7 *operational units during the previous five years, in-*
8 *cluding with respect to deployed units and units in*
9 *pre-deployment training.*

10 (2) *Whether the rate of operational tempo during*
11 *the pervious five years has affected the retention of*
12 *members of the Armed Forces, including with respect*
13 *to deployed units and units in pre-deployment train-*
14 *ing.*

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 Forces*
18 *serving in such units.*

19 (4) *How the rate of operational tempo during*
20 *the pervious five years has affected the number of sui-*
21 *cides occurring within such units.*

22 (5) *Whether the rate of operational tempo during*
23 *the pervious five years has affected the number of*
24 *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 part-*
18 *ner 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 date*
22 *of the enactment of this Act, the Secretary of Defense shall*
23 *provide to the Committees on Armed Services of the House*
24 *of Representatives and the Senate a briefing on the imple-*
25 *mentation 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 Representa-
6 tives 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-person*
16 *annual mental health assessments of members of*
17 *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 the*
10 *Armed Forces, on support and access to re-*
11 *sources for members of the Armed Forces*
12 *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 Defense.*

20 (b) *DEFINITIONS.—In this section—*

21 (1) *The term “TRICARE program” has the*
22 *meaning given that term in section 1072 of title 10,*
23 *United States Code.*

24 (2) *The term “Warriors in Transition program”*
25 *has the meaning given that term in section 738(e) of*

1 *the National Defense Authorization Act for Fiscal*
 2 *Year 2013 (Public Law 112–239; 10 U.S.C. 1071*
 3 *note).*

4 **TITLE VIII—ACQUISITION POL-**
 5 **ICY, ACQUISITION MANAGE-**
 6 **MENT, AND RELATED MAT-**
 7 **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 the
 8 following new section:

9 ***“§ 1743. Awards to recognize members of the acquisi-***
 10 ***tion workforce***

11 “(a) *ESTABLISHMENT.*—The President of the Defense
 12 Acquisition University shall establish two programs to pro-
 13 vide awards to recognize members of the acquisition work-
 14 force as follows:

15 “(1) *An award of not more than \$5,000 to such*
 16 *members who use an iterative writing process to docu-*
 17 *ment a first-hand account of using independent judg-*
 18 *ment to overcome an obstacle the member faced while*

1 *working within the defense acquisition system (as de-*
2 *defined in section 3001 of this title).*

3 “(2) *An award of not more than \$5,000 to such*
4 *members who make the best use of the flexibilities and*
5 *authorities granted by the Federal Acquisition Regu-*
6 *lation and Department of Defense Instruction 5000.02*
7 *(Operation of the Defense Acquisition System).*

8 “(b) *NUMBER OF AWARDS.—*

9 “(1) *IN GENERAL.—The President of the Defense*
10 *Acquisition University may make not more than five*
11 *awards under subsection (a)(1) and one award under*
12 *subsection (a)(2) each year.*

13 “(2) *LIMITATION.—A member of the acquisition*
14 *workforce may receive one award each year.*

15 “(c) *REQUIREMENTS FOR WRITING AWARD.—*

16 “(1) *SUBMISSION REQUIRED.—A member of the*
17 *acquisition workforce desiring an award under sub-*
18 *section (a)(1) shall submit to the President of the De-*
19 *fense Acquisition University the first-hand account*
20 *described in such subsection. Such first-hand account*
21 *shall demonstrate—*

22 “(A) *an original and engaging idea docu-*
23 *menting the use of independent judgment to over-*
24 *come an obstacle the recipient faced while work-*
25 *ing within the defense acquisition system; and*

1 “(B) *the use of an iterative writing process,*
2 *including evidence of—*

3 “(i) *critical thinking;*

4 “(ii) *incorporation of feedback from di-*
5 *verse perspectives; and*

6 “(iii) *editing to achieve plain writing*
7 *(as defined in section 3 of the Plain Writ-*
8 *ing Act of 2010 (5 U.S.C. 301 note)).*

9 “(2) *WEBSITE.—The President of the Defense*
10 *Acquisition University shall establish and maintain a*
11 *website to serve as a repository for submissions made*
12 *under paragraph (1). Such website shall allow for*
13 *public comments and discussion.*

14 “(d) *REQUIREMENTS FOR FLEXIBILITY AWARD.—A*
15 *member of the acquisition workforce desiring an award*
16 *under subsection (a)(2) shall submit to the President of the*
17 *Defense Acquisition University documentation that such*
18 *member uses approaches to program management that em-*
19 *phasize innovation and local adaptation, including the use*
20 *of—*

21 “(1) *simplified acquisition procedures;*

22 “(2) *inherent flexibilities within the Federal Ac-*
23 *quisition Regulation;*

24 “(3) *commercial contracting approaches;*

1 “(4) *public-private partnership agreements and*
2 *practices;*

3 “(5) *cost-sharing arrangements;*

4 “(6) *innovative contractor incentive practices; or*

5 “(7) *other innovative implementations of acqui-*
6 *sition flexibilities.*

7 “(e) *FUNDING.—The Secretary of Defense shall use*
8 *funds from the Defense Acquisition Workforce Development*
9 *Account to carry out this section.”.*

10 “(b) *CLERICAL AMENDMENT.—The table of sections at*
11 *the beginning of such chapter is amended by inserting after*
12 *section 1742 the following new item:*

 “1743. *Awards to recognize members of the acquisition workforce.”.*

13 “(c) *CONFORMING AMENDMENT.—Section 834 of the*
14 *National Defense Authorization Act for Fiscal Year 2017*
15 *(Public Law 114–328; 130 Stat. 2285; 10 U.S.C. 1701a*
16 *note) is repealed.*

17 **SEC. 802. TASK AND DELIVERY ORDER CONTRACTING FOR**
18 **ARCHITECTURAL AND ENGINEERING SERV-**
19 **ICES.**

20 *Section 3406 of title 10, United States Code, is amend-*
21 *ed by adding at the end the following new subsection:*

22 “(h) *ARCHITECTURAL AND ENGINEERING SERVICES.—*

23 “(1) *QUALIFICATION-BASED SELECTIONS RE-*
24 *QUIRED.—Task or delivery orders for architectural*
25 *and engineering services issued under section 3403 or*

1 3405 of this title shall be qualification-based selections
2 executed in accordance with chapter 11 of title 40.

3 “(2) *MULTIPLE AWARD CONTRACTS.*—When
4 issuing a task or delivery order for architectural and
5 engineering services under a multiple award contract,
6 the head of an agency may not routinely request ad-
7 ditional information relating to qualifications from
8 the contractor for such multiple award contract.”.

9 **SEC. 803. DATA REQUIREMENTS FOR COMMERCIAL PROD-**
10 **UCTS FOR MAJOR WEAPON SYSTEMS.**

11 (a) *AMENDMENTS RELATING TO SUBSYSTEMS OF*
12 *MAJOR WEAPONS SYSTEMS.*—Section 3455(b) of title 10,
13 *United States Code is amended—*

14 (1) *by redesignating paragraphs (1) and (2) as*
15 *subparagraphs (A) and (B);*

16 (2) *by inserting “(1)” before “A subsystem of a*
17 *major weapon system”; and*

18 (3) *by adding at the end the following new para-*
19 *graph:*

20 “(2)(A) *For a subsystem proposed as commercial (as*
21 *defined in section 103(1) of title 41) and that has not been*
22 *previously determined commercial in accordance with sec-*
23 *tion 3703(d) of this title, the offeror shall—*

24 “(i) *identify the comparable commercial product*
25 *the offeror sells to the general public or nongovern-*

1 *mental entities that serves as the basis for the ‘of a*
2 *type’ assertion;*

3 *“(ii) submit to the contracting officer a compari-*
4 *son necessary to serve as the basis of the ‘of a type’*
5 *assertion of the physical characteristics and*
6 *functionality between the subsystem and the com-*
7 *parable commercial product identified under clause*
8 *(i); and*

9 *“(iii) provide to the contracting officer the Na-*
10 *tional Stock Number for both the comparable commer-*
11 *cial product identified under clause (i), if one is as-*
12 *signed, and the subsystem, if one is assigned.*

13 *“(B) If the offeror does not sell a comparable commer-*
14 *cial product to the general public or nongovernmental enti-*
15 *ties for purposes other than governmental purposes that can*
16 *serve as the basis for an ‘of a type’ assertion with respect*
17 *to the subsystem—*

18 *“(i) the offeror shall—*

19 *“(I) notify the contracting officer in writing*
20 *that it does not so sell such a comparable com-*
21 *mercial product; and*

22 *“(II) provide to the contracting officer a*
23 *comparison necessary to serve as the basis of the*
24 *‘of a type’ assertion of the physical characteris-*
25 *tics and functionality between the subsystem and*

1 *the most comparable commercial product in the*
2 *commercial marketplace, to the extent reasonably*
3 *known by the offeror; and*

4 “(i) subparagraph (A) shall not apply with re-
5 spect to the offeror for such subsystem.”.

6 (b) *AMENDMENT RELATING TO COMPONENTS AND*
7 *SPARE PARTS.—Section 3455(c)(2) of such title is amended*
8 *to read as follows:*

9 “(2)(A) *For a component or spare part proposed as*
10 *commercial (as defined in section 103(1) of title 41) and*
11 *that has not previously been determined commercial in ac-*
12 *cordance with section 3703(d) of this title, the offeror*
13 *shall—*

14 “(i) *identify the comparable commercial product*
15 *the offeror sells to the general public or nongovern-*
16 *mental entities that serves as the basis for the ‘of a*
17 *type’ assertion;*

18 “(ii) *submit to the contracting officer a compari-*
19 *son necessary to serve as the basis of the ‘of a type’*
20 *assertion of the physical characteristics and*
21 *functionality between the component or spare part*
22 *and the comparable commercial product identified*
23 *under clause (i); and*

24 “(iii) *provide to the contracting officer the Na-*
25 *tional Stock Number for both the comparable commer-*

1 *cial product identified under clause (i), if one is as-*
2 *signed, and the component or spare part, if one is as-*
3 *signed.*

4 *“(B) If the offeror does not sell a comparable commer-*
5 *cial product to the general public or nongovernmental enti-*
6 *ties for purposes other than governmental purposes that can*
7 *serve as the basis for an ‘of a type’ assertion with respect*
8 *to the component or spare part—*

9 *“(i) the offeror shall—*

10 *“(I) notify the contracting officer in writing*
11 *that it does not so sell such a comparable com-*
12 *mercial product; and*

13 *“(II) provide to the contracting officer a*
14 *comparison necessary to serve as the basis of the*
15 *‘of a type’ assertion of the physical characteris-*
16 *tics and functionality between the component or*
17 *spare part and the most comparable commercial*
18 *product in the commercial marketplace, to the*
19 *extent reasonably known by the offeror; and*

20 *“(ii) subparagraph (A) shall not apply with re-*
21 *spect to the offeror for such component or spare*
22 *part.”.*

23 *(c) AMENDMENTS RELATING TO INFORMATION SUB-*
24 *MITTED.—Section 3455(d) of such title is amended—*

1 (1) *in the subsection heading, by inserting after*
2 *“SUBMITTED” the following: “FOR PROCUREMENTS*
3 *THAT ARE NOT COVERED BY THE EXCEPTIONS IN*
4 *SECTION 3703(A)(1) OF THIS TITLE”;*

5 (2) *in paragraph (1)—*

6 (A) *in the matter preceding subparagraph*
7 (A), *by striking “the contracting officer shall re-*
8 *quire the offeror to submit—” and inserting “the*
9 *offeror shall, in accordance with paragraph (4),*
10 *submit to the contracting officer or provide the*
11 *contracting officer access to—”;*

12 (B) *in subparagraph (A)—*

13 (i) *by inserting “a representative sam-*
14 *ple, as determined by the contracting offi-*
15 *cer, of the” before “prices paid”; and*

16 (ii) *by inserting “, and the terms and*
17 *conditions of such sales” after “Government*
18 *and commercial customers”;*

19 (C) *in subparagraph (B), by striking “in-*
20 *formation on—” and all that follows and insert-*
21 *ing the following: “a representative sample, as*
22 *determined by the contracting officer, of the*
23 *prices paid for the same or similar commercial*
24 *products sold under different terms and condi-*

1 *tions, and the terms and conditions of such sales;*
2 *and”;* and

3 *(D) in subparagraph (C)—*

4 *(i) by inserting “only” before “if the*
5 *contracting officer”;* and

6 *(ii) by inserting after “reasonableness*
7 *of price” the following: “because either the*
8 *comparable commercial products provided*
9 *by the offeror are not a valid basis for a*
10 *price analysis or the contracting officer de-*
11 *termines the proposed price is not reason-*
12 *able after evaluating sales data, and the*
13 *contracting officer receives the approval de-*
14 *scribed in paragraph (5)”;* and

15 *(3) by adding at the end the following new para-*
16 *graphs:*

17 “~~(4)~~(A) *An offeror may redact data information sub-*
18 *mitted or made available under subparagraph (A) or (B)*
19 *of paragraph (1) with respect to sales of an item acquired*
20 *under this section only to the extent necessary to remove*
21 *information individually identifying government cus-*
22 *tomers, commercial customers purchasing such item for gov-*
23 *ernmental purposes, and commercial customers purchasing*
24 *such item for commercial, mixed, or unknown purposes.*

1 “(B) Before an offeror may exercise the authority
2 under subparagraph (A) with respect to a customer, the of-
3 feror shall certify in writing to the contracting officer
4 whether the customer is a government customer, a commer-
5 cial customer purchasing the item for governmental pur-
6 pose, or a commercial customer purchasing the item for a
7 commercial, mixed, or unknown purpose.

8 “(5) A contracting officer may not require an offeror
9 to submit or make available information under paragraph
10 (1)(C) without approval from a level above the contracting
11 officer.

12 “(6) Nothing in this subsection shall relieve an offeror
13 of other obligations under any other law or regulation to
14 disclose and support the actual rationale of the offeror for
15 the price proposed by the offeror to the Government for any
16 good or service.”.

17 (d) *APPLICABILITY.*—Section 3455 of such title is
18 amended by adding at the end the following new subsection:

19 “(g) *APPLICABILITY.*—

20 “(1) *IN GENERAL.*—Subsections (b) and (c) shall
21 apply only with respect to subsystems described in
22 subsection (b) and components or spare parts de-
23 scribed in subsection (c), respectively, that the De-
24 partment of Defense acquires through—

25 “(A) a prime contract;

1 “(B) a modification to a prime contract; or
 2 “(C) a subcontract described in paragraph
 3 (2).

4 “(2) *SUBCONTRACT DESCRIBED.*—A subcontract
 5 described in this paragraph is a subcontract through
 6 which the Department of Defense acquires a sub-
 7 system or component or spare part proposed as com-
 8 mercial (as defined in section 103(1) of title 41)
 9 under this section and that has not previously been
 10 determined commercial in accordance with section
 11 3703(d).”.

12 **SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO**
 13 **ALLOW RAPID ACQUISITION AND DEPLOY-**
 14 **MENT OF CAPABILITIES NEEDED UNDER**
 15 **SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.**

16 (a) *REVISION AND CODIFICATION OF RAPID ACQUI-*
 17 *SION AUTHORITY.*—Chapter 253 of part V of title 10,
 18 *United States Code, is amended to read as follows:*

19 **“CHAPTER 253—RAPID ACQUISITION**
 20 **PROCEDURES**

“Sec.

“3601. *Procedures for urgent acquisition and deployment of capabilities needed in response to urgent operational needs or vital national security interest.*

1 **“§ 3601. Procedures for urgent acquisition and deploy-**
2 **ment of capabilities needed in response to**
3 **urgent operational needs or vital national**
4 **security interest**

5 “(a) PROCEDURES.—

6 “(1) IN GENERAL.—The Secretary of Defense
7 shall prescribe procedures for the urgent acquisition
8 and deployment of capabilities needed in response to
9 urgent operational needs. The capabilities for which
10 such procedures may be used in response to an urgent
11 operational need are those—

12 “(A) that, subject to such exceptions as the
13 Secretary considers appropriate for purposes of
14 this section—

15 “(i) can be fielded within a period of
16 two to 24 months;

17 “(ii) do not require substantial devel-
18 opment effort;

19 “(iii) are based on technologies that
20 are proven and available; and

21 “(iv) can appropriately be acquired
22 under fixed-price contracts; or

23 “(B) that can be developed or procured
24 under a section 804 rapid acquisition pathway.

25 “(2) DEFINITION.—In this section, the term ‘sec-
26 tion 804 rapid acquisition pathway’ means the rapid

1 *fielding acquisition pathway or the rapid prototyping*
2 *acquisition pathway authorized under section 804 of*
3 *the National Defense Authorization Act for Fiscal*
4 *Year 2016 (Public Law 114–92; 10 U.S.C. 3201*
5 *prec.).*

6 “(b) *MATTERS TO BE INCLUDED.—The procedures*
7 *prescribed under subsection (a) shall include the following:*

8 “(1) *A process for streamlined communications*
9 *between the Chairman of the Joint Chiefs of Staff, the*
10 *acquisition community, and the research and develop-*
11 *ment community, including—*

12 “(A) *a process for the commanders of the*
13 *combatant commands and the Chairman of the*
14 *Joint Chiefs of Staff to communicate their needs*
15 *to the acquisition community and the research*
16 *and development community; and*

17 “(B) *a process for the acquisition commu-*
18 *nity and the research and development commu-*
19 *nity to propose capabilities that meet the needs*
20 *communicated by the combatant commands and*
21 *the Chairman of the Joint Chiefs of Staff.*

22 “(2) *Procedures for demonstrating, rapidly ac-*
23 *quiring, and deploying a capability proposed pursu-*
24 *ant to paragraph (1)(B), including—*

1 “(A) a process for demonstrating and evalu-
2 ating for current operational purposes the per-
3 formance of the capability;

4 “(B) a process for developing an acquisition
5 and funding strategy for the deployment of the
6 capability; and

7 “(C) a process for making deployment and
8 utilization determinations based on information
9 obtained pursuant to subparagraphs (A) and
10 (B).

11 “(3) A process to determine the disposition of a
12 capability, including termination (demilitarization
13 or disposal), continued sustainment, or transition to
14 a program of record.

15 “(4) Specific procedures in accordance with the
16 guidance developed under section 804(a) of the Na-
17 tional Defense Authorization Act for Fiscal Year 2016
18 (Public Law 114–92; 10 U.S.C. 3201 prec.).

19 “(c) *RESPONSE TO COMBAT EMERGENCIES AND CER-*
20 *TAIN URGENT OPERATIONAL NEEDS.*—

21 “(1) *DETERMINATION OF NEED FOR URGENT AC-*
22 *QUISITION AND DEPLOYMENT.*—(A) *In the case of any*
23 *capability that, as determined in writing by the Sec-*
24 *retary of Defense, is urgently needed to eliminate a*
25 *documented deficiency that has resulted in combat*

1 *casualties, or is likely to result in combat casualties,*
2 *the Secretary may use the procedures developed under*
3 *this section in order to accomplish the urgent acquisi-*
4 *tion and deployment of the needed capability.*

5 *“(B) In the case of any capability that, as deter-*
6 *mined in writing by the Secretary of Defense, is ur-*
7 *gently needed to eliminate a documented deficiency*
8 *that impacts an ongoing or anticipated contingency*
9 *operation and that, if left unfulfilled, could poten-*
10 *tially result in loss of life or critical mission failure,*
11 *the Secretary may use the procedures developed under*
12 *this section in order to accomplish the urgent acquisi-*
13 *tion and deployment of the needed capability.*

14 *“(C)(i) In the case of any cyber capability that,*
15 *as determined in writing by the Secretary of Defense,*
16 *is urgently needed to eliminate a deficiency that as*
17 *the result of a cyber attack has resulted in critical*
18 *mission failure, the loss of life, property destruction,*
19 *or economic effects, or if left unfilled is likely to result*
20 *in critical mission failure, the loss of life, property*
21 *destruction, or economic effects, the Secretary may use*
22 *the procedures developed under this section in order*
23 *to accomplish the urgent acquisition and deployment*
24 *of the needed offensive or defensive cyber capability.*

1 “(ii) In this subparagraph, the term ‘cyber at-
2 tack’ means a deliberate action to alter, disrupt, de-
3 ceive, degrade, or destroy computer systems or net-
4 works or the information or programs resident in or
5 transiting these systems or networks.

6 “(2) DESIGNATION OF SENIOR OFFICIAL RESPON-
7 SIBLE.—(A)(i) Except as provided under clause (ii),
8 whenever the Secretary of Defense makes a determina-
9 tion under subparagraph (A), (B), or (C) of para-
10 graph (1) that a capability is urgently needed to
11 eliminate a deficiency described in that subpara-
12 graph, the Secretary shall designate a senior official
13 of the Department of Defense to ensure that the need-
14 ed capability is acquired and deployed as quickly as
15 possible, with a goal of awarding a contract for the
16 acquisition of the capability within 15 days.

17 “(ii) Clause (i) does not apply to an acquisition
18 initiated in the case of a determination by the Sec-
19 retary of Defense that funds are necessary to imme-
20 diately initiate a project under a section 804 rapid
21 acquisition pathway if the designated official for ac-
22 quisitions using such pathway is a service acquisition
23 executive.

24 “(B) Upon designation of a senior official under
25 subparagraph (A) with respect to a needed capability,

1 *the Secretary shall authorize that senior official to*
2 *waive any provision of law or regulation described in*
3 *subsection (d) that such senior official determines in*
4 *writing would unnecessarily impede the urgent acqui-*
5 *sition and deployment of such capability. In a case*
6 *in which such capability cannot be acquired without*
7 *an extensive delay, the senior official shall require*
8 *that an interim solution be implemented and de-*
9 *ployed using the procedures developed under this sec-*
10 *tion to minimize adverse consequences resulting from*
11 *the urgent need.*

12 “(3) *USE OF FUNDS.—(A) Subject to subpara-*
13 *graph (C), in any fiscal year in which the Secretary*
14 *of Defense makes a determination described in sub-*
15 *paragraph (A), (B), or (C) of paragraph (1) with re-*
16 *spect to a capability, or upon the Secretary making*
17 *a determination that funds are necessary to imme-*
18 *diately initiate a project under a section 804 rapid*
19 *acquisition pathway based on a compelling national*
20 *security need, the Secretary may use any funds avail-*
21 *able to the Department of Defense to urgently acquire*
22 *and deploy such capability or immediately initiate*
23 *such project, respectively, if the determination in-*
24 *cludes a written finding that the use of such funds is*
25 *necessary to address in a timely manner the defi-*

1 *ciency documented or identified under such subpara-*
2 *graph (A), (B), or (C) or the compelling national se-*
3 *curity need identified for purposes of such section 804*
4 *pathway, respectively.*

5 *“(B) The authority provided by this section may*
6 *only be used to acquire capability—*

7 *“(i) in the case of determinations by the*
8 *Secretary under paragraph (1)(A), in an*
9 *amount aggregating not more than \$200,000,000*
10 *during any fiscal year;*

11 *“(ii) in the case of determinations by the*
12 *Secretary under paragraph (1)(B), in an*
13 *amount aggregating not more than \$200,000,000*
14 *during any fiscal year;*

15 *“(iii) in the case of determinations by the*
16 *Secretary under paragraph (1)(C), in an*
17 *amount aggregating not more than \$200,000,000*
18 *during any fiscal year; and*

19 *“(iv) in the case of a determination by the*
20 *Secretary that funds are necessary to imme-*
21 *diately initiate a project under a section 804*
22 *rapid acquisition pathway, in an amount aggre-*
23 *gating not more than \$50,000,000 during any*
24 *fiscal year.*

1 “(C) *In exercising the authority under this sec-*
2 *tion—*

3 “(i) *none of the amounts appropriated for*
4 *Operation and Maintenance may be used to*
5 *carry out this section except for amounts appro-*
6 *priated for—*

7 “(I) *Operation and Maintenance, De-*
8 *fense-wide;*

9 “(II) *Operation and Maintenance,*
10 *Army;*

11 “(III) *Operation and Maintenance,*
12 *Navy;*

13 “(IV) *Operation and Maintenance,*
14 *Marine Corps;*

15 “(V) *Operation and Maintenance, Air*
16 *Force; or*

17 “(VI) *Operation and Maintenance,*
18 *Space Force; and*

19 “(ii) *when funds are utilized for*
20 *sustainment purposes, this authority may not be*
21 *used for more than 2 years.*

22 “(4) *NOTIFICATION TO CONGRESSIONAL DEFENSE*
23 *COMMITTEES.—(A) In the case of a determination by*
24 *the Secretary of Defense under subparagraph (A) or*
25 *(C) of paragraph (1), the Secretary shall notify the*

1 *congressional defense committees of the determination*
2 *within 15 days after the date of the determination.*

3 “(B) *In the case of a determination by the Sec-*
4 *retary under paragraph (1)(B), the Secretary shall*
5 *notify the congressional defense committees of the de-*
6 *termination at least 10 days before the date on which*
7 *the determination is effective.*

8 “(C) *In the case of a determination by the Sec-*
9 *retary under paragraph (3)(A) that funds are nec-*
10 *essary to immediately initiate a project under a sec-*
11 *tion 804 rapid acquisition pathway, the Secretary*
12 *shall notify the congressional defense committees of*
13 *the determination within 10 days after the date of the*
14 *use of such funds.*

15 “(D) *A notice under this paragraph shall include*
16 *the following:*

17 “(i) *Identification of the capability to be*
18 *acquired.*

19 “(ii) *The amount anticipated to be ex-*
20 *pende*d for the acquisition.

21 “(iii) *The source of funds for the acquisi-*
22 *tion.*

23 “(E) *A notice under this paragraph shall fulfill*
24 *any requirement to provide notification to Congress*
25 *for a program (referred to as a ‘new start program’)*

1 *that has not previously been specifically authorized by*
2 *law or for which funds have not previously been ap-*
3 *propriated.*

4 *“(F) A notice under this paragraph shall be pro-*
5 *vided in consultation with the Director of the Office*
6 *of Management and Budget.*

7 *“(5) LIMITATION ON OFFICERS WITH AUTHOR-*
8 *ITY.—The authority to make determinations under*
9 *subparagraph (A), (B), or (C) of paragraph (1) and*
10 *under paragraph (3)(A) that funds are necessary to*
11 *immediately initiate a project under a section 804*
12 *rapid acquisition pathway, to designate a senior offi-*
13 *cial responsible under paragraph (3), and to provide*
14 *notification to the congressional defense committees*
15 *under paragraph (4) may be exercised only by the*
16 *Secretary of Defense or the Deputy Secretary of De-*
17 *fense.*

18 *“(d) AUTHORITY TO WAIVE CERTAIN LAWS AND REG-*
19 *ULATIONS.—*

20 *“(1) AUTHORITY.—Following a determination*
21 *described in subsection (c)(1), the senior official des-*
22 *ignated in accordance with subsection (c)(2), with re-*
23 *spect to that designation, may waive any provision of*
24 *law or regulation addressing—*

1 “(A) the establishment of a requirement or
2 specification for the capability to be acquired;

3 “(B) the research, development, test, and
4 evaluation of the capability to be acquired;

5 “(C) the production, fielding, and
6 sustainment of the capability to be acquired; or

7 “(D) the solicitation, selection of sources,
8 and award of the contracts for procurement of
9 the capability to be acquired.

10 “(2) *LIMITATIONS.*—Nothing in this subsection
11 authorizes the waiver of—

12 “(A) the requirements of this section;

13 “(B) any provision of law imposing civil or
14 criminal penalties; or

15 “(C) any provision of law governing the
16 proper expenditure of appropriated funds.

17 “(e) *OPERATIONAL ASSESSMENTS.*—

18 “(1) *IN GENERAL.*—The process prescribed under
19 subsection (b)(2)(A) for demonstrating and evaluating
20 for current operational purposes the performance of a
21 capability proposed pursuant to subsection (b)(1)(B)
22 shall include the following:

23 “(A) An operational assessment in accord-
24 ance with procedures prescribed by the Director
25 of Operational Test and Evaluation.

1 “(B) A requirement to provide information
2 about any deficiency of the capability in meeting
3 the original requirements for the capability (as
4 stated in a statement of the urgent operational
5 need or similar document) to the deployment de-
6 cision-making authority.

7 “(2) *LIMITATION.*—The process prescribed under
8 subsection (b)(2)(A) may not include a requirement
9 for any deficiency of capability identified in the oper-
10 ational assessment to be the determining factor in de-
11 ciding whether to deploy the capability.

12 “(3) *DIRECTOR OF OPERATIONAL TEST AND*
13 *EVALUATION ACCESS.*—If a capability is deployed
14 under the procedures prescribed pursuant to this sec-
15 tion, or under any other authority, before operational
16 test and evaluation of the capability is completed, the
17 Director of Operational Test and Evaluation shall
18 have access to operational records and data relevant
19 to such capability in accordance with section
20 139(e)(3) of this title for the purpose of completing
21 operational test and evaluation of the capability.
22 Such access shall be provided in a time and manner
23 determined by the Secretary of Defense consistent
24 with requirements of operational security and other
25 relevant operational requirements.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of chapters at*
2 *the beginning of subtitle A, and at the beginning of part*
3 *V of subtitle A, of title 10, United States Code, are each*
4 *amended by striking the item relating to chapter 253 and*
5 *inserting the following:*

“253. *Rapid Acquisition Procedures* 3601”.

6 (c) *CONFORMING REPEALS.*—*The following provisions*
7 *of law are repealed:*

8 (1) *Section 804 of the Ike Skelton National De-*
9 *fense Authorization Act for Fiscal Year 2011 (Public*
10 *Law 111–383; 10 U.S.C. 3201 note prec.).*

11 (2) *Section 806 of the Bob Stump National De-*
12 *fense Authorization Act for Fiscal Year 2003 (Public*
13 *Law 107–314; 10 U.S.C. 3201 note prec.).*

14 (d) *ADDITIONAL CONFORMING AMENDMENTS.*—

15 (1) *Section 2216a(c) of title 10, United States*
16 *Code, is amended by striking “section 804(b) of the*
17 *Ike Skelton National Defense Authorization Act for*
18 *Fiscal Year 2011 (10 U.S.C. 2302 note)” and insert-*
19 *ing “Department of Defense Instruction 5000.81 (or*
20 *any successor instruction), dated December 31, 2019,*
21 *and titled ‘Urgent Capability Acquisition’”.*

22 (2) *Section 8074 of title VIII of the Department*
23 *of Defense Appropriations Act, 2022 (division C of*
24 *Public Law 117–103; 136 Stat. 193) is amended by*
25 *striking “under section 806(c)(4) of the Bob Stump*

1 *National Defense Authorization Act for Fiscal Year*
2 *2003 (10 U.S.C. 2302 note)” and inserting “under*
3 *section 3601(c)(4) of title 10, United States Code,”.*

4 (3) *Section 851(f) of the Carl Levin and Howard*
5 *P. “Buck” McKeon National Defense Authorization*
6 *Act for Fiscal Year 2015 (Public Law 113–291; 10*
7 *U.S.C 3201 note prec.) is amended by striking “under*
8 *section 806 of the Bob Stump National Defense Au-*
9 *thorization Act for Fiscal Year 2003 (Public Law*
10 *107–314; 10 U.S.C. 2302 note)” and inserting “under*
11 *section 3601 of title 10, United States Code”.*

12 (4) *Section 231(c)(1)(A) of the John Warner Na-*
13 *tional Defense Authorization Act for Fiscal Year 2007*
14 *(Public Law 109–364; 10 U.S.C. 139 note) is amend-*
15 *ed by striking “section 806 of the Bob Stump Na-*
16 *tional Defense Authorization Act for Fiscal Year 2003*
17 *(10 U.S.C. 2302 note)” and inserting “section 3601*
18 *of title 10, United States Code”.*

19 **SEC. 805. TREATMENT OF CERTAIN CLAUSES IMPL-**
20 **EMENTING EXECUTIVE ORDERS.**

21 (a) *IN GENERAL.*—*Section 3862 of title 10, United*
22 *States Code, is amended—*

23 (1) *in the section heading, by striking “: cer-*
24 ***tification*”;**

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

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

5 “(c) *TREATMENT OF CERTAIN CLAUSES IMPLE-*
6 *MENTING EXECUTIVE ORDERS.—The unilateral insertion of*
7 *a covered clause into an existing Department of Defense*
8 *contract, order, or other transaction by a contracting officer*
9 *shall be treated as a change directed by the contracting offi-*
10 *cer pursuant to, and subject to, the Changes clause of the*
11 *underlying contract, order, or other transaction.”; and*

12 (4) in subsection (d), as redesignated by para-
13 graph (2)—

14 (A) in the subsection heading, by striking
15 “DEFINITION” and inserting “DEFINITIONS”;

16 (B) by striking “section, the term” and in-
17 serting the following: “section:

18 “(1) The term”;

19 (C) by adding at the end the following new
20 paragraphs:

21 “(2) The term ‘Changes clause’ means the clause
22 described in part 52.243–4 of the Federal Acquisition
23 Regulation or any successor regulation.

1 “(3) *The term ‘covered clause’ means any clause*
2 *implementing the requirements of an Executive order*
3 *issued by the President.*”.

4 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
5 *the beginning of chapter 281 of title 10, United States Code,*
6 *is amended by striking the item relating to section 3862*
7 *and inserting the following:*

 “3862. *Requests for equitable adjustment or other relief.*”.

8 (c) *CONFORMING REGULATIONS.*—*Not later than 120*
9 *days after the date of the enactment of this Act, the Sec-*
10 *retary of Defense shall revise the Department of Defense*
11 *Supplement to the Federal Acquisition Regulation to imple-*
12 *ment the requirements of section 3862 of title 10, United*
13 *States Code, as amended by subsection (a).*

14 (d) *CONFORMING POLICY GUIDANCE.*—*Not later than*
15 *120 days after the date of the enactment of this Act, the*
16 *Secretary of Defense shall revise applicable policy guidance*
17 *on other transactions to implement the requirements of sec-*
18 *tion 3862 of title 10, United States Code, as amended by*
19 *subsection (a).*

20 **SEC. 806. LIFE CYCLE MANAGEMENT AND PRODUCT SUP-**
21 **PORT.**

22 (a) *IN GENERAL.*—*Section 4324(b) of title 10, United*
23 *States Code, is amended—*

1 (1) by redesignating paragraphs (1), (2), (3),
2 (4), (5), (6), (7), and (8) as subparagraphs (A), (B),
3 (C), (D), (E), (F), (G), and (J), respectively;

4 (2) by designating the matter preceding subpara-
5 graph (A), as so redesignated, as paragraph (1);

6 (3) in paragraph (1), as so designated—

7 (A) in the matter preceding subparagraph
8 (A), as so redesignated—

9 (i) by inserting “IN GENERAL.—” be-
10 fore “Before granting”; and

11 (ii) by inserting “for which the mile-
12 stone decision authority has received views
13 from appropriate materiel, logistics, or fleet
14 representatives” after “approved life cycle
15 sustainment plan”;

16 (B) by amending subparagraph (G), as so
17 redesignated, to read as follows:

18 “(G) an intellectual property management
19 plan for product support, including requirements
20 for technical data, software, and modular open
21 system approaches (as defined in section 4401 of
22 this title);”;

23 (C) by inserting after subparagraph (G), as
24 so redesignated, the following new subpara-
25 graphs:

1 “(H) an estimate of the number of personnel
2 needed to operate and maintain the covered sys-
3 tem, including military personnel, Federal em-
4 ployees, contractors, and host nation support
5 personnel (as applicable);

6 “(I) a description of opportunities for for-
7 eign military sales; and”;

8 (4) by adding at the end of paragraph (1), as so
9 designated, the following new paragraph:

10 “(2) *SUBSEQUENT PHASES.*—Before granting
11 Milestone C approval (or the equivalent) for the cov-
12 ered system, the milestone decision authority shall en-
13 sure that the life cycle sustainment plan required by
14 paragraph (1) for such covered system has been up-
15 dated to include views received by the milestone deci-
16 sion authority from appropriate materiel, logistics, or
17 fleet representatives.”.

18 (b) *MILESTONE C APPROVAL DEFINED.*—Section
19 4324(d) of title 10, United States Code, is amended—

20 (1) by redesignating paragraph (7) as para-
21 graph (8); and

22 (2) by inserting after paragraph (6) the fol-
23 lowing new paragraph:

1 “(7) *MILESTONE C APPROVAL*.—The term ‘Mile-
2 stone C approval’ has the meaning given that term in
3 section 4172(e)(8) of this title.”.

4 **SEC. 807. AMENDMENTS TO CONTRACTOR EMPLOYEE PRO-**
5 **TECTIONS FROM REPRISAL FOR DISCLOSURE**
6 **OF CERTAIN INFORMATION.**

7 (a) *DEFENSE CONTRACTS*.—Section 4701 of title 10,
8 *United States Code*, is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)(G), by striking “or
11 subcontractor” and inserting “, subcontractor,
12 grantee, subgrantee, or personal services con-
13 tractor”; and

14 (B) in paragraph (3)(A), by striking “or
15 subcontractor” and inserting “, subcontractor,
16 grantee, subgrantee, or personal services con-
17 tractor”;

18 (2) in subsection (b)(1), by striking “contractor
19 concerned” and inserting “contractor, subcontractor,
20 grantee, subgrantee, or personal services contractor
21 concerned”;

22 (3) in subsection (c)—

23 (A) in paragraph (1)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “contractor con-

1 cerned” and inserting “contractor, subcon-
2 tractor, grantee, subgrantee, or personal
3 services contractor concerned”;

4 (ii) in subparagraph (A), by inserting
5 “, subcontractor, grantee, subgrantee, or
6 personal services contractor” after “con-
7 tractor”;

8 (iii) in subparagraph (B), by inserting
9 “, subcontractor, grantee, subgrantee, or
10 personal services contractor” after “con-
11 tractor”;

12 (iv) in subparagraph (C), by inserting
13 “, subcontractor, grantee, subgrantee, or
14 personal services contractor” after “con-
15 tractor”; and

16 (v) by inserting at the end the fol-
17 lowing new subparagraph:

18 “(D) Consider disciplinary or corrective ac-
19 tion against any official of the Department of
20 Defense.”; and

21 (B) in paragraph (2), by inserting “, sub-
22 contractor, grantee, subgrantee, or personal serv-
23 ices contractor” after “contractor”;

1 (4) *in subsection (d), by striking “and sub-*
2 *contractors” and inserting “, subcontractors, grantees,*
3 *subgrantees, or personal services contractors”;*

4 (5) *in subsection (e)(2)—*

5 (A) *in the matter preceding subparagraph*
6 *(A), by striking “or grantee of” and inserting*
7 *“grantee, subgrantee, or personal services con-*
8 *tractor of”;* *and*

9 (B) *in subparagraph (B), by striking “or*
10 *grantee” and inserting “grantee, or subgrantee”;*
11 *and*

12 (6) *in subsection (g)(5), by inserting “or grants”*
13 *after “contracts”.*

14 (b) *CIVILIAN CONTRACTS.—Section 4712 of title 41,*
15 *United States Code, is amended—*

16 (1) *in subsection (a)—*

17 (A) *in paragraph (1), by striking “or sub-*
18 *grantee” and inserting “subgrantee,”;*

19 (B) *in paragraph (2), by striking “or sub-*
20 *grantee” and inserting “subgrantee, or personal*
21 *services contractor”;* *and*

22 (C) *in paragraph (3), by striking “or sub-*
23 *grantee” and inserting “subgrantee, or personal*
24 *services contractor”;*

1 (2) *in subsection (b)(1), by striking “or sub-*
2 *grantee concerned” and inserting “subgrantee, or per-*
3 *sonal services contractor concerned”;*

4 (3) *in subsection (c)—*

5 (A) *in paragraph (1)—*

6 (i) *in the matter preceding subpara-*
7 *graph (A), by striking “or subgrantee con-*
8 *cerned” and inserting “subgrantee, or per-*
9 *sonal services contractor concerned”;*

10 (ii) *in subparagraph (A), by striking*
11 *“or subgrantee” and inserting “subgrantee,*
12 *or personal services contractor”;*

13 (iii) *in subparagraph (B), by striking*
14 *“or subgrantee” and inserting “subgrantee,*
15 *or personal services contractor”;*

16 (iv) *in subparagraph (C), by striking*
17 *“or subgrantee” and inserting “subgrantee,*
18 *or personal services contractor”; and*

19 (v) *by inserting at the end the fol-*
20 *lowing new subparagraph:*

21 “(D) *Consider disciplinary or corrective action*
22 *against any official of the executive agency, if appro-*
23 *priate.”; and*

1 (B) in paragraph (2), by striking “or sub-
2 grantee” and inserting “subgrantee, or personal
3 services contractor”;

4 (4) in subsection (d), by striking “and sub-
5 grantees” and inserting “subgrantees, and personal
6 services contractors”; and

7 (5) in subsection (f), by striking “or subgrantee”
8 each place it appears and inserting “subgrantee, or
9 personal services contractor”.

10 **SEC. 808. USE OF FIXED-PRICE TYPE CONTRACTS FOR CER-**
11 **TAIN MAJOR DEFENSE ACQUISITION PRO-**
12 **GRAMS.**

13 (a) *IN GENERAL.*—Section 818 of the John Warner
14 *National Defense Authorization Act for Fiscal Year 2007*
15 *(Public Law 109–364)* is amended by adding at the end
16 *the following new subsection:*

17 “(f) *CONDITIONS WITH RESPECT TO CERTAIN LOW-*
18 *RATE INITIAL PRODUCTION.*—

19 “(1) *IN GENERAL.*—The number of low-rate ini-
20 *tial production lots associated with a major defense*
21 *acquisition program may not be more than one if—*

22 “(A) *the milestone decision authority au-*
23 *thorizes the use of a fixed-price type contract at*
24 *the time of a decision on Milestone B approval;*
25 *and*

1 “(B) *the scope of the work of the fixed-price*
2 *type contract includes both the development and*
3 *low-rate initial production of items for such*
4 *major defense acquisition program.*

5 “(2) *WAIVER.—The limitation in paragraph (1)*
6 *may be waived by the applicable service acquisition*
7 *executive or a designee of such executive if—*

8 “(A) *such waiver authority is not delegated*
9 *to the level of the contracting officer; and*

10 “(B) *written notification of a granted waiv-*
11 *er, including the associated rationale, is pro-*
12 *vided to the congressional defense committees not*
13 *later than 30 days after issuance of the waiver.*

14 “(3) *DEFINITIONS.—In this subsection:*

15 “(A) *The term ‘low-rate initial production’*
16 *has the meaning given under section 4231 of title*
17 *10, United States Code.*

18 “(B) *The term ‘milestone decision author-*
19 *ity’ has the meaning given in section 4211 of*
20 *title 10, United States Code.*

21 “(C) *The term ‘major defense acquisition*
22 *program’ has the meaning given in section 4201*
23 *of title 10, United States Code.*

1 “(D) *The term ‘Milestone B approval’ has*
2 *the meaning given in section 4172(e) of title 10,*
3 *United States Code.’”.*

4 **(b) MODIFICATION OF REGULATIONS.**—*Not later than*
5 *120 days after the date of the enactment of this Act, the*
6 *Secretary of Defense shall revise the Department of Defense*
7 *Supplement to the Federal Acquisition Regulation and any*
8 *applicable regulations regarding the use of fixed-price type*
9 *contracts for a major defense acquisition program (as de-*
10 *fin ed in section 4201 of title 10, United States Code) to*
11 *carry out this section and the amendments made by this*
12 *section.*

13 **SEC. 809. ACQUISITION REPORTING SYSTEM.**

14 **(a) IN GENERAL.**—*The Secretary of Defense shall in-*
15 *stitute a defense acquisition reporting system to replace the*
16 *requirements of section 4351 of title 10, United States Code,*
17 *as soon as practicable but not later than June 30, 2023.*

18 **(b) ELEMENTS.**—*The reporting system required under*
19 *subsection (a) shall—*

20 (1) *produce the information necessary to carry*
21 *out the actions specified in chapter 325 of title 10,*
22 *United States Code;*

23 (2) *produce the information necessary to carry*
24 *out the actions specified in sections 4217 and 4311 of*

1 *the Atomic Energy Defense Act (50 U.S.C. 2537,*
2 *2577);*

3 (3) *incorporate—*

4 (A) *the lessons learned from the demonstra-*
5 *tion carried out under subsection (b) of section*
6 *805 of the National Defense Authorization Act*
7 *for Fiscal Year 2022 (Public Law 117–81; 135*
8 *Stat. 1816); and*

9 (B) *the plans required under subsection (c)*
10 *of such section (Public Law 117–81; 135 Stat.*
11 *1817);*

12 (4) *provide the congressional defense committees*
13 *and other designated Government entities with access*
14 *to acquisition reporting that is updated on a not less*
15 *than quarterly basis; and*

16 (5) *include such other information and functions*
17 *as the Secretary of Defense determines appropriate to*
18 *support the acquisition reporting needs of the Depart-*
19 *ment of Defense.*

20 (c) *CONFORMING AMENDMENTS.—The Atomic Energy*
21 *Defense Act (50 U.S.C. 2501 et seq.) is amended—*

22 (1) *in section 4217(a)(2), by inserting “or any*
23 *successor system,” after “United States Code,”; and*

24 (2) *in section 4311(a)(2), by inserting “or any*
25 *successor system,” after “United States Code,”.*

1 ***Subtitle B—Amendments to General***
2 ***Contracting Authorities, Proce-***
3 ***dures, 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 (4)*
11 *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 ACQUI-***
18 ***SITION PROGRAMS AND RELATED EFFORTS.***

19 *(a) IN GENERAL.—Section 3072 of title 10, United*
20 *States Code, is amended—*

21 *(1) in the section heading, by striking “**initia-***
22 ***tives*” and inserting “**efforts**”;**

23 *(2) by striking “initiatives” each place it ap-*
24 *pears and inserting “efforts”;*

1 (3) in subsection (a), by striking “through 2023”
2 and inserting “through 2026”; and

3 (4) in subsection (c), in the subsection heading,
4 by striking “INITIATIVES” and inserting “EFFORTS”.

5 (b) *CLERICAL AMENDMENT.*—The table of sections at
6 the beginning of chapter 203 of title 10, United States Code,
7 is amended in the item relating to section 3072 by striking
8 “initiatives” and inserting “efforts”.

9 **SEC. 813. EXTENSION OF DEFENSE MODERNIZATION AC-**
10 **COUNT AUTHORITY.**

11 Section 3136 of title 10, United States Code, is amend-
12 ed by striking subsection (j).

13 **SEC. 814. CLARIFICATION TO FIXED-PRICE INCENTIVE CON-**
14 **TRACT REFERENCES.**

15 (a) *AUTHORITY TO ACQUIRE INNOVATIVE COMMER-*
16 *CIAL PRODUCTS AND COMMERCIAL SERVICES USING GEN-*
17 *ERAL SOLICITATION COMPETITIVE PROCEDURES.*—Section
18 3458(c)(2) of title 10, United States Code, is amended by
19 striking “fixed-price incentive fee contracts” and inserting
20 “fixed-price incentive contracts”.

21 (b) *CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS*
22 *AND IMPROVE MISSION PERFORMANCE.*—Section 832 of the
23 *National Defense Authorization Act for Fiscal Year 2017*
24 *(Public Law 114–328; 10 U.S.C. 1746 note)* is amended by

1 *striking “fixed-price incentive fee contracts” and inserting*
2 *“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, is*
8 *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 30,*
22 *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 Defense
5 Authorization Act for Fiscal Year 2020 (Public Law 116–
6 92; 10 U.S.C. 4871 note) is amended—

7 (1) by redesignating subsections (b), (c), and (d)
8 as subsections (c), (d), and (e), respectively;

9 (2) by inserting after subsection (a) the following
10 new subsection:

11 “(b) *PROHIBITION ON CERTAIN CONTRACTS.*—The
12 Secretary of Defense may not enter into a contract (or ex-
13 tend or renew a contract) on or after October 1, 2024, with
14 an entity that operates (as determined by the Secretary or
15 the Secretary’s designee) equipment from a covered un-
16 manned aircraft system company in the performance of a
17 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 operation,
22 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)”; and

4 (C) by striking “operation or procurement”
5 and inserting “operation, procurement, or con-
6 tracting action”; and

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.”; and

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 sys-
21 tem 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 covered*
10 *foreign country, as determined by the Sec-*
11 *retary of Defense unmitigated foreign own-*
12 *ership, control or influence in accordance*
13 *with the National Industrial Security Pro-*
14 *gram (or any successor to such program).”.*

15 (b) *POLICY REQUIRED.—Not later than 180 days after*
16 *the date of the enactment of this Act, the Secretary of De-*
17 *fense shall issue policy to—*

18 (1) *implement the requirements of section 848 of*
19 *the National Defense Authorization Act for Fiscal*
20 *Year 2020 (Public Law 116–92; 10 U.S.C. 4871*
21 *note), as amended by this section, including by estab-*
22 *lishing a due diligence process for the Department of*
23 *Defense to make determinations required by sub-*
24 *section (b) of such section 848 (as amended by this*
25 *section); and*

1 (2) *establish an appeal process for any offerors*
2 *or awardees with which the Secretary has not entered*
3 *into a contract or has not extended or renewed a con-*
4 *tract pursuant to subsection (b) of such section 848*
5 *(as amended by this section).*

6 **SEC. 818. EXTENSION OF PILOT PROGRAM TO ACCELERATE**
7 **CONTRACTING AND PRICING PROCESSES.**

8 *Section 890 of the John S. McCain National Defense*
9 *Authorization Act for Fiscal Year 2019 (Public Law 115–*
10 *232), as most recently amended by section 1831(j)(7) of the*
11 *William M. (Mac) Thornberry National Defense Authoriza-*
12 *tion Act for Fiscal Year 2021 (Public Law 116–238; 134*
13 *Stat. 4217), is further amended—*

14 (1) *in subsection (a)(2), by striking “of” before*
15 *“chapter 271”; and*

16 (2) *in subsection (c), by striking “January 2,*
17 *2023” and inserting “January 2, 2024”.*

18 **SEC. 819. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION**
19 **SUPPORT AND SERVICES FOR WEAPONS**
20 **SYSTEMS CONTRACTORS.**

21 *Section 883 of the National Defense Authorization Act*
22 *for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 4292*
23 *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” and*
5 *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 for*
10 *Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 4871*
11 *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 authorities*
21 *under this section can not be used to mitigate*
22 *national security threats posed by vendors sup-*
23 *porting Department operations because of the re-*
24 *striction on using such authorities only with re-*
25 *spect to contingency operations.*

1 “(D) A description of the policies ensuring
2 that oversight of the use of the authorities in this
3 section is effectively carried out by a single office
4 in the Office of the Under Secretary of Defense
5 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, 2017,
10 and 2018” and inserting “2023, 2024, and 2025”.

11 **SEC. 821. REPEAL OF REQUIREMENT FOR INSPECTOR GEN-**
12 **ERAL OF THE DEPARTMENT OF DEFENSE TO**
13 **CONDUCT CERTAIN REVIEWS.**

14 Section 847(b) of the National Defense Authorization
15 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
16 1701 note) is amended—

17 (1) by striking “REQUIREMENT.—” and all that
18 follows through “Each request” and inserting “RE-
19 QUIREMENT.—Each request”; and

20 (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 first*
5 *section of Public Law 85–804 (50 U.S.C. 1431) is amend-*
6 *ed—*

7 (1) *by striking “That the President” and insert-*
8 *ing the following:*

9 “*SECTION 1. (a) That the President*”;

10 (2) *by striking “an amount in excess of \$50,000”*
11 *and inserting “an amount in excess of \$500,000”;*

12 (3) *by striking “any amount in excess of*
13 *\$25,000,000” and inserting “an amount in excess of*
14 *\$150,000,000”;* and

15 (4) *by inserting after subsection (a) (as added by*
16 *paragraph (1)) the following new subsections:*

17 “(b) *TEMPORARY AUTHORITY TO MODIFY CERTAIN*
18 *CONTRACTS AND OPTIONS BASED ON THE IMPACTS OF IN-*
19 *FLATION.*—*Only amounts specifically provided by an ap-*
20 *propriations Act for the purposes detailed in subsections (c)*
21 *and (d) of this section may be used by the Secretary of De-*
22 *fense to carry out such subsections.*

23 “(c)(1) *The Secretary of Defense, acting pursuant to*
24 *a Presidential authorization under subsection (a) and in*
25 *accordance with subsection (b)—*

1 “(A) may, notwithstanding subsection (e) of sec-
2 tion 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; and

7 “(B) may not request consideration from such
8 prime contractor for such amendment or modifica-
9 tion.

10 “(2) A prime contractor may submit to the Secretary
11 of Defense a request for an amendment or modification to
12 an eligible contract pursuant to subsection (a) when, due
13 solely to economic inflation, the cost to a covered subcon-
14 tractor of performing an eligible subcontract is greater than
15 the price of such eligible subcontract. Such request shall in-
16 clude a certification that the prime contractor—

17 “(A) will remit to such covered subcontractor the
18 difference, if any, between the original price of such
19 eligible contract and the price of such eligible contract
20 if the Secretary of Defense makes an amendment or
21 modification pursuant to subsection (a); and

22 “(B) will not require such covered subcontractor
23 to pay additional consideration or fees related to such
24 amendment or modification.

1 “(3) If a prime contractor does not make the request
2 described in paragraph (2), a covered subcontractor may
3 submit to a contracting officer of the Department of Defense
4 a request for an amendment or modification to an eligible
5 subcontract when, due solely to economic inflation, the cost
6 to such covered subcontractor of performing such eligible
7 subcontract is greater than the price of such eligible sub-
8 contract.

9 “(d) Any adjustment or modification made pursuant
10 to subsection (c) to an eligible contract or an eligible sub-
11 contract shall—

12 “(1) be contingent upon the continued perform-
13 ance, as applicable, of such eligible contract or such
14 eligible subcontract; and

15 “(2) account only for the actual cost of per-
16 forming such eligible contract or such eligible sub-
17 contract, but may account for indirect costs of per-
18 formance, as the Secretary of Defense determines ap-
19 propriate.

20 “(e) The authority under subsections (c) and (d) shall
21 be effective during the period beginning on the date of the
22 enactment of the National Defense Authorization Act for
23 Fiscal Year 2023 and ending on December 31, 2023.

24 “(f) In this section:

1 “(1) The term ‘covered subcontractor’ means a
2 subcontractor who has entered into an eligible sub-
3 contract with a prime contractor.

4 “(2) The term ‘eligible contract’ means a con-
5 tract awarded to a prime contractor by the Secretary
6 of Defense pursuant to subsection (a).

7 “(3) The term ‘eligible subcontract’ means a sub-
8 contract made under an eligible contract to a covered
9 subcontractor.”.

10 (b) *GUIDANCE*.—Not later than 90 days after the date
11 of the enactment of an Act providing appropriations to
12 carry out section 1 of Public Law 85–804 (50 U.S.C. 1431)
13 (as added by subsection (a)), the Under Secretary of Defense
14 for Acquisition and Sustainment shall issue guidance im-
15 plementing the authority under subsections (b) through (d)
16 of section 1 of Public Law 85–804 (50 U.S.C. 1431) (as
17 added by subsection (a)).

18 ***Subtitle C—Provisions Relating to***
19 ***Acquisition Workforce***

20 ***SEC. 831. KEY EXPERIENCES AND ENHANCED PAY AUTHOR-***
21 ***ITY FOR ACQUISITION WORKFORCE EXCEL-***
22 ***LENCE.***

23 (a) *PARTICIPATION IN THE PUBLIC-PRIVATE TALENT*
24 *EXCHANGE PROGRAM.*—

1 (1) *IN GENERAL.*—Section 1701a(b) of title 10,
2 *United States Code, is amended—*

3 (A) *in paragraph (9)(C), by striking “and”*
4 *at the end;*

5 (B) *in paragraph (10), by striking the pe-*
6 *riod at the end and inserting “; and”; and*

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

9 “(11) *ensure the participation in the public-pri-*
10 *vate talent exchange program established under sec-*
11 *tion 1599g of this title of up to 250 members of the*
12 *acquisition workforce in each fiscal year.”.*

13 (2) *TECHNICAL AMENDMENT.*—Section
14 1701a(b)(2) of title 10, *United States Code, is further*
15 *amended by striking “as defined” and all that follows*
16 *through “this title” and inserting “as defined in sec-*
17 *tion 3001 of this title”.*

18 (b) *ENHANCED PAY AUTHORITY FOR POSITIONS IN*
19 *DEPARTMENT OF DEFENSE FIELD ACTIVITIES AND DE-*
20 *FENSE AGENCIES.*—Section 1701b(e)(2) of title 10, *United*
21 *States Code, is amended to read as follows:*

22 “(2) *NUMBER OF POSITIONS.*—*The authority in*
23 *subsection (a) may not be used at any one time with*
24 *respect to—*

1 “(A) more than five positions, in total, in
2 *Department of Defense Field Activities and De-*
3 *fense Agencies;*

4 “(B) more than five positions in the Office
5 *of the Secretary of Defense; and*

6 “(C) more than five positions in each mili-
7 *tary department.”.*

8 (c) *REPORT ON PUBLIC-PRIVATE TALENT EX-*
9 *CHANGES.—Section 1599g of title 10, United States Code,*
10 *is amended by adding at the end the following new sub-*
11 *section:*

12 “(k) *REPORT.—Each member of the acquisition work-*
13 *force that participates in the program established under*
14 *this section shall, upon completion of such participation,*
15 *submit to the President of the Defense Acquisition Univer-*
16 *sity for inclusion in the report required under section*
17 *1746a(e) a description and evaluation of such participa-*
18 *tion.”.*

19 **SEC. 832. DEFENSE ACQUISITION UNIVERSITY REFORMS.**

20 (a) *IN GENERAL.—Section 1746 of title 10, United*
21 *States Code, is amended—*

22 (1) *in subsection (b)—*

23 (A) *by amending paragraph (2) to read as*
24 *follows:*

1 “(2) *The Secretary of Defense shall ensure the defense*
2 *acquisition university structure includes relevant expert lec-*
3 *turers from extramural institutions (as defined in section*
4 *1746a(g) of this title), industry, or federally funded research*
5 *and development centers to advance acquisition workforce*
6 *competence regarding commercial business interests, acqui-*
7 *sition process-related innovations, and other relevant lead-*
8 *ing practices of the private sector.”;*

9 *(B) by striking paragraph (3); and*

10 *(C) by redesignating paragraphs (4) and*
11 *(5) as paragraphs (3) and (4), respectively;*

12 *(2) in subsection (c), by striking “commercial*
13 *training providers” and inserting “extramural insti-*
14 *tutions (as defined in section 1746a(g) of this title)”;*
15 *and*

16 *(3) by adding at the end the following new sub-*
17 *section:*

18 “(e) *PRESIDENT APPOINTMENT.—(1) The Under Sec-*
19 *retary of Defense for Acquisition and Sustainment shall ap-*
20 *point the President of the Defense Acquisition University.*

21 “(2) *When determining who to appoint under para-*
22 *graph (1), the Under Secretary of Defense for Acquisition*
23 *and Sustainment shall, in consultation with the Under Sec-*
24 *retary of Defense for Research and Engineering and the*

1 *service acquisition executives, prioritize highly qualified*
2 *candidates who demonstrate a combination of the following:*

3 “(A) *Leadership abilities.*”

4 “(B) *Experience using leading practices to de-*
5 *velop talent in the private sector.*”

6 “(C) *Other qualifying factors, including experi-*
7 *ence with and an understanding of the defense acqui-*
8 *sition system (as defined in section 3001 of this title),*
9 *an understanding of emerging technologies and the*
10 *defense applications of such technologies, experience*
11 *partnering with States, national associations, and*
12 *academia, and experience with learning technologies.*

13 “(3) *The term of the President of the Defense Acquisi-*
14 *tion University shall be not more than five years, unless*
15 *the Under Secretary of Defense for Acquisition and*
16 *Sustainment determines it necessary to extend the term for*
17 *up to an additional five years. The preceding sentence does*
18 *not apply to the President of the Defense Acquisition Uni-*
19 *versity serving on January 1, 2022.*”

20 (b) *IMPLEMENTATION REPORT.*—*Not later than March*
21 *1, 2023, the Secretary of Defense shall submit to the congres-*
22 *sional defense committees a plan to modify the defense ac-*
23 *quisition university structure to comply with section*
24 *1746(b)(2) of title 10, United States Code, as amended by*

1 *subsection (a). Such plan shall establish a date of not later*
2 *than March 1, 2026, for such modification to be completed.*

3 **SEC. 833. MODIFICATIONS TO DEFENSE CIVILIAN TRAINING**
4 **CORPS.**

5 *Section 2200g of title 10, United States Code, is*
6 *amended—*

7 *(1) by striking “For the purposes of” and all*
8 *that follows through “establish and maintain” and*
9 *inserting the following: “The Secretary of Defense,*
10 *acting through the Under Secretary for Defense for*
11 *Acquisition and Sustainment, shall establish and*
12 *maintain”;*

13 *(2) by designating the text of such section, as*
14 *amended by paragraph (1), as subsection (a); and*

15 *(3) by adding at the end the following new sub-*
16 *sections:*

17 *“(b) PURPOSE.—The purpose of the Defense Civilian*
18 *Training Corps is to target critical skills gaps necessary*
19 *to achieve the objectives of the national defense strategies*
20 *required by section 113(g) of this title and the national se-*
21 *curity strategies required by section 108 of the National Se-*
22 *curity Act of 1947 (50 U.S.C. 3043) by preparing students*
23 *selected for the Defense Civilian Training Corps for Depart-*
24 *ment of Defense careers relating to acquisition, digital tech-*
25 *nologies, critical technologies, science, engineering, finance,*

1 *and other civilian occupations determined by the Secretary*
2 *of Defense.*

3 “(c) *USE OF RESOURCES AND PROGRAMS.—The*
4 *Under Secretary of Defense for Acquisition and*
5 *Sustainment may leverage the resources and programs of*
6 *the acquisition research organization within a civilian col-*
7 *lege or university that is described under section 4142(a)*
8 *of this title (commonly referred to as the ‘Acquisition Inno-*
9 *vation Research Center’)* to carry out the requirements of
10 *this chapter.”.*

11 **SEC. 834. ACQUISITION WORKFORCE INCENTIVES RELAT-**
12 **ING TO TRAINING ON, AND AGREEMENTS**
13 **WITH, CERTAIN START-UP BUSINESSES.**

14 (a) *TRAINING.—*

15 (1) *CURRICULA.—Not later than one year after*
16 *the date of the enactment of this Act, the Director of*
17 *the Acquisition Innovation Research Center shall*
18 *make recommendations on one or more curricula for*
19 *members of the acquisition workforce on financing*
20 *and operations of start-up businesses, which may in-*
21 *clude the development of new curricula, the modifica-*
22 *tion of existing curricula, or the adoption of curricula*
23 *from another agency, academia, or the private sector.*

1 (2) *ELEMENTS.*—*Courses under curricula rec-*
2 *ommended under paragraph (1) shall be offered with*
3 *varying course lengths and level of study.*

4 (3) *INCENTIVES.*—*The Secretary of Defense shall*
5 *develop a program to offer incentives to a member of*
6 *the acquisition workforce that completes a curriculum*
7 *developed, modified, or adopted under paragraph (1).*

8 (4) *ADDITIONAL TRAINING MATERIALS.*—*In rec-*
9 *ommending curricula under paragraph (1), the Direc-*
10 *tor of the Acquisition Innovation Research Center*
11 *shall consider and incorporate appropriate training*
12 *materials from university, college, trade-school, or*
13 *private-sector curricula in business, law, or public*
14 *policy.*

15 (b) *EXCHANGES.*—

16 (1) *IN GENERAL.*—*The Secretary of Defense shall*
17 *establish a pilot program under which the Secretary*
18 *shall, in accordance with section 1599g of title 10,*
19 *United States Code, arrange for the temporary as-*
20 *signment of—*

21 (A) *one or more members of the acquisition*
22 *workforce to a start-up business; or*

23 (B) *an employee of a start-up business to*
24 *an office of the Department of Defense.*

1 (2) *PRIORITY.*—*The Secretary shall prioritize for*
2 *participation in the pilot program described under*
3 *paragraph (1)(A) members of the acquisition work-*
4 *force who have completed a curriculum required*
5 *under paragraph (1).*

6 (3) *TERMINATION.*—*The Secretary may not*
7 *carry out the pilot program authorized by this sub-*
8 *section after the date that is three years after the date*
9 *of the enactment of this Act.*

10 (c) *CONFERENCES.*—*The Secretary of Defense shall*
11 *identify existing conferences sponsored by the Department*
12 *of Defense that might be expanded to include opportunities*
13 *for sharing knowledge and best practices on software acqui-*
14 *sition issues. Such opportunities shall maximize participa-*
15 *tion between members of the acquisition workforce, employ-*
16 *ees of start-up businesses, and investors in start-up busi-*
17 *nesses.*

18 (d) *PILOT PROGRAM.*—

19 (1) *ESTABLISHMENT.*—*Not later than 18 months*
20 *after the date of the enactment of this Act, the Sec-*
21 *retary of Defense shall establish a pilot program to*
22 *test the feasibility of innovative approaches to negoti-*
23 *ating and establishing intellectual property and data*
24 *rights in agreements with start-up businesses for the*

1 *procurement of software and software-embedded sys-*
2 *tems.*

3 (2) *AUTHORITY.*—*To the maximum extent prac-*
4 *ticable, the Secretary shall—*

5 (A) *ensure that a member of the acquisition*
6 *workforce who has completed a curriculum re-*
7 *quired under subsection (a) is able to exercise*
8 *authority to apply an approach described in*
9 *paragraph (1); and*

10 (B) *provide incentives to such member to*
11 *exercise such authority.*

12 (3) *ELEMENTS.*—*An approach described in*
13 *paragraph (1) shall include the following:*

14 (A) *Flexible and tailored requirements re-*
15 *lating to the acquisition and licensing of intellec-*
16 *tual property and data rights in the software*
17 *and software-embedded systems to be acquired*
18 *under the agreement.*

19 (B) *An identification and definition of the*
20 *technical interoperability standards required for*
21 *such software and software-embedded systems.*

22 (C) *Flexible mechanisms for access and de-*
23 *livery of code for such software, including docu-*
24 *mentation of the costs and benefits of each such*
25 *mechanism.*

1 (4) *TERMINATION.*—*The Secretary may not*
2 *carry out the pilot program authorized by this sub-*
3 *section after the date that is 5 years after the date of*
4 *the enactment of this Act.*

5 (e) *DEFINITIONS.*—*In this section:*

6 (1) *The term “Acquisition Innovation Research*
7 *Center” means the acquisition research organization*
8 *within a civilian college or university that is de-*
9 *scribed under section 4142(a) of title 10, United*
10 *States Code.*

11 (2) *The term “acquisition workforce” has the*
12 *meaning given in section 101 of title 10, United*
13 *States Code.*

14 (3) *The term “start-up business” means a small*
15 *business that has been in existence for 5 years or less.*

16 **SEC. 835. CURRICULA ON SOFTWARE ACQUISITIONS AND**
17 **CYBERSECURITY SOFTWARE OR HARDWARE**
18 **ACQUISITIONS FOR COVERED INDIVIDUALS.**

19 (a) *CURRICULA.*—*The President of the Defense Acqui-*
20 *sition University, shall supplement existing training cur-*
21 *ricula related to software acquisitions and cybersecurity*
22 *software or hardware acquisitions and offer such curricula*
23 *to covered individuals to increase digital literacy related*
24 *to such acquisitions by developing the ability of such cov-*
25 *ered individuals to use technology to identify, critically*

1 *evaluate, and synthesize data and information related to*
2 *such acquisitions.*

3 (b) *ELEMENTS.*—*Curricula developed pursuant to sub-*
4 *section (a) shall provide information on—*

5 (1) *cybersecurity, information technology sys-*
6 *tems, computer networks, cloud computing, artificial*
7 *intelligence, machine learning, distributed ledger tech-*
8 *nologies, and quantum technologies;*

9 (2) *cybersecurity threats and capabilities;*

10 (3) *activities that encompass the full range of*
11 *threat reduction, vulnerability reduction, deterrence,*
12 *incident response, resiliency, and recovery policies*
13 *and activities, including activities relating to com-*
14 *puter network operations, information assurance,*
15 *military missions, and intelligence missions to the ex-*
16 *tent such activities relate to the security and stability*
17 *of cyberspace; and*

18 (4) *the industry best practices relating to soft-*
19 *ware acquisitions and cybersecurity software or hard-*
20 *ware acquisitions.*

21 (c) *PLAN.*—*Not later than 180 days after enactment*
22 *of this Act, the Secretary of Defense, in consultation with*
23 *the President of the Defense Acquisition University, shall*
24 *submit to Congress a comprehensive plan to implement the*
25 *curricula developed under subsection (a) that includes a*

1 *comparison with similar existing training curricula. Such*
2 *plan shall include a list of resources required for and costs*
3 *associated with such implementation, including—*

- 4 (1) *curriculum development;*
- 5 (2) *hiring instructors to teach the curriculum;*
- 6 (3) *facilities; or*
- 7 (4) *website development.*

8 (d) *IMPLEMENTATION.—Not later than one year after*
9 *the date on which the plan described in subsection (d) is*
10 *submitted to the Committees on Armed Services of the Sen-*
11 *ate and House of Representatives, the President of the De-*
12 *fense Acquisition University shall offer the curricula devel-*
13 *oped under subsection (a) to covered individuals.*

14 (e) *REPORT.—Not later than one year after the date*
15 *on which the plan described in subsection (d) is submitted*
16 *to the Committees on Armed Services of the Senate and*
17 *House of Representatives, the Secretary of Defense, in con-*
18 *sultation with the President of the Defense Acquisition Uni-*
19 *versity, shall submit to Congress a report assessing the costs*
20 *and benefits of requiring all covered individuals to complete*
21 *the curricula developed under subsection (a).*

22 (f) *COVERED INDIVIDUALS DEFINED.—In this section,*
23 *the term “covered individuals” means an individual serv-*
24 *ing in a position designated under section 1721(b) of title*
25 *10, United States Code, who is regularly consulted for soft-*

1 *ware acquisitions or cybersecurity software or hardware ac-*
2 *quisitions.*

3 **SEC. 836. DEPARTMENT OF DEFENSE NATIONAL IMPERA-**
4 **TIVE FOR INDUSTRIAL SKILLS PROGRAM.**

5 (a) *IN GENERAL.*—*The Secretary of Defense, acting*
6 *through the Industrial Base Analysis and Sustainment pro-*
7 *gram of the Department of Defense, shall evaluate and fur-*
8 *ther develop workforce development training programs (as*
9 *defined by the Secretary of Defense) for training the skilled*
10 *industrial workers (as defined by the Secretary of Defense)*
11 *that are needed in the defense industrial base through the*
12 *National Imperative for Industrial Skills program of the*
13 *Department of Defense (or a successor program).*

14 (b) *PRIORITIES.*—*In carrying out this section, the Sec-*
15 *retary shall prioritize workforce development training pro-*
16 *grams that—*

17 (1) *are innovative, lab-based, or experientially-*
18 *based;*

19 (2) *rapidly train skilled industrial workers for*
20 *employment with entities in the defense industrial*
21 *base faster than traditional workforce development*
22 *training programs and at the scale needed to measur-*
23 *ably reduce, as rapidly as possible, the shortages of*
24 *skilled industrial workers in the defense industrial*

1 *base, including modernization of required equipment*
2 *and training curricula;*

3 *(3) recruit skilled industrial workers who are*
4 *manufacturing workers from underrepresented com-*
5 *munities;*

6 *(4) provide students and skilled industrial work-*
7 *ers with the support needed to successfully participate*
8 *in the defense industrial base;*

9 *(5) address the specific manufacturing require-*
10 *ments and skills that are unique to critical industrial*
11 *sectors of the defense industrial base as defined by the*
12 *Secretary of Defense, such as naval shipbuilding; and*

13 *(6) with respect to Federal workforce develop-*
14 *ment training programs in existence on or before the*
15 *date of the enactment of this Act—*

16 *(A) maximize the use of such Federal work-*
17 *force development training programs; or*

18 *(B) expand on the activities of such Federal*
19 *workforce development training programs.*

1 ***Subtitle D—Provisions Relating to***
2 ***Software and Technology***

3 ***SEC. 841. GUIDELINES AND RESOURCES ON THE ACQUISI-***
4 ***TION OR LICENSING OF INTELLECTUAL***
5 ***PROPERTY.***

6 *Section 3791 of title 10, United States Code, is amend-*
7 *ed—*

8 (1) *in the section heading, by striking “depart-*
9 *ment of defense” and inserting “Department of De-*
10 *fense”; and*

11 (2) *by adding at the end the following new sub-*
12 *section:*

13 “(c) ***GUIDELINES AND RESOURCES.***—

14 “(1) ***IN GENERAL.***—*The Secretary of Defense,*
15 *acting through the Under Secretary of Defense for Ac-*
16 *quisition and Sustainment, shall develop guidelines*
17 *and resources on the acquisition or licensing of intel-*
18 *lectual property, including—*

19 “(A) *intellectual property strategies and*
20 *other mechanisms supporting the use of modular*
21 *open system approaches (as defined in section*
22 *4401(b) of this title);*

23 “(B) *evaluation and negotiation of intellec-*
24 *tual property licenses in competitive and non-*
25 *competitive awards;*

1 “(C) models and best practices for specially
2 negotiated licenses, including specially nego-
3 tiated licenses described in section 3774(c) of this
4 title; and

5 “(D) definitions, key terms, examples, and
6 case studies that clarify differences between—

7 “(i) detailed manufacturing and proc-
8 ess data;

9 “(ii) form, fit, and function data;

10 “(iii) data required for operations,
11 maintenance, installation, and training;

12 “(iv) modular system interfaces (as de-
13 fined in section 4401(b) of this title); and

14 “(v) technical data pertaining to an
15 interface between an item or process and
16 other items or processes necessary for the
17 segregation of an item or process from, or
18 the reintegration of that item or process (or
19 a functionally equivalent item or process)
20 with, other items or processes.

21 “(2) GUIDELINES AND RESOURCES LIMIT.—The
22 guidelines and resources developed under paragraph
23 (1) may not alter or affect any authority or duty
24 under this section or section 1707 of this title.

1 “(3) *REVIEW AND CONSULTATION.*—*In devel-*
2 *oping the guidelines and resources described in para-*
3 *graph (1), the Secretary shall—*

4 “(A) *review the applicable statutory and*
5 *regulatory history, including among the defini-*
6 *tions and key terms in section 3771 of this title,*
7 *to ensure consistency; and*

8 “(B) *regularly consult with appropriate*
9 *government and industry persons and organiza-*
10 *tions.*

11 “(4) *TRAINING.*—*The Secretary of Defense shall*
12 *ensure that the acquisition workforce receives training*
13 *on the guidelines and resources developed under para-*
14 *graph (1).”.*

15 **SEC. 842. MODIFICATION OF AUTHORITY OF THE DEPART-**
16 **MENT OF DEFENSE TO CARRY OUT CERTAIN**
17 **PROTOTYPE PROJECTS.**

18 *Section 4022 of title 10, United States Code, is amend-*
19 *ed—*

20 (1) *in subsection (a)(2)—*

21 (A) *by striking “, and any follow-on pro-*
22 *duction contract or transaction that is awarded*
23 *pursuant to subsection (f),” both places it ap-*
24 *pears;*

1 (B) in subparagraph (A)(ii), by striking “;
2 and” and inserting a semicolon;

3 (C) in subparagraph (B)(ii), by striking the
4 period at the end and inserting “; and”; and

5 (D) by adding at the end the following new
6 subparagraph:

7 “(C) may be exercised for a transaction for a fol-
8 low-on production contract or transaction that is
9 awarded pursuant to subsection (f) and expected to
10 cost the Department of Defense in excess of
11 \$100,000,000 (including all options) only if a covered
12 official—

13 “(i) determines in writing that—

14 “(I) the requirements of subsection (d)
15 will be met; and

16 “(II) the use of the authority of this
17 section is essential to meet critical national
18 security objectives; and

19 “(ii) notifies the congressional defense com-
20 mittees in writing of the determinations required
21 under clause (i) at the time such authority is ex-
22 ercised.”;

23 (2) in subsection (e)—

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

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

4 “(1) The term ‘covered official’ means—

5 “(A) a service acquisition executive;

6 “(B) the Director of the Defense Advanced
7 Research Projects Agency;

8 “(C) the Director of the Missile Defense
9 Agency;

10 “(D) the Undersecretary of Defense for Ac-
11 quisition and Sustainment; or

12 “(E) the Undersecretary of Defense for Re-
13 search and Engineering.”; and

14 (C) by inserting after paragraph (2), as so
15 redesignated, the following new paragraph:

16 “(3) The term ‘service acquisition executive’ has
17 the meaning given that term in section 101(a) of this
18 title.”; and

19 (3) in subsection (f)(2), in the matter preceding
20 subparagraph (A), by striking “of section 2304 of this
21 title,” and inserting the following: “of chapter 221 of
22 this title and even if explicit notification was not list-
23 ed within the request for proposal for the trans-
24 action”.

1 **SEC. 843. OTHER TRANSACTION AUTHORITY CLARIFICA-**
2 **TION.**

3 *Section 4022 of title 10, United States Code, as amend-*
4 *ed by section 842, is further amended—*

5 *(1) in subsection (a)(1), by striking “military*
6 *personnel and the supporting” and inserting “per-*
7 *sonnel of the Department of Defense or improving”;*

8 *(2) in subsection (e), by adding at the end the*
9 *following new paragraph:*

10 *“(5) The term ‘prototype project’ includes a*
11 *project that addresses—*

12 *“(A) a proof of concept, model, or process,*
13 *including a business process;*

14 *“(B) reverse engineering to address obsoles-*
15 *cence;*

16 *“(C) a pilot or novel application of com-*
17 *mercial technologies for defense purposes;*

18 *“(D) agile development activity;*

19 *“(E) the creation, design, development, or*
20 *demonstration of operational utility; or*

21 *“(F) any combination of subparagraphs (A)*
22 *through (E).”;* and

23 *(3) by adding at the end the following new sub-*
24 *section:*

25 *“(i) PILOT AUTHORITY FOR USE OF OTHER TRANS-*
26 *ACTIONS FOR INSTALLATION OR FACILITY PROTOTYPING.—*

1 “(1) *IN GENERAL.*—*The Secretary of Defense or*
2 *the Secretary of a military department may establish*
3 *a pilot program under which the Secretary may,*
4 *under the authority of this section, carry out proto-*
5 *type projects that are directly relevant to enhancing*
6 *the ability of the Department of Defense to prototype*
7 *the design, development, or demonstration of new con-*
8 *struction techniques or technologies to improve mili-*
9 *tary installations or facilities (as such terms are de-*
10 *finied in section 2801 of this title).*

11 “(2) *LIMITS.*—*In carrying out prototype projects*
12 *under the pilot program established under paragraph*
13 *(1)—*

14 “(A) *not more than two prototype projects*
15 *may begin to be carried out per fiscal year under*
16 *such pilot program; and*

17 “(B) *the aggregate value of all transactions*
18 *entered into under such pilot program may not*
19 *exceed \$200,000,000.*

20 “(3) *SUNSET.*—

21 “(A) *IN GENERAL.*—*Except as provided in*
22 *subparagraph (B), the authority to carry out*
23 *prototype projects under the pilot program estab-*
24 *lished under paragraph (1) shall terminate on*
25 *September 30, 2025.*

1 “(B) *ONGOING PROJECT EXCEPTION.*—Sub-
2 paragraph (A) shall not apply with respect to
3 prototype projects being carried out under the
4 pilot program established under paragraph (1)
5 on the date described in subparagraph (A).”.

6 **SEC. 844. PRIZES FOR ADVANCED TECHNOLOGY ACHIEVE-**
7 **MENTS.**

8 Section 4025 of title 10, United States Code, is amend-
9 ed—

10 (1) in subsection (a)—

11 (A) by striking “that have” and inserting
12 “that—”

13 “(1) have”;

14 (B) by striking “Defense.” and inserting
15 “Defense; or”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(2) demonstrate management practices that im-
19 prove the schedule or performance, reduce the costs, or
20 otherwise support the transition of technology into ac-
21 quisition programs or operational use.”;

22 (2) in subsection (b), by striking “of research re-
23 sults, technology developments, and prototypes”;

24 (3) in subsection (d), by striking “to acquire,
25 support, or stimulate basic, advanced and applied re-

1 *search, technology development, or prototype*
2 *projects”;*

3 *(4) in subsection (f), by striking “section 2304”*
4 *and inserting “chapter 221”; and*

5 *(5) in subsection (g)(2)—*

6 *(A) by redesignating subparagraphs (B)*
7 *and (C) as subparagraphs (D) and (E), respec-*
8 *tively; and*

9 *(B) by inserting after subparagraph (A) the*
10 *following new subparagraphs:*

11 *“(B) if applicable, a summary of the man-*
12 *agement practice that contributed to an improve-*
13 *ment to schedule or performance or a reduction*
14 *in cost relating to the transition of technology;*

15 *“(C) an identification of any program execu-*
16 *tive officer (as defined in section 1737 of this*
17 *title) responsible for implementation or oversight*
18 *of research results, technology development, pro-*
19 *totype development, or management practices (as*
20 *applicable) for which an award was made under*
21 *this section, and a brief summary of lessons*
22 *learned by such program executive officer in car-*
23 *rying out such implementation or oversight;”.*

1 **SEC. 845. CONGRESSIONAL NOTIFICATION FOR PILOT PRO-**
2 **GRAM TO ACCELERATE THE PROCUREMENT**
3 **AND FIELDING OF INNOVATIVE TECH-**
4 **NOLOGIES.**

5 *Section 834 of the National Defense Authorization Act*
6 *for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1835;*
7 *10 U.S.C. 4061 note) is amended—*

8 *(1) by redesignating subsection (f) as subsection*
9 *(g); and*

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

12 *“(f) CONGRESSIONAL NOTIFICATION.—The Secretary*
13 *of Defense shall notify the congressional defense committees*
14 *within 30 days after funding has been provided for a pro-*
15 *posal selected for an award under the pilot program estab-*
16 *lished under this section.”.*

17 **SEC. 846. REPORT ON SOFTWARE DELIVERY TIMES.**

18 *(a) REPORT.—Not later than one year after the date*
19 *of the enactment of this Act, and annually thereafter until*
20 *December 31, 2028, the Under Secretary of Defense for Ac-*
21 *quisition and Sustainment, in consultation with the Chief*
22 *Information Officer of the Department of Defense and the*
23 *Chief Digital and Artificial Intelligence Officer, shall sub-*
24 *mit to the congressional defense committees a report on the*
25 *following:*

1 (1) *A description of covered software delivered*
2 *during the fiscal year preceding the date of the report*
3 *that is being developed using iterative development,*
4 *including a description of the capabilities delivered*
5 *for operational use.*

6 (2) *For such covered software not developed*
7 *using iterative development, an explanation for not*
8 *using iterative development and a description of the*
9 *development method used.*

10 (3) *For such covered software being developed*
11 *using iterative development, the frequency with which*
12 *capabilities of such covered software were delivered,*
13 *disaggregated as follows:*

14 (A) *Covered software for which capabilities*
15 *were delivered during period of less than three*
16 *months.*

17 (B) *Covered software for which capabilities*
18 *were delivered during period of more than three*
19 *months and less than six months.*

20 (C) *Covered software for which capabilities*
21 *were delivered during period of more than six*
22 *months and less than nine months.*

23 (D) *Covered software for which capabilities*
24 *were delivered during period of more than nine*
25 *months and less than 12 months.*

1 (4) *With respect to covered software described in*
2 *paragraph (3) for which capabilities of such covered*
3 *software were not delivered in fewer than 12 months,*
4 *an explanation of why such delivery was not possible.*

5 (b) *DEFINITIONS.—In this section:*

6 (1) *The term “Chief Digital and Artificial Intel-*
7 *ligence Officer” means—*

8 (A) *the official designated as the Chief Dig-*
9 *ital and Artificial Intelligence Officer of the De-*
10 *partment of Defense pursuant to the memo-*
11 *randum of the Secretary of Defense titled “Es-*
12 *tablishment of the Chief Digital and Artificial*
13 *Intelligence Officer” dated December 8, 2021; or*

14 (B) *if there is no official designated as such*
15 *Officer, the official within the Office of the Sec-*
16 *retary of Defense with primary responsibility for*
17 *digital and artificial intelligence matters.*

18 (2) *The term “covered software” means software*
19 *that is being developed that—*

20 (A) *was acquired using a software acquisi-*
21 *tion pathway established under section 800 of the*
22 *National Defense Authorization Act for Fiscal*
23 *Year 2020 (Public Law 116–92); or*

1 (B) is a covered defense business system, as
2 defined in section 2222(i) of title 10, United
3 States Code.

4 (3) The term “iterative development” has the
5 meaning given the term “agile or iterative develop-
6 ment” in section 891 of the National Defense Author-
7 ization Act for Fiscal Year 2018 (Public Law 10 115–
8 91; 131 Stat. 1509; 10 U.S.C. 1746 note).

9 **Subtitle E—Industrial Base Matters**

10 **SEC. 851. MODIFICATION TO THE NATIONAL TECHNOLOGY** 11 **AND INDUSTRIAL BASE.**

12 Section 4801(1) of title 10, United States Code, is
13 amended by inserting “New Zealand,” after “Australia,”.

14 **SEC. 852. MODIFICATION TO MISCELLANEOUS LIMITATIONS** 15 **ON THE PROCUREMENT OF GOODS OTHER** 16 **THAN UNITED STATES GOODS.**

17 Section 4864 of title 10, United States Code, as amend-
18 ed by section 853, is further amended by adding at the end
19 the following new subsection:

20 “(l) *PERIODIC REVIEW.*—

21 “(1) *RECOMMENDATION.*—Not later than Novem-
22 ber 1, 2024, and every five years thereafter, the Under
23 Secretary of Defense for Acquisition and Sustainment
24 shall review each item described in subsections (a)
25 and (e) of this section and submit to the congressional

1 *defense committees, in writing, one of the following*
2 *recommendations:*

3 “(A) *Recommend continued inclusion of the*
4 *item under this section.*

5 “(B) *Recommend continued inclusion of the*
6 *item under this section with modifications.*

7 “(C) *Recommend discontinuing inclusion of*
8 *the item under this section.*

9 “(2) *ELEMENTS.—Each review required under*
10 *paragraph (1) shall include, with respect to the five-*
11 *year period preceding the date of submission of the*
12 *written determination related to such a review, the*
13 *following elements:*

14 “(A) *The criticality of the item reviewed to*
15 *a military unit’s mission accomplishment or*
16 *other national security objectives.*

17 “(B) *The extent to which such item is field-*
18 *ed in current programs of record.*

19 “(C) *The number of such items to be pro-*
20 *cured by current programs of record.*

21 “(D) *The extent to which cost and pricing*
22 *data for such item has been deemed fair and rea-*
23 *sonable.*

24 “(3) *JUSTIFICATION.—The written determina-*
25 *tion required under paragraph (1) shall also include*

1 *the findings of the applicable review conducted under*
2 *such paragraph and any key justifications for the rec-*
3 *ommendation.”.*

4 **SEC. 853. REQUIREMENTS FOR THE PROCUREMENT OF CER-**
5 **TAIN COMPONENTS FOR CERTAIN NAVAL**
6 **VESSELS AND AUXILIARY SHIPS.**

7 *(a) REQUIREMENT THAT CERTAIN AUXILIARY SHIP*
8 *COMPONENTS BE MANUFACTURED IN THE NATIONAL*
9 *TECHNOLOGY AND INDUSTRIAL BASE.—*

10 *(1) TECHNICAL AMENDMENT.—Section 4864 of*
11 *title 10, United States Code, is amended by redesign-*
12 *ating subsection (l) (relating to “Implementation of*
13 *auxiliary ship component limitation”) as subsection*
14 *(k).*

15 *(2) COMPONENTS FOR AUXILIARY SHIPS.—Para-*
16 *graph (4) of section 4864(a) of title 10, United States*
17 *Code, is amended—*

18 *(A) in the subsection heading, by inserting*
19 *“AND T-ARC” after “T-AO 205”; and*

20 *(B) by inserting “and T-ARC” after “T-*
21 *AO 205”.*

22 *(b) REGULATIONS.—Not later than June 1, 2023, the*
23 *Secretary of Defense shall issue regulations for carrying out*
24 *section 4864(j) of title 10, United States Code.*

1 **SEC. 854. MODIFICATIONS TO THE PROCUREMENT TECH-**
2 **NICAL ASSISTANCE PROGRAM.**

3 (a) *ADMINISTRATIVE AND OTHER LOGISTICAL*
4 *COSTS.*—Section 4961 of title 10, United States Code, is
5 amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “Director of the Defense Logistics Agency”
8 and inserting “Secretary”;

9 (2) in paragraph (1), by striking “three” and
10 inserting “four”; and

11 (3) in paragraph (2)—

12 (A) in the matter preceding subparagraph
13 (A) by striking “Director” and inserting “Sec-
14 retary”; and

15 (B) in subparagraph (A), by inserting “,
16 including meetings of an association recognized
17 under section 4954(f),” after “meetings”.

18 (b) *COOPERATIVE AGREEMENTS.*—Section 4954 of title
19 10, United States Code, is amended by adding at the end
20 the following new subsections:

21 “(f) *ASSOCIATION RECOGNITION AND DUTIES.*—Eligi-
22 ble entities that provide procurement technical assistance
23 pursuant to this chapter may form an association to pursue
24 matters of common concern. If more than a majority of such
25 eligible entities are members of such an association, the Sec-
26 retary shall—

1 “(1) recognize the existence and activities of such
2 an association; and

3 “(2) jointly develop with such association a
4 model cooperative agreement that may be used at the
5 option of the Secretary and an eligible entity.”.

6 (c) *REGULATIONS.*—Section 4953 of title 10, United
7 States Code, is amended by inserting “, and shall consult
8 with an association recognized under section 4954(f) re-
9 garding any revisions to such regulations” before the period
10 at the end.

11 (d) *FUNDING.*—Section 4955(a)(1) of title 10, United
12 States Code, is amended by striking “\$1,000,000” and in-
13 serting “\$1,500,000”.

14 **SEC. 855. CODIFICATION OF PROHIBITION ON CERTAIN**
15 **PROCUREMENTS FROM THE XINJIANG**
16 **UYGHUR AUTONOMOUS REGION.**

17 (a) *REPEAL.*—Section 848 of the National Defense Au-
18 thorization Act for Fiscal Year 2022 (Public Law 117–81;
19 10 U.S.C. 4651 note prec.) is repealed.

20 (b) *PROHIBITION ON CERTAIN PROCUREMENTS FROM*
21 *THE XINJIANG UYGHUR AUTONOMOUS REGION.*—Chapter
22 363 of title 10, United States Code, is amended by adding
23 at the end the following new section:

1 **“§ 4661. Prohibition on certain procurements from the**
2 **Xinjiang Uyghur Autonomous Region**

3 “(a) *PROHIBITION ON THE AVAILABILITY OF FUNDS*
4 *FOR CERTAIN PROCUREMENTS FROM XUAR.*—None of the
5 funds authorized to be appropriated by a national defense
6 authorization Act or any other Act, or otherwise made
7 available for any fiscal year for the Department of Defense,
8 may be obligated or expended to knowingly procure any
9 products mined, produced, or manufactured wholly or in
10 part by forced labor from XUAR or from an entity that
11 has used labor from within or transferred from XUAR as
12 part of a ‘poverty alleviation’ or ‘pairing assistance’ pro-
13 gram.

14 “(b) *DEFINITIONS.*—In this section, the terms ‘forced
15 labor’ and ‘XUAR’ have the meanings given, respectively,
16 in section 2496 of this title.”.

17 (c) *CLERICAL AMENDMENT.*—The table of contents for
18 such chapter is amended by adding at the end the following
19 new item:

“4661. Prohibition on certain procurements from the Xinjiang Uyghur Autono-
mous Region.”.

20 (d) *POLICY REQUIRED.*—Not later than 180 days after
21 the date of the enactment of this Act, the Secretary of De-
22 fense shall issue a policy to require that an offeror or
23 awardee of a Department of Defense contract shall make
24 a good faith effort to determine that forced labor from

1 *XUAR*, as described in section 4661 of title 10, United
2 States Code (as amended by subsection (b)), will not be used
3 in the performance of such contract.

4 **SEC. 856. CODIFICATION OF THE DEPARTMENT OF DE-**
5 **FENSE MENTOR-PROTEGE PROGRAM.**

6 (a) *IN GENERAL.*—Section 831 of the National Defense
7 Authorization Act for Fiscal Year 1991 (10 U.S.C. 4901
8 note prec.) is transferred to subchapter I of chapter 387 of
9 title 10, United States Code, inserted after section 4901,
10 and redesignated as section 4902.

11 (b) *AMENDMENTS.*—Section 4902 of title 10, United
12 States Code, as so transferred and redesignated, is amend-
13 ed—

14 (1) in the section heading, by striking “**MEN-**
15 **TOR-PROTEGE PILOT**” and inserting “**DEPART-**
16 **MENT OF DEFENSE MENTOR-PROTEGE**”;

17 (2) in the heading for subsection (a), by striking
18 “*PILOT*”;

19 (3) in subsections (a) and (c), by striking “*pilot*”
20 each place it appears;

21 (4) in subsection (d)(1)(B)(iii)—

22 (A) in subclause (I), by striking
23 “\$100,000,000” and inserting “\$25,000,000”;
24 and

1 (B) in subclause (II), by striking “sub-
2 section (k)” and inserting “subsection (j)”;

3 (5) in subsection (e)(2), by striking “two years”
4 each place it appears and inserting “three years”;

5 (6) in subsection (f)—

6 (A) in paragraph (1)(B), by inserting
7 “manufacturing, test and evaluation,” after “in-
8 ventory control,”; and

9 (B) in paragraph (6)(B), by striking “pur-
10 suant to” and all that follows through the semi-
11 colon at the end and inserting “pursuant to
12 chapter 388 of this title,”;

13 (7) in subsection (g)(3)(C), by striking “sub-
14 section (k)” and inserting “subsection (j)”;

15 (8) by striking subsections (j) and (n);

16 (9) by redesignating subsections (k) through (m)
17 as subsections (j) through (l), respectively;

18 (10) by redesignating subsection (o) as subsection
19 (n);

20 (11) in subsection (j), as so redesignated—

21 (A) by striking “pilot” each place it ap-
22 pears;

23 (B) by striking “by which mentor firms”
24 and inserting “by which the parties”; and

1 (C) by striking “The Secretary shall pub-
2 lish” and all that follows through “270 days
3 after the date of the enactment of this Act.”;

4 (12) in paragraph (7)(B) of subsection (k), as so
5 redesignated, by striking “pursuant to” and all that
6 follows through “; or” and inserting “pursuant to
7 chapter 388 of this title; or”;

8 (13) in subsection (l), as so redesignated, by
9 striking “subsection (l)” and inserting “subsection
10 (k)”;

11 (14) by inserting after subsection (l), as so redesi-
12 gnated, the following new subsection:

13 “(m) ANNUAL COLLECTION OF PERFORMANCE
14 DATA.—The Director of the Office of Small Business Pro-
15 grams shall—

16 “(1) maintain outcome-based performance goals
17 and annually collect data through an automated in-
18 formation system (if practicable) assessing such goals;
19 and

20 “(2) conduct an independent review of the Men-
21 tor-Protege Program established under this section at
22 least once every three years.”; and

23 (15) by amending subsection (n), as so redesi-
24 gnated, to read as follows:

25 “(n) DEFINITIONS.—In this section:

1 “(1) *The term ‘affiliation’, with respect to a rela-*
2 *tionship between a mentor firm and a protege firm,*
3 *means a relationship described under section 121.103*
4 *of title 13, Code of Federal Regulations (or any suc-*
5 *cessor regulation).*

6 “(2) *The term ‘disadvantaged small business*
7 *concern’ means a firm that is not more than the size*
8 *standard corresponding to its primary North Amer-*
9 *ican Industry Classification System code, is not*
10 *owned or managed by individuals or entities that di-*
11 *rectly or indirectly have stock options or convertible*
12 *securities in the mentor firm, and is—*

13 “(A) *a small business concern owned and*
14 *controlled by socially and economically dis-*
15 *advantaged individuals;*

16 “(B) *a business entity owned and controlled*
17 *by an Indian tribe as defined by section 8(a)(13)*
18 *of the Small Business Act (15 U.S.C.*
19 *637(a)(13));*

20 “(C) *a business entity owned and controlled*
21 *by a Native Hawaiian Organization as defined*
22 *by section 8(a)(15) of the Small Business Act (15*
23 *U.S.C. 637(a)(15));*

24 “(D) *a qualified organization employing se-*
25 *verely disabled individuals;*

1 “(E) a small business concern owned and
2 controlled by women, as defined in section
3 8(d)(3)(D) of the Small Business Act (15 U.S.C.
4 637(d)(3)(D));

5 “(F) a small business concern owned and
6 controlled by service–disabled veterans (as de-
7 fined in section 8(d)(3) of the Small Business
8 Act (15 U.S.C. 637(d)(3)));

9 “(G) a qualified HUBZone small business
10 concern (as defined in section 31(b) of the Small
11 Business Act (15 U.S.C. 657a(b))); or

12 “(H) a small business concern that—

13 “(i) is a nontraditional defense con-
14 tractor, as such term is defined in section
15 3014 of this title; or

16 “(ii) currently provides goods or serv-
17 ices in the private sector that are critical to
18 enhancing the capabilities of the defense
19 supplier base and fulfilling key Department
20 of Defense needs.

21 “(3) The term ‘historically Black college and
22 university’ means any of the historically Black col-
23 leges and universities referred to in section 2323 of
24 this title, as in effect on March 1, 2018.

1 “(4) *The term ‘minority institution of higher*
2 *education’ means an institution of higher education*
3 *with a student body that reflects the composition spec-*
4 *ified in section 312(b)(3), (4), and (5) of the Higher*
5 *Education Act of 1965 (20 U.S.C. 1058(b)(3), (4),*
6 *and (5)).*

7 “(5) *The term ‘qualified organization employing*
8 *the severely disabled’ means a business entity oper-*
9 *ated on a for-profit or nonprofit basis that—*

10 “(A) *uses rehabilitative engineering to pro-*
11 *vide employment opportunities for severely dis-*
12 *abled individuals and integrates severely dis-*
13 *abled individuals into its workforce;*

14 “(B) *employs severely disabled individuals*
15 *at a rate that averages not less than 20 percent*
16 *of its total workforce;*

17 “(C) *employs each severely disabled indi-*
18 *vidual in its workforce generally on the basis of*
19 *40 hours per week; and*

20 “(D) *pays not less than the minimum wage*
21 *prescribed pursuant to section 6 of the Fair*
22 *Labor Standards Act (29 U.S.C. 206) to those*
23 *employees who are severely disabled individuals.*

24 “(6) *The term ‘severely disabled individual’*
25 *means an individual who is blind (as defined in sec-*

1 *tion 8501 of title 41) or a severely disabled individual*
2 *(as defined in such section).*

3 “(7) *The term ‘small business concern’ has the*
4 *meaning given such term under section 3 of the Small*
5 *Business Act (15 U.S.C. 632).*

6 “(8) *The term ‘small business concern owned and*
7 *controlled by socially and economically disadvantaged*
8 *individuals’ has the meaning given such term in sec-*
9 *tion 8(d)(3)(C) of the Small Business Act (15 U.S.C.*
10 *637(d)(3)(C)).*

11 “(9) *The term ‘subcontracting participation*
12 *goal’, with respect to a Department of Defense con-*
13 *tract, means a goal for the extent of the participation*
14 *by disadvantaged small business concerns in the sub-*
15 *contracts awarded under such contract, as established*
16 *pursuant to section 8(d) of the Small Business Act*
17 *(15 U.S.C. 637(d)).”.*

18 (c) *CLERICAL AMENDMENT.—The table of sections for*
19 *subchapter I of chapter 387 of title 10, United States Code,*
20 *is amended by adding at the end the following new item:*

 “4902. *Department of Defense Mentor–Protege Program.*”.

21 (d) *PROTEGE TECHNICAL REIMBURSEMENT PILOT*
22 *PROGRAM.—*

23 (1) *IN GENERAL.—Not later than July 1, 2023,*
24 *the Director of the Office of Small Business Programs*
25 *of the Department of Defense (as appointed pursuant*

1 to section 144 of title 10, United States Code) shall
2 establish a pilot program under which a protege firm
3 may receive up to 25 percent of the reimbursement for
4 which the mentor firm of such protege firm is eligible
5 under the Mentor-Protege Program for a covered ac-
6 tivity described in paragraph (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 ready
12 for integration with a program or system of the De-
13 partment 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 amended
18 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 “Buy*
6 *Indian Act”)* (36 Stat. 861, 25 U.S.C. 47(a)(2)) *is*
7 *amended by striking “section 831(c) of the National*
8 *Defense Authorization Act for Fiscal Year 1991 (10*
9 *U.S.C. 2302 note; Public Law 101–510)” and insert-*
10 *ing “section 4902(c) of title 10, United States Code”.*

11 *(2) SMALL BUSINESS ACT.—Section 8(d)(12) of*
12 *the Small Business Act (15 U.S.C. 637(d)(12)) is*
13 *amended—*

14 *(A) by striking “the pilot Mentor-Protege*
15 *Program established pursuant to section 831 of*
16 *the National Defense Authorization Act for Fis-*
17 *cal Year 1991 (Public Law 101–510; 10 U.S.C.*
18 *2301 note)” and inserting “the Mentor-Protege*
19 *Program established under section 4902 of title*
20 *10, United States Code,”; and*

21 *(B) by striking “subsection (g)” and insert-*
22 *ing “subsection (f)”.*

23 *(f) REGULATIONS.—Not later than December 31, 2023,*
24 *the Secretary of Defense shall issue regulations for carrying*

1 *out section 4902 of title 10, United States Code, as amended*
2 *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 as*
6 *established under section 831 of the National Defense Au-*
7 *thorization Act for Fiscal Year 1991 (Public Law 101–510;*
8 *104 Stat. 1607) before the date of the enactment of this Act.*

9 **SEC. 857. PROCUREMENT REQUIREMENTS RELATING TO**
10 **RARE EARTH ELEMENTS AND STRATEGIC AND**
11 **CRITICAL MATERIALS.**

12 (a) *DISCLOSURES CONCERNING RARE EARTH ELE-*
13 *MENTS AND STRATEGIC AND CRITICAL MATERIALS BY CON-*
14 *TRACTORS OF DEPARTMENT OF DEFENSE.—*

15 (1) *REQUIREMENT.—Beginning on the effective*
16 *date of this subsection, the Secretary of Defense*
17 *shall—*

18 (A) *require that any contractor that pro-*
19 *vides to the Department of Defense a system with*
20 *a permanent magnet that contains rare earth*
21 *elements or strategic and critical materials dis-*
22 *close, after undertaking a commercially reason-*
23 *able inquiry and along with delivery of the sys-*
24 *tem, 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 and
15 magnetized.

16 (3) *IMPLEMENTATION OF SUPPLY CHAIN TRACK-*
17 *ING SYSTEM.*—If a contractor cannot make the disclo-
18 sure required by paragraph (1) with respect to a sys-
19 tem described in that paragraph, the Secretary shall
20 require the contractor to establish and implement a
21 supply chain tracking system in order to make the
22 disclosure to the fullest extent possible not later than
23 180 days after the contractor provides the system to
24 the Department of Defense. The tracking system
25 shall—

1 (A) include a description of the efforts taken
2 by the contractor to date to make the disclosure
3 required by paragraph (1);

4 (B) take into account the possible refusal of
5 certain foreign entities to provide the contractor
6 the information necessary to make the disclosure
7 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 to
11 provide the contractor with the information nec-
12 essary to make the disclosure required by para-
13 graph (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 the
19 Secretary certifies to the Committees on Armed
20 Services of the Senate and the House of Rep-
21 resentatives that—

22 (i) the continued procurement of the
23 system is necessary to meet the demands of
24 a national emergency declared under section

1 *201 of the National Emergencies Act (50*
2 *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 the*
11 *committees.*

12 *(C) LIMITATION.—The Secretary may not*
13 *delegate this waiver authority below the level of*
14 *Assistant Secretary of Defense, a senior acquisi-*
15 *tion executive (as defined in section 101(a) of*
16 *title 10, United States Code), or a command ac-*
17 *quisition 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 of*

1 *the Senate and the House of Representatives a*
2 *briefing that includes—*

3 *(i) a summary of the disclosures made*
4 *under this subsection;*

5 *(ii) an assessment of the extent of reli-*
6 *ance by the United States on foreign coun-*
7 *tries, and especially countries that are not*
8 *allies of the United States, for rare earth*
9 *elements and strategic and critical mate-*
10 *rials;*

11 *(iii) a determination with respect to*
12 *which systems described in paragraph (1)*
13 *are of the greatest concern for interruptions*
14 *of supply chains with respect to rare earth*
15 *elements and strategic and critical mate-*
16 *rials; 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, each*
21 *briefing required under subparagraph (A) shall*
22 *be in an unclassified form, but may contain a*
23 *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 Sen-
5 ate and the House of Representatives that the
6 Department has established a process to ensure
7 that the information collection requirements of
8 this subsection present no national security risks,
9 or that any such risks have been fully mitigated.

10 (b) *EXPANSION OF RESTRICTIONS ON PROCUREMENT*
11 *OF MILITARY AND DUAL-USE TECHNOLOGIES BY CHINESE*
12 *MILITARY COMPANIES.*—Section 1211 of the National De-
13 *fense Authorization Act for Fiscal Year 2006 (Public Law*
14 *109–163; 10 U.S.C. 4651 note prec.) is amended—*

15 (1) *in the section heading, by striking “COM-*
16 *MUNIST CHINESE MILITARY COMPANIES” and*
17 *inserting “CHINESE MILITARY COMPANIES”;*

18 (2) *in subsection (a), by inserting after “mili-*
19 *tary company” the following: “, any Chinese military*
20 *company, any Non-SDN Chinese military-industrial*
21 *complex company, or any other covered company”;*

22 (3) *by amending subsection (b) to read as fol-*
23 *lows:*

24 “(b) *GOODS AND SERVICES COVERED.*—

1 “(1) *IN GENERAL.*—*For purposes of subsection*
2 *(a), and except as provided in paragraph (2), the*
3 *goods and services described in this subsection are*
4 *goods and services—*

5 “(A) *on the munitions list of the Inter-*
6 *national Traffic in Arms Regulations; or*

7 “(B) *on the Commerce Control List that—*

8 “(i) *are classified in the 600 series; or*

9 “(ii) *contain strategic and critical ma-*
10 *terials, rare earth elements, or energetic ma-*
11 *terials used to manufacture missiles or mu-*
12 *nitions.*

13 “(2) *EXCEPTIONS.*—*Goods and services described*
14 *in this subsection do not include goods or services*
15 *procured—*

16 “(A) *in connection with a visit by a vessel*
17 *or an aircraft of the United States Armed Forces*
18 *to the People’s Republic of China;*

19 “(B) *for testing purposes; or*

20 “(C) *for purposes of gathering intelligence.”;*

21 *and*

22 (4) *in subsection (e)—*

23 (A) *by striking paragraph (3);*

24 (B) *by redesignating paragraphs (1) and*

25 (2) *as paragraphs (3) and (5), respectively;*

1 (C) by inserting before paragraph (3), as
2 redesignated by subparagraph (B), the following:

3 “(1) The term ‘Chinese military company’ has
4 the meaning given that term by section 1260H(d)(1)
5 of the William M. (Mac) Thornberry National Defense
6 Authorization Act for Fiscal Year 2021 (Public Law
7 116–283; 10 U.S.C. 113 note).

8 “(2) The term ‘Commerce Control List’ means
9 the list maintained by the Bureau of Industry and
10 Security and set forth in Supplement No. 1 to part
11 774 of the Export Administration Regulations.”;

12 (D) by inserting after paragraph (3), as so
13 redesignated, the following:

14 “(4) The term ‘Export Administration Regula-
15 tions’ has the meaning given that term in section
16 1742 of the Export Control Reform Act of 2018 (50
17 U.S.C. 4801).”; and

18 (E) by adding at the end the following:

19 “(6) The term ‘Non-SDN Chinese military-in-
20 dustrial complex company’ means any entity on the
21 Non-SDN Chinese Military-Industrial Complex Com-
22 panies List—

23 “(A) established pursuant to Executive
24 Order 13959 (50 U.S.C. 1701 note; relating to
25 addressing the threat from securities investments

1 *that finance Communist Chinese military com-*
2 *panies), as amended before, on, or after the date*
3 *of the enactment of the National Defense Author-*
4 *ization Act for Fiscal Year 2023; and*

5 *“(B) maintained by the Office of Foreign*
6 *Assets Control of the Department of the Treas-*
7 *ury.*

8 *“(7) The term ‘other covered company’ means a*
9 *company that—*

10 *“(A) is owned or controlled by the govern-*
11 *ment of the People’s Republic of China; and*

12 *“(B) is certified by the Secretary of Defense*
13 *to the congressional defense committees to be a*
14 *company that must be covered by this section for*
15 *national security reasons.*

16 *“(8) The term ‘strategic and critical materials’*
17 *means materials designated as strategic and critical*
18 *under section 3(a) of the Strategic and Critical Mate-*
19 *rials Stock Piling Act (50 U.S.C. 98b(a)).”; and*

20 *(5) by adding at the end the following new sub-*
21 *section:*

22 *“(f) EFFECTIVE DATE.—With respect to goods and*
23 *services described in clause (ii) of subparagraph (b)(1)(B),*
24 *the prohibition shall take effect 180 days after the date on*
25 *which the Secretary of Defense certifies to the congressional*

1 *defense committees that a sufficient number of commercially*
2 *viable providers exist outside of the People's Republic of*
3 *China that collectively can provide the Department of De-*
4 *fense with satisfactory quality and sufficient quantity of*
5 *such goods or services as and when needed at United States*
6 *market prices.”.*

7 *(c) REVIEW OF COMPLIANCE WITH CONTRACTING RE-*
8 *QUIREMENTS.—*

9 *(1) IN GENERAL.—Not later than one year after*
10 *the date of the enactment of this Act, and periodically*
11 *thereafter until the termination date specified in*
12 *paragraph (5), the Comptroller General of the United*
13 *States shall assess the extent of the efforts of the Sec-*
14 *retary of Defense to comply with the requirements*
15 *of—*

16 *(A) subsection (a);*

17 *(B) section 1211 of the National Defense*
18 *Authorization Act for Fiscal Year 2006, as*
19 *amended by subsection (b); and*

20 *(C) section 4872 of title 10, United States*
21 *Code.*

22 *(2) BRIEFING REQUIRED.—*

23 *(A) IN GENERAL.—The Comptroller General*
24 *shall periodically, until the termination date*
25 *specified in paragraph (5), provide to the Com-*

1 *mittees on Armed Services of the Senate and the*
2 *House of Representatives a briefing on the results*
3 *of the assessments conducted under paragraph*
4 *(1) that includes an assessment of—*

5 *(i) the inclusion by the Department of*
6 *Defense of necessary contracting clauses in*
7 *relevant contracts to meet the requirements*
8 *described in subparagraphs (A), (B), and*
9 *(C) of paragraph (1); and*

10 *(ii) the efforts of the Department of De-*
11 *fense to assess the compliance of contractors*
12 *with such clauses.*

13 *(B) FORM.—To the extent practicable, each*
14 *briefing required under subparagraph (A) shall*
15 *be in an unclassified form, but may contain a*
16 *classified annex.*

17 *(3) REPORT REQUIRED.—*

18 *(A) IN GENERAL.—The Comptroller General*
19 *shall, not less frequently than every 2 years until*
20 *the termination date specified in paragraph (5),*
21 *submit to the Committees on Armed Services of*
22 *the Senate and the House of Representatives a*
23 *report on the results of the assessments conducted*
24 *under paragraph (1).*

1 (B) *FORM*.—*To the extent practicable, each*
 2 *report required under subparagraph (A) shall be*
 3 *in an unclassified form, but may contain a clas-*
 4 *sified annex.*

5 (4) *REFERRAL*.—*If, in conducting an assessment*
 6 *under paragraph (1), the Comptroller General deter-*
 7 *mines that a contractor has willfully or recklessly*
 8 *failed to comply with any of the requirements de-*
 9 *scribed in subparagraphs (A), (B), and (C) of para-*
 10 *graph (1), the Comptroller General may refer the*
 11 *matter, as appropriate, for further examination and*
 12 *possible enforcement actions.*

13 (5) *TERMINATION*.—*The requirements of this*
 14 *subsection shall terminate on the date that is 5 years*
 15 *after the date of the enactment of this Act.*

16 (d) *STRATEGIC AND CRITICAL MATERIALS DE-*
 17 *FINED*.—*In this section, the term “strategic and critical*
 18 *materials” means materials designated as strategic and*
 19 *critical under section 3(a) of the Strategic and Critical Ma-*
 20 *terials Stock Piling Act (50 U.S.C. 98b(a)).*

21 **SEC. 858. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION**
 22 **TO ADDRESS SOURCING AND INDUSTRIAL CA-**
 23 **PACITY.**

24 (a) *ANALYSIS REQUIRED*.—

1 (1) *IN GENERAL.*—*The Secretary of Defense, act-*
2 *ing through the Under Secretary of Defense for Acqui-*
3 *sition and Sustainment and other appropriate offi-*
4 *cial, shall review the items under subsection (c) to*
5 *determine and develop appropriate actions, consistent*
6 *with the policies, programs, and activities required*
7 *under subpart I of part V of subtitle A of title 10,*
8 *United States Code, chapter 83 of title 41, United*
9 *States Code, and the Defense Production Act of 1950*
10 *(50 U.S.C. 4501 et seq.), including—*

11 (A) *restricting procurement, with appro-*
12 *priate waivers for cost, emergency requirements,*
13 *and non-availability of suppliers, including re-*
14 *stricting procurement to—*

15 (i) *suppliers in the United States;*

16 (ii) *suppliers in the national tech-*
17 *nology and industrial base (as defined in*
18 *section 4801 of title 10, United States*
19 *Code);*

20 (iii) *suppliers in other allied nations;*

21 *or*

22 (iv) *other suppliers;*

23 (B) *increasing investment through use of re-*
24 *search and development or procurement activi-*
25 *ties and acquisition authorities to—*

- 1 (i) *expand production capacity;*
2 (ii) *diversify sources of supply; or*
3 (iii) *promote alternative approaches*
4 *for addressing military requirements;*
5 (C) *prohibiting procurement from selected*
6 *sources or nations;*
7 (D) *taking a combination of actions de-*
8 *scribed under subparagraphs (A), (B), and (C);*
9 or
10 (E) *taking no action.*

11 (2) *CONSIDERATIONS.—The analyses conducted*
12 *pursuant to paragraph (1) shall consider national se-*
13 *curity, economic, and treaty implications, as well as*
14 *impacts on current and potential suppliers of goods*
15 *and services.*

16 (b) *REPORTING ON ANALYSES, RECOMMENDATIONS,*
17 *AND ACTIONS.—*

18 (1) *BRIEFING REQUIRED.—Not later than Janu-*
19 *ary 15, 2024, the Secretary of Defense shall submit to*
20 *the congressional defense committees, in writing—*

21 (A) *a summary of the findings of the anal-*
22 *yses undertaken for each item pursuant to sub-*
23 *section (a);*

24 (B) *relevant recommendations resulting*
25 *from the analyses; and*

1 (C) *descriptions of specific activities under-*
2 *taken as a result of the analyses, including*
3 *schedule and resources allocated for any planned*
4 *actions.*

5 (2) *REPORTING.*—*The Secretary of Defense shall*
6 *include the analyses conducted under subsection (a),*
7 *and any relevant recommendations and descriptions*
8 *of activities resulting from such analyses, as appro-*
9 *priate, in each of the following during the 2024 cal-*
10 *endar year:*

11 (A) *The annual report or quarterly brief-*
12 *ings to Congress required under section 4814 of*
13 *title 10, United States Code.*

14 (B) *The annual report on unfunded prior-*
15 *ities of the national technology and industrial*
16 *base required under section 4815 of such title.*

17 (C) *Department of Defense technology and*
18 *industrial base policy guidance prescribed under*
19 *section 4811(c) of such title.*

20 (D) *Activities to modernize acquisition*
21 *processes to ensure the integrity of the industrial*
22 *base pursuant to section 4819 of such title.*

23 (E) *Defense memoranda of understanding*
24 *and related agreements considered in accordance*
25 *with section 4851 of such title.*

1 (F) *Industrial base or acquisition policy*
2 *changes.*

3 (G) *Legislative proposals for changes to rel-*
4 *evant statutes which the Department shall con-*
5 *sider, develop, and submit to the Committee on*
6 *Armed Services of the Senate and the Committee*
7 *on Armed Services of the House of Representa-*
8 *tives not less frequently than once per fiscal year.*

9 (H) *Other actions as the Secretary of De-*
10 *fense determines appropriate.*

11 (c) *LIST OF GOODS AND SERVICES FOR ANALYSES,*
12 *RECOMMENDATIONS, AND ACTIONS.—The items described*
13 *in this subsection are the following:*

14 (1) *Solar components for satellites.*

15 (2) *Satellite ground station service contracts.*

16 (3) *Naval vessel shafts and propulsion system*
17 *components (including reduction gears and propel-*
18 *lers).*

19 (4) *Infrastructure or equipment for a passenger*
20 *boarding bridge at a military airport designated by*
21 *the Secretary of Transportation under section*
22 *47118(a) of title 49, United States Code.*

23 (5) *Flags of the United States.*

24 (6) *Natural rubber from herbaceous plants for*
25 *military applications.*

1 (7) *Alternative proteins as sustainable and se-*
2 *cure food sources.*

3 (8) *Carbon fiber.*

4 **SEC. 859. DEMONSTRATION EXERCISE OF ENHANCED PLAN-**
5 **NING FOR INDUSTRIAL MOBILIZATION AND**
6 **SUPPLY CHAIN MANAGEMENT.**

7 (a) *DEMONSTRATION EXERCISE REQUIRED.—Not*
8 *later than December 31, 2024, the Secretary of Defense shall*
9 *conduct a demonstration exercise of industrial mobilization*
10 *and supply chain management planning capabilities in*
11 *support of one or more operational or contingency plan use*
12 *cases, as selected in consultation with the Chairman of the*
13 *Joint Chiefs of Staff and the Under Secretary of Defense*
14 *for Acquisition and Sustainment.*

15 (b) *ELEMENTS.—The demonstration exercise required*
16 *under subsection (a) shall include the following elements:*

17 (1) *Use of a current program that is both fielded*
18 *and still in production from each military depart-*
19 *ment, Defense Agency, and Department of Defense*
20 *Field Activity in order to model a notional plan for*
21 *mobilization or supply chain management, as associ-*
22 *ated with the selected operational or contingency*
23 *plans.*

24 (2) *The exercise of processes and authorities that*
25 *support the Department of Defense for industrial mo-*

1 *bilization in support of declared hostilities or other*
2 *contingency operations.*

3 (3) *The identification of process improvements or*
4 *gaps in resources, capabilities, or authorities that re-*
5 *quire remediation, including those related to govern-*
6 *ment or contractor production facilities, tooling, or*
7 *workforce development.*

8 (4) *The implementation of analytical tools and*
9 *processes to monitor and assess the health of the in-*
10 *dustrial base and to use near real-time data and vis-*
11 *ualization capabilities in making production and dis-*
12 *tribution decisions, with an emphasis on identifying,*
13 *assessing, and demonstrating commercially available*
14 *tools.*

15 (5) *The establishment and tracking of goals and*
16 *metrics to support institutionalization of defense in-*
17 *dustrial base health assessment and planning.*

18 (c) *BRIEFING REQUIRED.*—*Not later than November*
19 *1, 2023, the Secretary shall provide to the congressional de-*
20 *fense committees an interim briefing on the demonstration*
21 *exercise required under subsection (a), including—*

22 (1) *an identification of the programs and use*
23 *cases to be demonstrated;*

1 (2) *a description of methodology for executing*
2 *the demonstration exercise, including analytical tools*
3 *or metrics identified to support the process; and*

4 (3) *any preliminary findings.*

5 (d) *ASSESSMENT.—Not later than March 1, 2025, the*
6 *Secretary shall submit to the congressional defense commit-*
7 *tees a report assessing the demonstration exercise required*
8 *under subsection (a), including a description of—*

9 (1) *the programs and use cases considered in this*
10 *demonstration exercise;*

11 (2) *the outcomes of the activities required under*
12 *subsection (b);*

13 (3) *outcomes and conclusions;*

14 (4) *lessons learned; and*

15 (5) *any recommendations for legislative action*
16 *that may be required as a result.*

17 (e) *DEFINITIONS.—In this section, the terms “military*
18 *department”, “Defense Agency”, and “Defense Field Activ-*
19 *ity” have the meanings given those terms in section 101*
20 *of title 10, United States Code.*

21 **SEC. 860. RISK MANAGEMENT FOR DEPARTMENT OF DE-**
22 **FENSE PHARMACEUTICAL SUPPLY CHAINS.**

23 (a) *RISK MANAGEMENT FOR ALL DEPARTMENT OF*
24 *DEFENSE PHARMACEUTICAL SUPPLY CHAINS.—Not later*
25 *than one year after the date of the enactment of this Act,*

1 *the Under Secretary of Defense for Acquisition and*
2 *Sustainment shall—*

3 (1) *develop and issue implementing guidance for*
4 *risk management for Department of Defense supply*
5 *chains for pharmaceutical materiel for the Depart-*
6 *ment;*

7 (2) *identify, in coordination with the Secretary*
8 *of Health and Human Services, supply chain infor-*
9 *mation gaps regarding the Department's reliance on*
10 *foreign suppliers of drugs, including active pharma-*
11 *ceutical ingredients and final drug products; and*

12 (3) *submit to the Committees on Armed Services*
13 *of the Senate and the House of Representatives a re-*
14 *port regarding—*

15 (A) *existing information streams, if any,*
16 *that may be used to assess the reliance by the*
17 *Department of Defense on high-risk foreign sup-*
18 *pliers of drugs;*

19 (B) *vulnerabilities in the drug supply*
20 *chains of the Department of Defense; and*

21 (C) *any recommendations to address—*

22 (i) *information gaps identified under*
23 *paragraph (2); and*

24 (ii) *any risks related to such reliance*
25 *on foreign suppliers.*

1 **(b) RISK MANAGEMENT FOR DEPARTMENT OF DE-**
2 **FENSE PHARMACEUTICAL SUPPLY CHAIN.**—*The Director of*
3 *the Defense Health Agency shall—*

4 *(1) not later than one year after the issuance of*
5 *the guidance required under subsection (a)(1), develop*
6 *and publish implementing guidance for risk manage-*
7 *ment for the Department of Defense supply chain for*
8 *pharmaceuticals; and*

9 *(2) establish a working group—*

10 *(A) to assess risks to the Department’s*
11 *pharmaceutical supply chain;*

12 *(B) to identify the pharmaceuticals most*
13 *critical to beneficiary care at military treatment*
14 *facilities; and*

15 *(C) to establish policies for allocating scarce*
16 *pharmaceutical resources of the Department of*
17 *Defense in case of a supply disruption.*

18 **SEC. 861. STRATEGY FOR INCREASING COMPETITIVE OP-**
19 **PORTUNITIES FOR CERTAIN CRITICAL TECH-**
20 **NOLOGIES.**

21 **(a) STRATEGY.**—*Not later than one year after the date*
22 *of the enactment of this Act, the Secretary of Defense shall*
23 *submit to the congressional defense committees a com-*
24 *prehensive strategy to—*

1 (1) *increase competitive opportunities available*
2 *for appropriate United States companies to transi-*
3 *tion critical technologies into major weapon systems*
4 *and other programs of record; and*

5 (2) *enhance the integrity and diversity of the de-*
6 *fense industrial base.*

7 (b) *ELEMENTS.—The strategy required under sub-*
8 *section (a) shall include the following:*

9 (1) *A description of methods to increase opportu-*
10 *nities for appropriate United States companies to de-*
11 *velop end items of critical technologies for major*
12 *weapon systems, rapidly prototype such end items,*
13 *and conduct activities that would support the transi-*
14 *tion of such end items into major weapon systems*
15 *and programs of record, including—*

16 (A) *continuous experimentation or military*
17 *utility assessments to improve such end items;*

18 (B) *evaluation of how to integrate existing*
19 *commercial capabilities relating to such end*
20 *items of appropriate United States companies or*
21 *entities in the defense industrial base into major*
22 *weapon systems and programs of record in the*
23 *Department of Defense;*

24 (C) *efforts that improve the ability of ap-*
25 *propriate United States companies or entities in*

1 *the defense industrial base to maintain, afford,*
2 *or manufacture major weapon systems or compo-*
3 *nents for such systems; and*

4 (D) *development of alternative supply*
5 *sources for components of a major weapon sys-*
6 *tem to ensure the availability of component parts*
7 *and to support supply chain diversity.*

8 (2) *Processes to improve coordination by the*
9 *military departments and other elements of the De-*
10 *partment of Defense to carry out the strategy required*
11 *by this section.*

12 (c) *DEFINITIONS.—In this section:*

13 (1) *The term “appropriate United States com-*
14 *pany” means—*

15 (A) *a nontraditional defense contractor, as*
16 *defined in section 3014 of title 10, United States*
17 *Code; or*

18 (B) *a prime contractor that has entered*
19 *into a cooperative agreement with a nontradi-*
20 *tional defense contractor with the express intent*
21 *to pursue funding authorized by sections 4021*
22 *and 4022 of title 10, United States Code, in the*
23 *development, testing, or prototyping of critical*
24 *technologies.*

1 (2) *The term “major weapon system” has the*
2 *meaning given in section 3455 of title 10, United*
3 *States Code.*

4 (3) *The term “critical technology” means a tech-*
5 *nology identified as critical by the Secretary of De-*
6 *fense, which shall include the following:*

7 (A) *Biotechnology.*

8 (B) *Quantum science technology.*

9 (C) *Advanced materials.*

10 (D) *Artificial intelligence and machine*
11 *learning.*

12 (E) *Microelectronics.*

13 (F) *Space technology.*

14 (G) *Advanced computing and software.*

15 (H) *Hypersonics.*

16 (I) *Integrated sensing and cybersecurity.*

17 (J) *Autonomous systems.*

18 (K) *Unmanned systems.*

19 (L) *Advanced sensing systems.*

20 (M) *Advanced communications systems.*

21 **SEC. 862. KEY ADVANCED SYSTEM DEVELOPMENT INDUS-**
22 **TRY DAYS.**

23 (a) *IN GENERAL.—Not later than March 1, 2023, and*
24 *every 180 days thereafter, the each Secretary of a military*

1 *department shall ensure that such military department con-*
2 *ducts an outreach event to—*

3 *(1) collaborate with the private sector on present*
4 *current and future opportunities with respect to key*
5 *advanced system development areas;*

6 *(2) raise awareness within the private sector*
7 *of—*

8 *(A) key advanced system development areas;*

9 *and*

10 *(B) capability needs and existing and po-*
11 *tential requirements related to the key advanced*
12 *system development areas; and*

13 *(3) raise awareness within such military depart-*
14 *ment of potential material solutions for capability*
15 *needs and existing and potential requirements related*
16 *to key advanced system development areas.*

17 *(b) RESPONSIBILITIES.—*

18 *(1) SERVICE CHIEFS.—For each event a military*
19 *department conducts under subsection (a), the Service*
20 *Chief concerned shall, for each key advanced system*
21 *development area, perform the following:*

22 *(A) Identify related and potentially related*
23 *existing, planned, or potential military require-*
24 *ments, including urgent and emergent oper-*
25 *ational needs.*

1 (B) *Identify and describe related and poten-*
2 *tially related needs or gaps in the capabilities of*
3 *the military department to carry out the mis-*
4 *sions of the military department, including*
5 *warfighting and combat support capabilities.*

6 (C) *Identify and describe related and poten-*
7 *tially related exercise, demonstration, or experi-*
8 *mentation opportunities.*

9 (2) *ACQUISITION EXECUTIVES.—For each event a*
10 *military department conducts under subsection (a),*
11 *the service acquisition executive of the military de-*
12 *partment conducting the event shall, for each key ad-*
13 *vanced system development area, perform the fol-*
14 *lowing:*

15 (A) *Identify and describe related and poten-*
16 *tially related existing, planned, or potential ac-*
17 *quisition plans and strategies.*

18 (B) *Identify and describe related and poten-*
19 *tially related existing, planned, or potential*
20 *funding opportunities, including—*

21 (i) *broad agency announcements;*

22 (ii) *requests for information;*

23 (iii) *funding opportunity announce-*
24 *ments;*

25 (iv) *special program announcements;*

- 1 (v) requests for proposals;
- 2 (vi) requests for quotes;
- 3 (vii) special notices;
- 4 (viii) transactions pursuant to sections
- 5 4004, 4021, and 4022 of title 10, United
- 6 States Code;
- 7 (ix) unsolicited proposals; and
- 8 (x) other funding opportunities as de-
- 9 termined appropriate by the service acquisi-
- 10 tion executive.

11 (3) *DELEGATION.*—Each Service Chief concerned

12 and each service acquisition executive may delegate

13 the authority to carry out the tasks for which such in-

14 dividuals are responsible under this subsection.

15 (4) *REVIEWS AND COORDINATION.*—

16 (A) *INDUSTRY DAY REVIEWS.*—Promptly

17 after an event conducted by a military depart-

18 ment under subsection (a), the service acquisition

19 executive of such military department shall—

20 (i) disseminate a written review of

21 such event as broadly as practicable within

22 the Department of Defense; and

23 (ii) make such review publicly avail-

24 able on a website of the military depart-

25 ment.

1 (B) *CONSOLIDATION.*—*The Secretary of De-*
2 *fense and the Chairman of the Joint Chiefs of*
3 *Staff shall, periodically, jointly review and con-*
4 *solidate the reviews required by subparagraph*
5 *(A) to identify trends, eliminate redundancy,*
6 *and enhance efficiency with respect to events*
7 *conducted under subsection (a).*

8 (c) *FORM.*—*With respect to each event conducted under*
9 *subsection (a), the Secretary concerned shall seek to maxi-*
10 *mize industry and government participation, while mini-*
11 *mizing cost to the maximum extent practicable, by—*

12 (1) *holding the event at an unclassified security*
13 *level to the extent practicable;*

14 (2) *making the event publicly accessible through*
15 *teleconference or other virtual means; and*

16 (3) *making supporting materials for the event*
17 *publicly available on a website.*

18 (d) *DEFINITIONS.*—*In this section:*

19 (1) *MILITARY DEPARTMENTS; SECRETARY CON-*
20 *CERNED; SERVICE ACQUISITION EXECUTIVE.*—*The*
21 *terms “military departments”, “Secretary concerned”,*
22 *and “service acquisition executive” have the meanings*
23 *given such terms in section 101(a) of title 10, United*
24 *States Code.*

1 (2) *KEY ADVANCED SYSTEM DEVELOPMENT*
2 *AREA.*—*The term “key advanced system development*
3 *area” means the following:*

4 (A) *For the Department of the Navy—*
5 (i) *unmanned surface vessels;*
6 (ii) *unmanned underwater vessels;*
7 (iii) *unmanned deployable mobile*
8 *ocean systems;*
9 (iv) *unmanned deployable fixed ocean*
10 *systems; and*
11 (v) *autonomous unmanned aircraft*
12 *systems.*

13 (B) *For the Department of the Air Force,*
14 *autonomous unmanned aircraft systems.*

15 (C) *For the Department of the Army, au-*
16 *tonomous unmanned aircraft systems.*

17 (3) *SERVICE CHIEF.*—*The term “Service Chief*
18 *concerned” means—*

19 (A) *the Chief of Staff of the Army, with re-*
20 *spect to matters concerning the Department of*
21 *the Army;*

22 (B) *the Chief of Naval Operations and the*
23 *Commandant of the Marine Corps, with respect*
24 *to matters concerning the Department of the*
25 *Navy; and*

1 (C) the Chief of Staff of the Air Force, with
2 respect to matters concerning the Department of
3 the Air Force.

4 **Subtitle F—Small Business Matters**

5 **SEC. 871. CODIFICATION OF SMALL BUSINESS ADMINISTRA-** 6 **TION SCORECARD.**

7 (a) *IN GENERAL.*—Subsection (b) of section 868 of the
8 *National Defense Authorization Act for Fiscal Year 2016*
9 *(15 U.S.C. 644 note)* is transferred to section 15 of the
10 *Small Business Act (15 U.S.C. 644)*, inserted after sub-
11 section (x), redesignated as subsection (y), and amended—

12 (1) by striking paragraphs (1), (6), and (7);

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

15 (3) by redesignating paragraph (8) as para-
16 graph (6);

17 (4) in paragraph (1) (as so redesignated), by
18 striking “Beginning in” and all that follows through
19 “to evaluate” and inserting “The Administrator shall
20 use a scorecard to annually evaluate”;

21 (5) in paragraph (2) (as so redesignated)—

22 (A) by striking “the Federal agency” each
23 place it appears and inserting “a Federal agency
24 or the Federal Government, as applicable,”;

1 *(B) in the matter preceding subparagraph*
2 *(A)—*
3 *(i) by striking “developed under para-*
4 *graph (1)”*; and
5 *(ii) by inserting “and Government-*
6 *wide” after “each Federal agency”*; and
7 *(C) in subparagraph (A), by striking “sec-*
8 *tion 15(g)(1)(B) of the Small Business Act (15*
9 *U.S.C. 644(g)(1)(B))” and inserting “subsection*
10 *(g)(1)(B)”*;
11 *(6) in paragraph (3) (as so redesignated)—*
12 *(A) in subparagraph (A), by striking*
13 *“paragraph (3)(A)” and inserting “paragraph*
14 *(2)(A)”*; and
15 *(B) in subparagraph (B), by striking*
16 *“paragraph (3)” and inserting “paragraph (2)”*;
17 *(7) by inserting after paragraph (3) (as so red-*
18 *esignated) the following new paragraph:*
19 *“(4) ADDITIONAL REQUIREMENTS FOR SCORE-*
20 *CARDS.—The scorecard shall include, for each Federal*
21 *agency and Governmentwide, the following informa-*
22 *tion with respect to prime contracts:*
23 *“(A) The number (expressed as a percent-*
24 *age) and total dollar amount of awards made to*
25 *small business concerns owned and controlled by*

1 *women through sole source contracts and com-*
2 *petitions restricted to small business concerns*
3 *owned and controlled by women under section*
4 *8(m).*

5 “(B) *The number (expressed as a percent-*
6 *age) and total dollar amount of awards made to*
7 *small business concerns owned and controlled by*
8 *qualified HUBZone small business concerns*
9 *through sole source contracts and competitions*
10 *restricted to qualified HUBZone small business*
11 *concerns under section 31(c)(2).*

12 “(C) *The number (expressed as a percent-*
13 *age) and total dollar amount of awards made to*
14 *small business concerns owned and controlled by*
15 *service-disabled veterans through sole source con-*
16 *tracts and competitions restricted to small busi-*
17 *ness concerns owned and controlled by service-*
18 *disabled veterans under section 36.*

19 “(D) *The number (expressed as a percent-*
20 *age) and total dollar amount of awards made to*
21 *socially and economically disadvantaged small*
22 *business concerns under section 8(a) through sole*
23 *source contracts and competitions restricted to*
24 *socially and economically disadvantaged small*
25 *business concerns, disaggregated by awards made*

1 to such concerns that are owned and controlled
2 by individuals and awards made to such con-
3 cerns that are owned and controlled by an enti-
4 ty.”;

5 (8) in paragraph (5), by striking “section
6 15(h)(2) of the Small Business Act (15 U.S.C.
7 644(h)(2))” and inserting “subsection (h)(2)”; and

8 (9) by amending paragraph (6) (as so redesign-
9 ated) to read as follows:

10 “(6) *SCORECARD DEFINED.*—In this subsection,
11 the term ‘scorecard’ means any summary using a rat-
12 ing system to evaluate the efforts of a Federal agency
13 to meet goals established under subsection (g)(1)(B)
14 that—

15 “(A) includes the measures described in
16 paragraph (2); and

17 “(B) assigns a score to each Federal agency
18 evaluated.”.

19 (b) *CONFORMING AMENDMENT.*—Section 15(x)(2) of
20 the Small Business Act (15 U.S.C. 644(x)(2)) is amended
21 by striking “scorecard described in section 868(b) of the Na-
22 tional Defense Authorization Act for Fiscal Year 2016 (15
23 U.S.C. 644 note)” and inserting “scorecard (as defined in
24 subsection (y))”.

1 **SEC. 872. MODIFICATIONS TO THE SBIR AND STTR PRO-**
2 **GRAMS.**

3 (a) *CORRECTION TO STTR DISCLOSURE REQUIRE-*
4 *MENTS.*—Section 9(g)(13)(D) of the Small Business Act (15
5 U.S.C. 638(g)(13)(D)) is amended by striking “of concern”.

6 (b) *DUE DILIGENCE PROGRAM.*—

7 (1) *IN GENERAL.*—Until the date on which the
8 Under Secretary of Defense for Research and Engi-
9 neering makes the certification described in para-
10 graph (2), in carrying out the due diligence program
11 required under subsection (vv) of section 9 of the
12 Small Business Act (15 U.S.C. 638), the Secretary of
13 Defense and each Secretary of a military department
14 shall perform the assessments required under such due
15 diligence program—

16 (A) only with respect to small business con-
17 cerns selected by the applicable Secretary as the
18 presumptive recipient of an award described in
19 such subsection (vv); and

20 (B) prior to notifying the small business
21 concern that the small business concern has been
22 selected to receive such an award.

23 (2) *FULL IMPLEMENTATION.*—On the date on
24 which the Under Secretary of Defense for Research
25 and Engineering certifies to the Committees on
26 Armed Services of the Senate and the House of Rep-

1 *representatives that an automated capability for per-*
2 *forming the assessments required under the due dili-*
3 *gence program required under subsection (vv) of sec-*
4 *tion 9 of the Small Business Act (15 U.S.C. 638) with*
5 *respect to all small business concerns seeking an*
6 *award described in such subsection is operational,*
7 *paragraph (1) of this subsection shall sunset.*

8 **SEC. 873. ACCESS TO DATA ON BUNDLED OR CONSOLI-**
9 **DATED CONTRACTS.**

10 *(a) IN GENERAL.—Section 15(p) of the Small Business*
11 *Act (15 U.S.C. 644(p)) is amended—*

12 *(1) by amending paragraph (1) to read as fol-*
13 *lows:*

14 *“(1) BUNDLED OR CONSOLIDATED CONTRACT DE-*
15 *FINED.—In this subsection, the term ‘bundled or con-*
16 *solidated contract’ has the meaning given in sub-*
17 *section (s).”;*

18 *(2) in paragraph (4)—*

19 *(A) in the paragraph heading, by striking*
20 *“CONTRACT BUNDLING” and inserting “BUNDLED*
21 *OR CONSOLIDATED CONTRACTS”;*

22 *(B) in subparagraph (A), by striking “con-*
23 *tract bundling” and inserting “bundled or con-*
24 *solidated contracts”;*

25 *(C) in subparagraph (B)—*

1 *(i) in clause (i), by striking “bundled*
2 *contracts” and inserting “bundled or con-*
3 *solidated contracts”; and*

4 *(ii) in clause (ii)—*

5 *(I) in the matter preceding sub-*
6 *clause (I), by striking “bundled con-*
7 *tracts” and inserting “bundled or con-*
8 *solidated contracts”;*

9 *(II) in subclause (I), by striking*
10 *“were bundled” and inserting “were*
11 *included in bundled or consolidated*
12 *contracts”; and*

13 *(III) in subclause (II)—*

14 *(aa) in the matter preceding*
15 *item (aa), by striking “bundled*
16 *contract” and inserting “bundled*
17 *or consolidated contract”;*

18 *(bb) in items (aa), (dd), and*
19 *(ee) by inserting “or the consoli-*
20 *dation of contract requirements*
21 *(as applicable)” after “bundling*
22 *of contract requirements” each*
23 *place it appears;*

24 *(cc) in item (bb), by striking*
25 *“bundling the contract require-*

1 ments” and inserting “the bun-
2 dling of contract requirements or
3 the consolidation of contract re-
4 quirements (as applicable)”;

5 (dd) in item (cc), by striking
6 “the bundled status of contract re-
7 quirements” and inserting “con-
8 tract requirements in a bundled
9 or consolidated contract”; and

10 (ee) in item (ee), by striking
11 “consolidated requirements” and
12 inserting “contract”; and

13 (3) in paragraph (5)(B), by striking “provide,
14 upon request” and all that follows through the period
15 at the end and inserting the following: “provide to the
16 Administrator data and information described in
17 paragraphs (2) and (4).”.

18 (b) *TECHNICAL AMENDMENT.*—Section 15(p)(2) of the
19 *Small Business Act (15 U.S.C. 644(p))* is amended—

20 (1) by striking “DATABASE” in the paragraph
21 heading and all that follows through “Not later” and
22 inserting “DATABASE.—Not later”; and

23 (2) by redesignating clauses (i) and (ii) as sub-
24 paragraphs (A) and (B), respectively.

1 **SEC. 874. SMALL BUSINESS INTEGRATION WORKING**
2 **GROUP.**

3 (a) *IN GENERAL.*—Not later than 60 days after the
4 enactment of this Act, the Secretary of Defense shall issue
5 a charter to establish a small business integration working
6 group that—

7 (1) *ensures the integration and synchronization*
8 *of the activities of the military departments and other*
9 *components of the Department of Defense with respect*
10 *to small business concerns; and*

11 (2) *convenes not fewer than four times per year.*

12 (b) *MEMBERSHIP.*—The small business integration
13 working group chartered under subsection (a) shall be com-
14 prised of representatives from each of the following organi-
15 zations:

16 (1) *The small business office of each military de-*
17 *partment.*

18 (2) *The Small Business Innovation Research*
19 *Program and the Small Business Technology Transfer*
20 *Program (as such terms are defined in section 9(e) of*
21 *the Small Business Act (15 U.S.C. 638(e))) of each*
22 *military department.*

23 (3) *The office of the Under Secretary of Defense*
24 *for Acquisition and Sustainment.*

25 (4) *The office of the Under Secretary of Defense*
26 *for Research and Engineering.*

1 (5) *Any other office the Secretary of Defense de-*
2 *termines appropriate.*

3 (c) *BRIEFING REQUIRED.*—*Not later than March 1,*
4 *2023, the Secretary of Defense shall brief the Committee on*
5 *Armed Services of the Senate and the Committee on Armed*
6 *Services of the House of Representatives on the establish-*
7 *ment and activities of the small business integration work-*
8 *ing group chartered under subsection (a), the policies en-*
9 *acted by the small business integration working group to*
10 *allow for the sharing of best practices for maximizing the*
11 *contributions of small business concerns in the defense in-*
12 *dustrial base and in acquisitions by the Department of De-*
13 *fense, and practices for conducting oversight of the activities*
14 *of the military departments and other components of the*
15 *Department of Defense with respect to small business con-*
16 *cerns.*

17 (d) *DEFINITIONS.*—*In this section:*

18 (1) *MILITARY DEPARTMENT.*—*The term “mili-*
19 *tary department” has the meaning given such term in*
20 *section 101(a) of title 10, United States Code.*

21 (2) *SMALL BUSINESS CONCERN.*—*The term*
22 *“small business concern” has the meaning given such*
23 *term under section 3 of the Small Business Act (15*
24 *U.S.C. 632).*

1 **SEC. 875. DEMONSTRATION OF COMMERCIAL DUE DILI-**
2 **GENCE FOR SMALL BUSINESS PROGRAMS.**

3 (a) *DEMONSTRATION REQUIRED.*—Not later than De-
4 cember 31, 2027, the Secretary of Defense shall establish a
5 program to carry out a demonstration of commercial due
6 diligence tools, techniques, and processes in order to support
7 small businesses in identifying attempts by malicious for-
8 eign actors to gain undue access to, or foreign ownership,
9 control, or influence over—

10 (1) *the small business; or*

11 (2) *any technology a small business is developing*
12 *pursuant to a contract or other agreement with the*
13 *Department of Defense.*

14 (b) *ELEMENTS.*—The program required under sub-
15 section (a) shall include the following:

16 (1) *The identification of one or more entities to*
17 *be responsible for the commercial due diligence tools,*
18 *techniques, and processes that are part of a dem-*
19 *onstration under the program and a description of*
20 *the interactions required between such entity, small*
21 *businesses, and the government agencies that enforce*
22 *such tools, techniques, and processes.*

23 (2) *An assessment of commercial due diligence*
24 *tools, techniques, and processes already in use by each*
25 *Office of Small Business Programs.*

1 (3) *The development of methods to analyze the*
2 *commercial due diligence tools, techniques, and proc-*
3 *esses that are part of a demonstration under the pro-*
4 *gram to—*

5 (A) *monitor and assess attempts described*
6 *in subsection (a);*

7 (B) *provide information on such attempts*
8 *to applicable small businesses; and*

9 (C) *allow small businesses that are subject*
10 *to such attempts to provide information about*
11 *such attempts to the Secretary of Defense.*

12 (4) *The development of training and resources*
13 *for small businesses that can be shared directly with*
14 *such businesses or through a procurement technical*
15 *assistance program established under chapter 388 of*
16 *title 10, United States Code.*

17 (5) *The implementation of performance measures*
18 *to assess the effectiveness of such program.*

19 (c) *BRIEFING REQUIRED.—Not later than April 1,*
20 *2023, the Secretary of Defense shall provide to the congres-*
21 *sional defense committees an interim briefing on the pro-*
22 *gram required under subsection (a) that includes the fol-*
23 *lowing:*

24 (1) *An identification of any entity described in*
25 *subsection (b)(1).*

1 (2) *A description of the methodology for exe-*
2 *cuting any demonstrations under the program, in-*
3 *cluding any analytical tools or metrics identified to*
4 *support such a demonstration.*

5 (3) *A description of any identified instances of*
6 *attempts described in subsection (a).*

7 (4) *An identification of improvements or gaps in*
8 *resources, capabilities, or authorities, and other les-*
9 *sons learned from any demonstrations under the pro-*
10 *gram.*

11 (d) *ASSESSMENT.—Not later than March 1, 2028, the*
12 *Secretary shall submit to the congressional defense commit-*
13 *tees a report on the program required under subsection (a),*
14 *including any identified instances of attempts described in*
15 *such subsection, any lessons learned, and any recommenda-*
16 *tions for legislative action related to such program.*

17 (e) *DEFINITIONS.—In this section:*

18 (1) *The term “foreign ownership, control, or in-*
19 *fluence” has the meaning given in section 847 of the*
20 *National Defense Authorization Act for Fiscal Year*
21 *2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C.*
22 *4819 note).*

23 (2) *The term “Office of Small Business Pro-*
24 *grams” means—*

1 (A) *the Office of Small Business Programs*
2 *of the Department of Defense established under*
3 *section 144 of title 10, United States Code;*

4 (B) *the Office of Small Business Programs*
5 *of the Department of the Army established under*
6 *section 7024 of such title;*

7 (C) *the Office of Small Business Programs*
8 *of the Department of the Navy established under*
9 *section 8028 of such title; and*

10 (D) *the Office of Small Business Programs*
11 *of the Department of the Air Force established*
12 *under section 9024 of such title.*

13 **SEC. 876. DEVELOPMENT AND ASSESSMENT OF MISSION EF-**
14 **ECTIVENESS METRICS.**

15 (a) *IN GENERAL.*—*The Secretary of Defense, in coordi-*
16 *nation with the service acquisition executives (as defined*
17 *in section 101(a) of title 10, United States Code), shall con-*
18 *duct a study on the metrics necessary to assess the effective-*
19 *ness of the SBIR and STTR programs of the Department*
20 *of Defense in meeting the mission needs of the Department,*
21 *including by developing metrics and collecting and assess-*
22 *ing longitudinal data necessary for evaluation of those*
23 *metrics.*

24 (b) *ELEMENTS.*—*The study required under subsection*
25 *(a) shall include the following:*

1 (1) *An assessment of the measurable ways in*
2 *which the SBIR and STTR programs of the Depart-*
3 *ment of Defense support the mission needs of the De-*
4 *partment.*

5 (2) *The development of recurring, quantifiable*
6 *metrics for measuring the ability of the SBIR and*
7 *STTR programs of the Department to deliver prod-*
8 *ucts and services that meet the mission needs of the*
9 *Department.*

10 (3) *An evaluation of currently available data to*
11 *support the assessment of the metrics described in*
12 *paragraph (2), including the identification of areas*
13 *where gaps in the availability of such data exist that*
14 *may require collecting new data or modifying exist-*
15 *ing data.*

16 (4) *The identification of current means and*
17 *methods available to the Department for collecting*
18 *data in an automated fashion, including the identi-*
19 *fication of areas where gaps in the automated collec-*
20 *tion of data exist that may require new means for col-*
21 *lecting or visualizing data.*

22 (5) *The development of an analysis and assess-*
23 *ment methodology framework to make tradeoffs be-*
24 *tween the metrics described in paragraph (2) and ex-*
25 *isting commercialization benchmarks of the Depart-*

1 *ment to enhance the decision-making of the Depart-*
2 *ment regarding the benefits of the SBIR and STTR*
3 *programs of the Department.*

4 *(c) BRIEFINGS.—*

5 *(1) INTERIM BRIEFING.—Not later than six*
6 *months after the enactment of this Act, the Secretary*
7 *of Defense shall provide to the Committees on Armed*
8 *Services of the Senate and House of Representatives*
9 *a briefing on the development of the metrics described*
10 *in subsection (a) for the study required under such*
11 *subsection.*

12 *(2) FINAL BRIEFING.—Not later than one year*
13 *after the enactment of this Act, the Secretary of De-*
14 *fense shall provide to the Committees on Armed Serv-*
15 *ices of the Senate and House of Representatives a*
16 *briefing on the results of the study required under*
17 *subsection (a).*

18 ***Subtitle G—Other Matters***

19 ***SEC. 881. TECHNICAL CORRECTION TO EFFECTIVE DATE OF*** 20 ***THE TRANSFER OF CERTAIN TITLE 10 ACQUI-*** 21 ***SITION PROVISIONS.***

22 *(a) IN GENERAL.—The amendments made by section*
23 *1701(e) and paragraphs (1) and (2) of section 802(b) of*
24 *the National Defense Authorization Act for Fiscal Year*
25 *2022 (Public Law 117–81) shall be deemed to have taken*

1 *effect immediately before the amendments made by section*
2 *1881 of the William M. (Mac) Thornberry National Defense*
3 *Authorization Act for Fiscal Year 2021 (Public Law 116–*
4 *283; 134 Stat. 4293).*

5 (b) *TREATMENT OF SECTION 4027 REQUIREMENTS.—*
6 *An individual or entity to which the requirements under*
7 *section 4027 of title 10, United States Code, were applicable*
8 *during the period beginning on January 1, 2022, and end-*
9 *ing on the date of the enactment of this Act pursuant to*
10 *subsection (a) shall be deemed to have complied with such*
11 *requirements during such period.*

12 **SEC. 882. SECURITY CLEARANCE BRIDGE PILOT PROGRAM.**

13 (a) *IN GENERAL.—The Secretary of Defense, in con-*
14 *sultation with the Director of National Intelligence, shall*
15 *conduct a pilot program to allow the Defense Counterintel-*
16 *ligence and Security Agency to sponsor the personal secu-*
17 *rity clearances of the employees of innovative technology*
18 *companies that are performing a contract of the Depart-*
19 *ment of Defense while the Government completes the adju-*
20 *dications of the facility clearance application of such a inno-*
21 *vative technology company.*

22 (b) *ADDITIONAL REQUIREMENTS.—*

23 (1) *PERSONAL SECURITY CLEARANCE AUTHOR-*
24 *ITY.—*

1 (A) *IN GENERAL.*—Under the pilot pro-
2 gram, the Defense Counterintelligence and Secu-
3 rity Agency may nominate and sponsor the per-
4 sonal security clearances of the employees of an
5 innovative technology company.

6 (B) *LIMITATION.*—Under the pilot program,
7 the Defense Counterintelligence and Security
8 Agency may sponsor the personal security clear-
9 ances of employees of not more than 75 innova-
10 tive technology companies.

11 (2) *ADJUDICATION OF THE FACILITY CLEARANCE*
12 *APPLICATION.*—Any adjudication of a facility clear-
13 ance application of an innovative technology com-
14 pany described in subsection (a) shall include an as-
15 sessment and mitigation of foreign ownership, control,
16 or influence of the innovative technology company, as
17 applicable.

18 (c) *CLEARANCE TRANSFER.*—

19 (1) *IN GENERAL.*—Not later than 30 days after
20 an innovative technology company is granted facility
21 clearance, the Defense Counterintelligence and Secu-
22 rity Agency shall transfer any personal clearances of
23 employees of the innovative technology company held
24 by the Defense Counterintelligence and Security Agen-

1 *cy under the pilot program back to the innovative*
2 *technology company.*

3 (2) *DENIAL OF FACILITY CLEARANCE.*—*Not later*
4 *than 10 days after an innovative technology company*
5 *is denied facility clearance, the Defense Counterintel-*
6 *ligence and Security Agency shall release any per-*
7 *sonal clearances of employees of the innovative tech-*
8 *nology company held by the Defense Counterintel-*
9 *ligence and Security Agency under the pilot program.*

10 (d) *PARTICIPANT SELECTION.*—*The Under Secretary*
11 *of Defense for Research and Engineering, in consultation*
12 *with the Under Secretary of Defense for Acquisition and*
13 *Sustainment and the service acquisition executive of the*
14 *military department concerned (as such terms are defined,*
15 *respectively, in section 101 of title 10, United States Code),*
16 *shall select innovative technology companies to participate*
17 *in the pilot program.*

18 (e) *SUNSET.*—*The pilot program shall terminate on*
19 *December 31, 2028.*

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

21 (1) *FACILITY CLEARANCE.*—*The term “facility*
22 *clearance” has the meaning given the term “Facility*
23 *Clearance” in section 95.5 of title 10, Code of Federal*
24 *Regulations, or any successor regulation.*

1 (2) *FOREIGN OWNERSHIP, CONTROL, OR INFLU-*
2 *ENCE.*—*The term “foreign ownership, control, or in-*
3 *fluence” has the meaning given in section 847 of the*
4 *National Defense Authorization Act for Fiscal Year*
5 *2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C.*
6 *4819 note).*

7 (3) *INNOVATIVE TECHNOLOGY COMPANY.*—*The*
8 *term “innovative technology company” means a non-*
9 *traditional defense contractor (as defined in section*
10 *3014 of title 10, United States Code) that—*

11 (A) *provides goods or services related to—*

12 (i) *one or more of the 14 critical tech-*
13 *nology areas described in the memorandum*
14 *by the Under Secretary of Defense for Re-*
15 *search and Engineering issued on February*
16 *1, 2022, entitled “USD(R&E) Technology*
17 *Vision for an Era of Competition”;* or

18 (ii) *information technology, software,*
19 *or hardware that is unavailable from any*
20 *other entity that possesses a facility clear-*
21 *ance; and*

22 (B) *is selected by the Under Secretary of*
23 *Defense for Research and Engineering under sub-*
24 *section (d) to participate in the pilot program.*

1 (4) *PERSONAL SECURITY CLEARANCE.*—*The term*
2 “*personal security clearance*” *means the security*
3 *clearance of an individual who has received approval*
4 *from the Department of Defense to access classified*
5 *information.*

6 (5) *PILOT PROGRAM.*—*The term “pilot program”*
7 *means the pilot program established under subsection*
8 *(a).*

9 **SEC. 883. EXISTING AGREEMENT LIMITS FOR OPERATION**
10 **WARP SPEED.**

11 *The value of any modification to, or order made under,*
12 *a contract or other agreement by the Department of Defense*
13 *on or after March 1, 2020, to address the COVID–19 pan-*
14 *demic through vaccines and other therapeutic measures*
15 *shall not be counted toward any limit established prior to*
16 *March 1, 2020, on the total estimated amount of all projects*
17 *to be issued under the contract or other agreement (except*
18 *that the value of such modification or order shall count to-*
19 *ward meeting any guaranteed minimum value under the*
20 *contract or other agreement).*

21 **SEC. 884. INCORPORATION OF CONTROLLED UNCLASSIFIED**
22 **INFORMATION GUIDANCE INTO PROGRAM**
23 **CLASSIFICATION GUIDES AND PROGRAM PRO-**
24 **TECTION PLANS.**

25 *(a) UPDATES REQUIRED.—*

1 (1) *IN GENERAL.*—*The Secretary of Defense*
2 *shall, acting through the Under Secretary of Defense*
3 *for Intelligence and Security and the Under Secretary*
4 *of Defense for Research and Engineering, ensure that*
5 *all program classification guides (for classified pro-*
6 *grams) and all program protection plans (for unclas-*
7 *sified programs) include guidance for the proper*
8 *marking for controlled unclassified information at*
9 *their next regularly scheduled update.*

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

12 (A) *A requirement to use document portion*
13 *markings for controlled unclassified information.*

14 (B) *A process to ensure controlled unclassi-*
15 *fied information document portion markings are*
16 *used properly and consistently.*

17 (b) *MONITORING OF PROGRESS.*—*In tracking the*
18 *progress in carrying out subsection (a), the Under Secretary*
19 *of Defense for Intelligence and Security and the Under Sec-*
20 *retary of Defense for Research and Engineering shall imple-*
21 *ment a process for monitoring progress that includes the*
22 *following:*

23 (1) *Tracking of all program classification guides*
24 *and program protection plans so they include docu-*
25 *ment portion marking for controlled unclassified in-*

1 *formation, and the dates when controlled unclassified*
2 *information guidance updates are completed.*

3 *(2) Updated training in order to ensure that all*
4 *government and contractor personnel using the guides*
5 *described in subsection (a)(1) receive instruction, as*
6 *well as periodic spot checks, to ensure that training*
7 *is sufficient and properly implemented to ensure con-*
8 *sistent application of document portion marking*
9 *guidance.*

10 *(3) A process for feedback to ensure that any*
11 *identified gaps or lessons learned are incorporated*
12 *into guidance and training instructions.*

13 *(c) REQUIRED COMPLETION.—The Secretary shall en-*
14 *sure that the updates required by subsection (a) are com-*
15 *pleted before January 1, 2029.*

16 **TITLE IX—DEPARTMENT OF DE-**
17 **FENSE ORGANIZATION AND**
18 **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, is*
 8 *amended by adding at the end the following new paragraph:*

9 *“(8) One of the Assistant Secretaries is the Assistant*
 10 *Secretary of Defense for Cyber Policy. The principal duty*
 11 *of the Assistant Secretary shall be the overall supervision*
 12 *of policy of the Department of Defense for cyber. The Assist-*
 13 *ant Secretary is the Principal Cyber Advisor described in*
 14 *section 392a(a) of this title.”*

15 *(b) INCREASE IN AUTHORIZED NUMBER OF ASSISTANT*
 16 *SECRETARIES OF DEFENSE.—*

17 *(1) INCREASE.—Section 138(a)(1) of title 10,*
 18 *United States Code, is amended by striking “15” and*
 19 *inserting “19”.*

20 *(2) CONFORMING AMENDMENT.—Section 5315 of*
 21 *title 5, United States Code, is amended by striking*

1 *“Assistant Secretaries of Defense (14).” and inserting*
2 *“Assistant Secretaries of Defense (19).”.*

3 (c) *INCREASE IN AUTHORIZED NUMBER OF DEPUTY*
4 *ASSISTANT SECRETARIES OF DEFENSE.—*

5 (1) *INCREASE.—Section 138 of title 10, United*
6 *States Code, is amended by adding at the end the fol-*
7 *lowing new subsection:*

8 *“(e) The number of Deputy Assistant Secretaries of De-*
9 *fense may not exceed 60.”.*

10 (2) *CONFORMING REPEAL.—Section 908 of the*
11 *National Defense Authorization Act for Fiscal Year*
12 *2018 (Public Law 115–91; 131 Stat. 1514; 10 U.S.C.*
13 *138 note) is repealed.*

14 (d) *ADDITIONAL AMENDMENTS.—Section 138(b) of*
15 *title 10, United States Code, is amended—*

16 (1) *in paragraph (2)(A)—*

17 (A) *in the second sentence in the matter*
18 *preceding clause (i), by striking “He shall have*
19 *as his principal duty” and inserting “The prin-*
20 *cipal duty of the Assistant Secretary shall be”;*
21 *and*

22 (B) *in clause (ii), by striking subclause*
23 *(III);*

24 (2) *in paragraph (3), in the second sentence, by*
25 *striking “He shall have as his principal duty” and*

1 *inserting “The principal duty of the Assistant Sec-*
2 *retary shall be”;*

3 *(3) in paragraph (4)—*

4 *(A) in subparagraph (A), by striking the*
5 *semicolon and inserting “; and”;*

6 *(B) in subparagraph (B), by striking “;*
7 *and” inserting a period; and*

8 *(C) by striking subparagraph (C); and*

9 *(4) in paragraph (6), by striking “shall—” and*
10 *all that follows and inserting “shall advise the Under*
11 *Secretary of Defense for Acquisition and Sustainment*
12 *on industrial base policies.”.*

13 *(e) EVALUATION AND REVIEW.—Section 1504 of the*
14 *National Defense Authorization Act for Fiscal Year 2022*
15 *(Public Law 117–81; 135 Stat. 2022) is amended—*

16 *(1) in subsection (a), by striking “Not later than*
17 *180 days after the date of the enactment of this Act”*
18 *and inserting “Not later than April 1, 2023”; and*

19 *(2) in subsection (b)—*

20 *(A) in paragraph (13), by striking “and”*
21 *at the end;*

22 *(B) by redesignating paragraph (14) as*
23 *paragraph (17); and*

24 *(C) by inserting after paragraph (13) the*
25 *following new paragraphs:*

1 “(14) assess the need to retain or modify the re-
2 lationships, authorities, roles, and responsibilities of
3 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 stat-
14 utes affecting the organizational construct of the De-
15 partment of Defense to improve the oversight, man-
16 agement, 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 amend-*
5 *ed—*

6 *(1) in subsection (c)(2), by striking “the Chief*
7 *Management Officer of the Department of Defense, the*
8 *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, the*
12 *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 Chief*
16 *Management Officer” and inserting “the Chief*
17 *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 of*
23 *the Department of Defense” and insert-*
24 *ing “The Chief Information Officer of*
25 *the Department of Defense, in coordi-*

1 *nation with the Chief Data and Artificial Intelligence Officer,”; and*
2

3 *(II) in the second sentence, by*
4 *striking “the Chief Management Officer*
5 *shall” and inserting “the Chief Information*
6 *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 Officer*
14 *and”;* and

15 *(B) in paragraph (2)—*

16 *(i) by redesignating subparagraphs (A)*
17 *and (B) as subparagraphs (B) and (C), re-*
18 *spectively;*

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 ignated, by adding at the end the following
3 new clause:

4 “(iv) The Chief Data and Artificial In-
5 telligence Officer of the Department of De-
6 fense.”;

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 Chief
11 Management Officer” and inserting “the Chief Infor-
12 mation 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 Act
18 or otherwise made available for fiscal year 2023 for oper-
19 ation and maintenance, Defense-wide, for the Office of the
20 Secretary of Defense, not more than 90 percent may be obli-
21 gated or expended until the Secretary of Defense dem-
22 onstrates 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 required*
3 *by annual national defense authorization Acts, as-*
4 *signing responsibility for preparation of such reports,*
5 *and managing the completion and delivery of such re-*
6 *ports 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 that*
10 *process using secure credentials;*

11 *(B) rapid automatic ingestion of data pro-*
12 *vided by those committees with respect to reports*
13 *and briefings required to be submitted to Con-*
14 *gress in a comma-separated value spreadsheet;*

15 *(C) sortable and exportable database views*
16 *for tracking and research purposes;*

17 *(D) automated notification of relevant con-*
18 *gressional staff and archival systems; and*

19 *(E) integration with Microsoft Office.*

20 **SEC. 904. LIMITATION ON USE OF FUNDS PENDING COMPLI-**
21 **ANCE WITH REQUIREMENTS RELATING TO**
22 **ALIGNMENT OF CLOSE COMBAT LETHALITY**
23 **TASK FORCE.**

24 *Of the funds authorized to be appropriated by this Act*
25 *or otherwise made available for fiscal year 2023 for oper-*

1 *ation and maintenance, Defense-wide, for the Office of the*
2 *Secretary of Defense, not more than 75 percent may be obli-*
3 *gated or expended until the Department of Defense complies*
4 *with the requirements of section 911 of the National Defense*
5 *Authorization Act for Fiscal Year 2022 (Public Law 117–*
6 *81; 135 Stat. 1878) (relating to alignment of the Close Com-*
7 *bat Lethality Task Force).*

8 ***Subtitle B—Other Department of***
9 ***Defense Organization and Man-***
10 ***agement Matters***

11 ***SEC. 911. UPDATES TO MANAGEMENT REFORM FRAME-***
12 ***WORK.***

13 *Section 125a of title 10, United States Code, is amend-*
14 *ed—*

15 *(1) in subsection (c)—*

16 *(A) in paragraph (1), by striking “2022”*
17 *and inserting “2023”; and*

18 *(B) in paragraph (3), by inserting “the Di-*
19 *rector for Administration and Management of*
20 *the Department of Defense,” after “the Chief In-*
21 *formation Officer of the Department of Defense,”;*
22 *and*

23 *(2) in subsection (d)—*

24 *(A) by redesignating paragraph (6) as*
25 *paragraph (9); and*

1 (B) by inserting after paragraph (5) the fol-
2 lowing new paragraphs:

3 “(6) Development and implementation of a uni-
4 form methodology for tracking and assessing cost sav-
5 ings and cost avoidance from reform initiatives.

6 “(7) Implementation of reform-focused research
7 to improve management and administrative science.

8 “(8) Tracking and implementation of techno-
9 logical approaches to improve management decision-
10 making, such as artificial intelligence tools.”.

11 **SEC. 912. BRIEFING ON CHANGES TO UNIFIED COMMAND**
12 **PLAN.**

13 Paragraph (2) of section 161(b) of title 10, United
14 States Code, is amended to read as follows:

15 “(2) Except during time of hostilities or imminent
16 threat of hostilities, the President shall—

17 “(A) not more than 60 days after establishing a
18 new combatant command—

19 “(i) notify Congress of the establishment of
20 such command; and

21 “(ii) provide to Congress a briefing on the
22 establishment of such command; and

23 “(B) not more than 60 days after significantly
24 revising the missions, responsibilities, or force struc-
25 ture of an existing combatant command—

1 “(i) notify Congress of such revisions; and
2 “(ii) provide to Congress a briefing on such
3 revisions.”.

4 **SEC. 913. CLARIFICATION OF PEACETIME FUNCTIONS OF**
5 **THE NAVY.**

6 Section 8062(a) of title 10, United States Code, is
7 amended—

8 (1) in the second sentence, by striking “pri-
9 marily” and inserting “for the peacetime promotion
10 of the national security interests and prosperity of the
11 United States and”; and

12 (2) in the third sentence, by striking “for the ef-
13 fective prosecution of war” and inserting “for the du-
14 ties described in the preceding sentence”.

15 **SEC. 914. RESPONSIBILITIES AND FUNCTIONS RELATING**
16 **TO ELECTROMAGNETIC SPECTRUM OPER-**
17 **ATIONS.**

18 Section 1053(g) of the John S. McCain National De-
19 fense Authorization Act for Fiscal Year 2019 (Public Law
20 115–232; 10 U.S.C. 113 note) is amended—

21 (1) in the subsection heading, by striking
22 “TRANSFER OF RESPONSIBILITIES AND FUNCTIONS
23 RELATING TO ELECTROMAGNETIC SPECTRUM OPER-
24 ATIONS” and inserting “REPORT ON APPROPRIATE
25 ALIGNMENT OF RESPONSIBILITIES AND FUNCTIONS

1 *RELATING TO ELECTROMAGNETIC SPECTRUM OPER-*
2 *ATIONS; EVALUATIONS”;*

3 *(2) by striking paragraphs (1), (2), and (5);*

4 *(3) by inserting the following new paragraph*
5 *(1):*

6 *“(1) REPORT REQUIRED.—*

7 *“(A) IN GENERAL.—Not later than March*
8 *31, 2023, the Secretary of Defense shall submit*
9 *to the congressional defense committees a report*
10 *on the appropriate alignment of electromagnetic*
11 *spectrum operations responsibilities and func-*
12 *tions.*

13 *“(B) CONSIDERATIONS.—In developing the*
14 *report required by subparagraph (A), the Sec-*
15 *retary of Defense shall consider the following:*

16 *“(i) The appropriate role of each exist-*
17 *ing organization and element of the Depart-*
18 *ment of Defense with responsibilities or*
19 *functions relating to electromagnetic spec-*
20 *trum operations and the potential establish-*
21 *ment of a new entity dedicated electro-*
22 *magnetic spectrum operations within one or*
23 *more of those organizations or elements.*

1 “(ii) *Whether the organizational struc-*
2 *ture responsible for electromagnetic spec-*
3 *trum operations within the Department—*

4 “(I) *should be a unitary structure,*
5 *in which a single organization or ele-*
6 *ment is primarily responsible for all*
7 *aspects of such operations; or*

8 “(II) *a hybrid structure, in which*
9 *separate organizations or elements are*
10 *responsible for different aspects of elec-*
11 *tromagnetic spectrum operations.*

12 “(iii) *The resources required to fulfill*
13 *the specified responsibilities and func-*
14 *tions.”; and*

15 (4) *by redesignating paragraphs (3) and (4) as*
16 *paragraphs (2) and (3), respectively.*

17 **SEC. 915. JOINT ALL DOMAIN COMMAND AND CONTROL.**

18 (a) *DIRECTION AND CONTROL OF JOINT ALL DOMAIN*
19 *COMMAND AND CONTROL.—The Deputy Secretary of De-*
20 *fense, in coordination with the Vice Chairman of the Joint*
21 *Chiefs of Staff, shall oversee joint all domain command and*
22 *control (commonly known as “JADC2”) to ensure—*

23 (1) *close collaboration with the Joint Require-*
24 *ments Oversight Council, the combatant commands,*
25 *and the military services regarding operational re-*

1 *quirements and requirements satisfaction relating to*
2 *joint all domain command and control; and*

3 *(2) objective assessments to the Deputy Secretary*
4 *and Vice Chairman about the progress of the Depart-*
5 *ment of Defense in achieving the objectives of joint all*
6 *domain command and control.*

7 *(b) DEMONSTRATIONS AND FIELDING OF MISSION*
8 *THREADS.—*

9 *(1) IN GENERAL.—The Deputy Secretary and*
10 *Vice Chairman shall take the following actions in*
11 *support of the objectives described in paragraph (2):*

12 *(A) In consultation with the Commander of*
13 *the United States Indo-Pacific Command and*
14 *the commanders of such other combatant com-*
15 *mands as may be designated by the Deputy Sec-*
16 *retary—*

17 *(i) identify a prioritized list of dif-*
18 *ficult mission-critical operational challenges*
19 *specific to the area of operations of the des-*
20 *ignated commands;*

21 *(ii) design and recommend resourcing*
22 *options, through the Office of Cost Analysis*
23 *and Program Evaluation and the Manage-*
24 *ment Action Group of the Deputy Sec-*
25 *retary, a series of multi-domain, multi-serv-*

1 *ice and multi-agency, multi-platform, and*
2 *multisystem end-to-end integrated kinetic*
3 *and non-kinetic mission threads, including*
4 *necessary battle management functions, to*
5 *solve the operational challenges identified in*
6 *clause (i);*

7 *(iii) demonstrate the ability to execute*
8 *the integrated mission threads identified in*
9 *clause (ii) in realistic conditions on a re-*
10 *peatable basis, including the ability to*
11 *achieve, through mission integration soft-*
12 *ware, interoperability among effects chain*
13 *components that do not conform to common*
14 *interface standards, including the use of the*
15 *System of Systems Technology Integration*
16 *Tool Chain for Heterogeneous Electronic*
17 *Systems (commonly known as “STITCH-*
18 *ES”)* managed by the 350th Spectrum War-
19 *fare Wing of the Department of the Air*
20 *Force; and*

21 *(iv) create a plan to deploy the mission*
22 *threads to the area of operations of the*
23 *United States Indo-Pacific Command and*
24 *such other combatant commands as may be*
25 *designated by Deputy Secretary, and exe-*

1 *cute the mission threads at the scale and*
2 *pace required to solve the identified oper-*
3 *ational challenges, including necessary lo-*
4 *gistics and sustainment capabilities.*

5 *(B) Designate organizations to serve as*
6 *transition partners for integrated mission*
7 *threads and ensure such integrated mission*
8 *threads are maintained and exercised as oper-*
9 *ational capabilities in the United States Indo-*
10 *Pacific Command and such other combatant*
11 *commands as may be designated by Deputy Sec-*
12 *retary.*

13 *(C) Designate organizations and elements of*
14 *the Department of Defense as the Deputy Sec-*
15 *retary determines appropriate to be responsible*
16 *for—*

17 *(i) serving as mission managers for*
18 *composing and demonstrating the inte-*
19 *grated mission threads under the mission*
20 *management pilot program established by*
21 *section 871 of the National Defense Author-*
22 *ization Act for Fiscal Year 2022 (Public*
23 *Law 117–81; 10 U.S.C. 191 note);*

24 *(ii) providing continuing support and*
25 *sustainment for, and training and exer-*

1 *cising of, the integrated mission threads*
2 *under the operational command of the Com-*
3 *mander of United States Indo-Pacific Com-*
4 *mand and such other combatant commands*
5 *as may be designated by Deputy Secretary;*

6 *(iii) planning and executing experi-*
7 *mentation and demonstrations with—*

8 *(I) Joint data integration ap-*
9 *proaches;*

10 *(II) mission integration capabili-*
11 *ties, especially software; and*

12 *(III) Joint tactics, techniques,*
13 *and procedures;*

14 *(iv) assisting in fielding mission inte-*
15 *gration software to encourage the develop-*
16 *ment and employment of such software on*
17 *a larger scale, especially at the designated*
18 *combatant commands;*

19 *(v) assessing and integrating, as ap-*
20 *propriate, the capabilities of Assault Break-*
21 *er II, developed by the Defense Advanced*
22 *Research Projects Agency, and related devel-*
23 *opmental efforts as those efforts transition*
24 *to operational deployment; and*

1 (vi) *integrating joint all domain com-*
2 *mand and control mission threads and mis-*
3 *sion command and control, including in*
4 *conflicts that arise with minimal warning,*
5 *and exercising other joint all domain com-*
6 *mand and control capabilities and func-*
7 *tions.*

8 (D) *Integrate the planning and demonstra-*
9 *tions of the mission threads with—*

10 (i) *the Production, Exploitation, and*
11 *Dissemination Center in the United States*
12 *Indo-Pacific Command;*

13 (ii) *the Family of Integrated Targeting*
14 *Cells; and*

15 (iii) *the tactical dissemination and in-*
16 *formation sharing systems for the Armed*
17 *Forces and allies of the United States, in-*
18 *cluding the Mission Partner Environment*
19 *and the Maven Smart System.*

20 (2) *OBJECTIVES DESCRIBED.—The objectives de-*
21 *scribed in this paragraph are the following—*

22 (A) *to support the emphasis of the National*
23 *Defense Strategy on adversary-specific deterrence*
24 *postures;*

1 (B) to support actions that can be taken
2 within the period covered by the future-years de-
3 fense program focused on—

4 (i) critical mission threads, such as ki-
5 netic kill chains and non-kinetic effects
6 chains; and

7 (ii) integrated concepts of operation;

8 (C) to support demonstrations and experi-
9 mentation; and

10 (D) to achieve the objectives of the Joint All
11 Domain Command and Control Strategy and
12 Implementation Plan approved by the Deputy
13 Secretary of Defense.

14 (c) *PERFORMANCE GOALS.*—The Deputy Secretary,
15 the Vice Chairman, and the commanders of such other com-
16 batant commands as may be designated by the Deputy Sec-
17 retary shall seek to—

18 (1) beginning in the third quarter of fiscal year
19 2023, demonstrate new integrated mission threads on
20 a regularly recurring basis multiple times each year;
21 and

22 (2) include such demonstrations, as feasible, in
23 the Rapid Defense Experimentation Reserve cam-
24 paign of experimentation, Valiant Shield, Northern
25 Edge, the Large Scale Global Exercise, the quarterly

1 *Scarlet Dragon exercises, the Global Information*
2 *Dominance Experiments, and annual force exercises*
3 *in the area of responsibility of the United States*
4 *Indo-Pacific Command.*

5 *(d) DEFINITIONS.—In this section:*

6 *(1) The term “Deputy Secretary” means the*
7 *Deputy Secretary of Defense.*

8 *(2) The term “Family of Integrated Targeting*
9 *Cells” means the Maritime Targeting Cell-Afloat, the*
10 *Maritime Targeting Cell-Expeditionary, the Tactical*
11 *Intelligence Targeting Access Node, Tactical Oper-*
12 *ations Center Medium/Light, and other interoperable*
13 *command and control nodes that are able to task the*
14 *collection of, receive, process, and disseminate track*
15 *and targeting information from many sensing sys-*
16 *tems in disconnected, denied, intermittent or limited*
17 *bandwidth conditions.*

18 *(3) The term “joint all domain command and*
19 *control” refers to the warfighting capabilities that*
20 *support commander decision making at all echelons*
21 *from campaigning to conflict, across all domains, and*
22 *with partners, to deliver information advantage.*

23 *(4) The term “mission command” is the employ-*
24 *ment of military operations through decentralized exe-*

1 *ction based upon mission-type orders and the intent*
2 *of commanders.*

3 (5) *The terms “mission thread”, “kill chain”,*
4 *and “effects chain” have the meanings given those*
5 *terms in the publication of the Office of the Under*
6 *Secretary of Defense for Research and Engineering ti-*
7 *tled “Mission Engineering Guide” and dated Novem-*
8 *ber 2020.*

9 (6) *The term “Vice Chairman” means the Vice*
10 *Chairman of the Joint Chiefs of Staff.*

11 **SEC. 916. STRATEGIC MANAGEMENT DASHBOARD DEM-**
12 **ONSTRATION.**

13 (a) *IN GENERAL.*—*Not later than one year after the*
14 *date of the enactment of this Act, the Secretary of Defense*
15 *shall conduct a demonstration of a strategic management*
16 *dashboard to automate the data collection and data visual-*
17 *ization of the primary management goals of the Depart-*
18 *ment of Defense.*

19 (b) *ELEMENTS.*—*The Secretary of Defense shall ensure*
20 *that the strategic management dashboard demonstrated*
21 *under subsection (a) includes the following:*

22 (1) *The capability for real-time monitoring of*
23 *the performance of the Department of Defense in*
24 *meeting the management goals of the Department.*

1 (2) *An integrated analytics capability, including*
2 *the ability to dynamically add or upgrade new capa-*
3 *bilities when needed.*

4 (3) *Integration with the framework required by*
5 *subsection (c) of section 125a of title 10, United*
6 *States Code, for measuring the progress of the Depart-*
7 *ment toward covered elements of reform (as defined in*
8 *subsection (d) of that section).*

9 (4) *Incorporation of the elements of the strategic*
10 *management plan required by section 904(d) of the*
11 *National Defense Authorization Act of Fiscal Year*
12 *2008 (Public Law 110–181; 10 U.S.C. note prec.*
13 *2201), as derived from automated data feeds from ex-*
14 *isting information systems and databases.*

15 (5) *Incorporation of the elements of the most re-*
16 *cent annual performance plan of the Department re-*
17 *quired by section 1115(b) of title 31, United States*
18 *Code, and the most recent update on performance of*
19 *the Department required by section 1116 of that title.*

20 (6) *Use of artificial intelligence and machine*
21 *learning tools to improve decision making and assess-*
22 *ment relating to data analytics.*

23 (7) *Adoption of leading and lagging indicators*
24 *for key strategic management goals.*

25 (c) *AUTHORITIES.—*

1 (1) *IN GENERAL.*—*In conducting the demonstra-*
2 *tion required by subsection (a), the Secretary of De-*
3 *fense may use the authorities described in paragraph*
4 *(2), and such other authorities as the Secretary con-*
5 *siders appropriate—*

6 *(A) to help accelerate the development of in-*
7 *novative technological or process approaches; and*

8 *(B) to attract new entrants to solve the data*
9 *management and visualization challenges of the*
10 *Department.*

11 (2) *AUTHORITIES DESCRIBED.*—*The authorities*
12 *described in this paragraph are the authorities pro-*
13 *vided under the following provisions of law:*

14 *(A) Section 4025 of title 10, United States*
15 *Code (relating to prizes for advanced technology*
16 *achievements).*

17 *(B) Section 217 of the National Defense Au-*
18 *thorization Act for Fiscal Year 2016 (Public*
19 *Law 114–92; 10 U.S.C. 2222 note) (relating to*
20 *science and technology activities to support busi-*
21 *ness systems information technology acquisition*
22 *programs).*

23 *(C) Section 908 of the National Defense Au-*
24 *thorization Act for Fiscal Year 2022 (Public*

1 *Law 117–81; 10 U.S.C. 129a note) (relating to*
2 *management innovation activities).*

3 *(d) USE OF BEST PRACTICES.—In conducting the*
4 *demonstration required by subsection (a), the Secretary of*
5 *Defense shall leverage commercial best practices in manage-*
6 *ment and leading research in management and data*
7 *science.*

8 *(e) STRATEGIC MANAGEMENT DASHBOARD DE-*
9 *FINED.—In this section, the term “strategic management*
10 *dashboard” means a system for dynamically displaying*
11 *management metrics, performance goals, and other infor-*
12 *mation necessary for Department of Defense leadership to*
13 *make strategic decisions related to the management of the*
14 *Department using modern, commercial practices for data*
15 *visualization and drawn from existing automated informa-*
16 *tion systems available to the Department.*

17 **SEC. 917. DEMONSTRATION PROGRAM FOR COMPONENT**
18 **CONTENT MANAGEMENT SYSTEMS.**

19 *(a) IN GENERAL.—Not later than July 1, 2023, the*
20 *Chief Information Officer of the Department of Defense, in*
21 *coordination with the official designated under section*
22 *238(b) of the John S. McCain National Defense Authoriza-*
23 *tion Act for Fiscal Year 2019 (Public Law 115–232; 10*
24 *U.S.C. note prec. 4061), shall complete a pilot program to*

1 *demonstrate the application of component content manage-*
2 *ment systems to a distinct set of data of the Department.*

3 (b) *SELECTION OF DATA SET.*—*In selecting a distinct*
4 *set of data of the Department for purposes of the pilot pro-*
5 *gram required by subsection (a), the Chief Information Offi-*
6 *cer shall consult with, at a minimum, the following:*

7 (1) *The Office of the Secretary of Defense, with*
8 *respect to directives, instructions, and other regu-*
9 *latory documents of the Department.*

10 (2) *The Office of the Secretary of Defense and the*
11 *Joint Staff, with respect to execution orders.*

12 (3) *The Office of the Under Secretary of Defense*
13 *for Research and Engineering and the military de-*
14 *partments, with respect to technical manuals.*

15 (4) *The Office of the Under Secretary of Defense*
16 *for Acquisition and Sustainment, with respect to*
17 *Contract Data Requirements List documents.*

18 (c) *AUTHORITY TO ENTER INTO CONTRACTS.*—*Subject*
19 *to the availability of appropriations, the Secretary of De-*
20 *fense may enter into contracts or other agreements with*
21 *public or private entities to conduct studies and demonstra-*
22 *tion projects under the pilot program required by subsection*
23 *(a).*

24 (c) *BRIEFING REQUIRED.*—*Not later than 60 days*
25 *after the date of the enactment of this Act, the Chief Infor-*

1 *mation Officer shall provide to the congressional defense*
2 *committees a briefing on plans to implement the pilot pro-*
3 *gram required by subsection (a).*

4 *(d) COMPONENT CONTENT MANAGEMENT SYSTEM DE-*
5 *FINED.—In this section, the term “component content man-*
6 *agement system” means any content management system*
7 *that enables the management of content at a component*
8 *level instead of at the document level.*

9 **SEC. 918. REPORT ON POTENTIAL TRANSITION OF ALL**
10 **MEMBERS OF THE SPACE FORCE INTO A SIN-**
11 **GLE COMPONENT.**

12 *(a) REPORT REQUIRED.—Not later than March 1,*
13 *2023, the Secretary of Defense shall submit to the Commit-*
14 *tees on Armed Services of the Senate and the House of Rep-*
15 *resentatives a report on the proposal of the Air Force to*
16 *transition the Space Force into a single component (in this*
17 *section referred to as the Space Component)—*

18 *(1) that consists of all members of the Space*
19 *Force, without regard to whether such a member is,*
20 *under laws in effect at the time of the report, in the*
21 *active or reserve component of the Space Force; and*

22 *(2) in which such members may transfer between*
23 *duty statuses more freely than would otherwise be al-*
24 *lowed under the laws in effect at the time of the re-*
25 *port.*

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

3 (1) *A plan that describes any rules, regulations,*
4 *policies, guidance, and statutory provisions that may*
5 *be implemented to govern—*

6 (A) *the ability of a member of the Space*
7 *Component to transfer between duty statuses, the*
8 *number of members authorized to make such*
9 *transfers, and the timing of such transfers;*

10 (B) *the retirement of members of the Space*
11 *Component, including the determination of a*
12 *member’s eligibility for retirement and the cal-*
13 *culatation of the retirement benefits (including*
14 *benefits under laws administered by the Sec-*
15 *retary of Veterans Affairs) to which the member*
16 *would be entitled based on a career consisting of*
17 *service in duty statuses of the Space Component;*
18 *and*

19 (C) *the composition and operation of pro-*
20 *motion selection boards with respect to members*
21 *of the Space Component, including the treatment*
22 *of general officers by such boards.*

23 (2) *A comprehensive analysis of how such pro-*
24 *posal may affect the ability of departments and agen-*
25 *cies of the Federal Government (including depart-*

1 *ments and agencies outside the Department of Defense*
2 *and the Department of Veterans Affairs) to accurately*
3 *calculate the pay or determine the benefits, including*
4 *health care benefits under chapter 55 of title 10,*
5 *United States Code, to which a member or former*
6 *member of the Space Component is entitled at any*
7 *given time.*

8 *(3) Draft legislative text, prepared by the Office*
9 *of Legislative Counsel within the Office of the General*
10 *Counsel of the Department of Defense, that com-*
11 *prehensively sets forth all amendments and modifica-*
12 *tions to Federal statutes needed to effectively imple-*
13 *ment the proposal described in subsection (a), includ-*
14 *ing—*

15 *(A) amendments and modifications to titles*
16 *10, 37, and 38, United States Code;*

17 *(B) amendments and modifications to Fed-*
18 *eral statutes outside of such titles; and*

19 *(C) an analysis of each provision of Federal*
20 *statutory law that refers to the duty status of a*
21 *member of an Armed Force, or whether such*
22 *member is in an active or reserve component,*
23 *and, for each such provision—*

24 *(i) a written determination indicating*
25 *whether such provision requires amendment*

1 *or other modification to clarify its applica-*
2 *bility to a member of the Space Component;*
3 *and*

4 *(ii) if such an amendment or modifica-*
5 *tion is required, draft legislative text for*
6 *such amendment or modification.*

7 (4) *An assessment of the feasibility and advis-*
8 *ability of—*

9 (A) *exempting the proposed Space Compo-*
10 *nent from the existing “up or out” system of offi-*
11 *cer career advancement first established by the*
12 *amendments to title 10, United States Code,*
13 *made by the Defense Officer Personnel Manage-*
14 *ment Act (Public Law 96–513; 94 Stat. 2835);*

15 (B) *combining active and reserve compo-*
16 *nents in a new, single Space Component and*
17 *whether a similar outcome could be achieved*
18 *using the existing active and reserve component*
19 *frameworks with modest statutory changes to*
20 *allow reserve officers to serve on sustained active*
21 *duty; and*

22 (C) *creating career flexibility for reserve*
23 *members of the Space Component, including in*
24 *shifting retirement points earned from one year*
25 *to the next and allowing members of the Space*

1 *Component to move back and forth between ac-*
2 *tive and reserve status for prolonged periods of*
3 *time across a career.*

4 (5) *An assessment of the implications of the pro-*
5 *posed reorganization of the Space Force on the devel-*
6 *opment of space as a warfighting domain in the pro-*
7 *fession of arms, particularly with respect to officer*
8 *leadership, development, and stewardship of the pro-*
9 *fession.*

10 (6) *A determination of whether existing govern-*
11 *ment ethics regulations are adequate to address poten-*
12 *tial conflicts of interest for Space Component officers*
13 *who seek to move back and forth between sustained*
14 *active duty and working for private sector organiza-*
15 *tions in the space industry as reserve officers in the*
16 *Space Component.*

17 (7) *An analysis of the following:*

18 (A) *Whether the proposed Space Component*
19 *framework is consistent with the joint service re-*
20 *quirements of chapter 38 of title 10, United*
21 *States Code.*

22 (B) *Budgetary implications of the establish-*
23 *ment of the Space Component.*

24 (C) *The nature of the relationship with pri-*
25 *vate industry and civilian employers that would*

1 *be required and consistent with professional eth-*
 2 *ics to successfully implement the Space Compo-*
 3 *nent.*

4 *(D) The effect of establishing a Space Com-*
 5 *ponent on diversity and inclusion within the*
 6 *Space Force.*

7 **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*

1 *year (or any subdivisions thereof). Amounts of au-*
2 *thorizations so transferred shall be merged with and*
3 *be available for the same purposes as the authoriza-*
4 *tion to which transferred.*

5 (2) *LIMITATION.*—*Except as provided in para-*
6 *graph (3), the total amount of authorizations that the*
7 *Secretary may transfer under the authority of this*
8 *section may not exceed \$6,000,000,000.*

9 (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*
10 *TARY PERSONNEL AUTHORIZATIONS.*—*A transfer of*
11 *funds between military personnel authorizations*
12 *under title IV shall not be counted toward the dollar*
13 *limitation in paragraph (2).*

14 (b) *LIMITATIONS.*—*The authority provided by sub-*
15 *section (a) to transfer authorizations—*

16 (1) *may only be used to provide authority for*
17 *items that have a higher priority than the items from*
18 *which authority is transferred; and*

19 (2) *may not be used to provide authority for an*
20 *item that has been denied authorization by Congress.*

21 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
22 *fer made from one account to another under the authority*
23 *of this section shall be deemed to increase the amount au-*
24 *thorized for the account to which the amount is transferred*
25 *by an amount equal to the amount transferred.*

1 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
2 *promptly notify Congress of each transfer made under sub-*
3 *section (a).*

4 **SEC. 1002. SENSE OF CONGRESS RELATING TO THE COR-**
5 **RECTIVE ACTION PLANS REVIEW PROCESS.**

6 *It is the sense of Congress that the Under Secretary*
7 *of Defense (Comptroller) should—*

8 (1) *take appropriate steps to improve the correc-*
9 *tive action plans review process, including by linking*
10 *notices of findings and recommendations with the cor-*
11 *rective action plans to address such notices; and*

12 (2) *update Department of Defense guidance to*
13 *instruct the Department and its components to docu-*
14 *ment root cause analysis when needed to address defi-*
15 *ciencies auditors have identified.*

16 **SEC. 1003. ANNUAL REPORTS ON BUDGETARY EFFECTS OF**
17 **INFLATION.**

18 (a) *ANNUAL REPORT.*—*Not later than 30 days after*
19 *the date of the submission of the President’s budget for a*
20 *fiscal year under section 1105 of title 31, United States*
21 *Code, the Secretary of Defense shall deliver to the congres-*
22 *sional defense committees a report on observed and antici-*
23 *pated budgetary effects related to inflation, including—*

24 (1) *for each Department of Defense appropria-*
25 *tion account—*

1 (A) the amount appropriated for the fiscal
2 year preceding the fiscal year during which the
3 report is submitted, the amount appropriated for
4 the fiscal year during which the report is sub-
5 mitted, and the amount requested for the fiscal
6 year for which the budget is submitted;

7 (B) the relevant inflation index applied to
8 each such account at the time of the budget sub-
9 mission for the fiscal year preceding the fiscal
10 year during which the report is submitted, the
11 fiscal year during which the report is submitted,
12 and the fiscal year for which the budget is sub-
13 mitted;

14 (C) the actual inflationary budgetary effects
15 on each such account for the fiscal year pre-
16 ceding the fiscal year during which the report is
17 submitted;

18 (D) the estimated inflationary budgetary ef-
19 fects for the fiscal year during which the report
20 is submitted and the fiscal year for which the
21 budget is submitted; and

22 (E) a calculation of estimated budgetary ef-
23 fects due to inflation using the estimated indices
24 for the fiscal year during which the report is

1 *submitted compared to the estimated indices for*
2 *the fiscal year for the budget is submitted.*

3 (2) *for the fiscal year preceding the fiscal year*
4 *during which the report is submitted, the fiscal year*
5 *during which the report is submitted, and the fiscal*
6 *year for which the budget is submitted, a summary*
7 *of any requests for equitable adjustment, exercising of*
8 *economic price adjustment (hereinafter referred to as*
9 *“EPA”) clauses, or bilateral contract modifications to*
10 *include an EPA, including the contract type and fis-*
11 *cal year and the type and amount of appropriated*
12 *funds used for the contract;*

13 (3) *a summary of any methodological changes in*
14 *Department of Defense cost estimation practices for*
15 *inflationary budgetary effects for the fiscal year dur-*
16 *ing which the report is submitted and the fiscal year*
17 *for which the budget is submitted; and*

18 (4) *any other matters the Secretary determines*
19 *appropriate.*

20 (b) *PERIODIC BRIEFING.*—*Not later than 60 days after*
21 *the conclusion of the Department of Defense budget mid-*
22 *year review, the Secretary of Defense shall provide the con-*
23 *gressional defense committees with a briefing on—*

1 (1) *any changes in the observed or anticipated*
2 *inflation indices included in the report required*
3 *under subsection (a);*

4 (2) *any actions taken by the Department of De-*
5 *fense to respond to changes discussed in such report,*
6 *with specific dollar value figures; and*

7 (3) *any requests for equitable adjustment re-*
8 *ceived by the Department of Defense, economic price*
9 *adjustment clauses exercised, or bilateral contract*
10 *modifications to include an EPA made since the sub-*
11 *mission of the report required under subsection (a).*

12 (c) *TERMINATION.*—*The requirement to submit a re-*
13 *port under subsection (a) and the requirement to provide*
14 *a briefing under subsection (b) shall terminate on the date*
15 *that is five years after the date of the enactment of this*
16 *Act.*

17 ***Subtitle B—Counterdrug Activities***

18 ***SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT A UNI-*** 19 ***FIED COUNTERDRUG AND COUNTERTER-*** 20 ***RORISM CAMPAIGN IN COLOMBIA.***

21 *Section 1021 of the Ronald W. Reagan National De-*
22 *fense Authorization Act for Fiscal Year 2005 (Public Law*
23 *108–375; 118 Stat. 2042), as most recently amended by sec-*
24 *tion 1007 of the National Defense Authorization Act for Fis-*

1 *cal Year 2022 (Public Law 117–81; 135 Stat. 1889), is fur-*
2 *ther amended—*

3 (1) *in subsection (a)(1), by striking “2023” and*
4 *inserting “2025”; and*

5 (2) *in subsection (c), by striking “2023” and in-*
6 *serting “2025”; and*

7 (3) *by adding at the end the following:*

8 “(h) *ANNUAL REPORT ON PLAN COLOMBIA.—Not later*
9 *than 30 days after the end of each fiscal year from 2023*
10 *to 2025, the Secretary of Defense shall submit to the con-*
11 *gressional defense committees and the Committee on For-*
12 *ign Relations of the Senate and the Committee on Foreign*
13 *Affairs of the House of Representatives a report that in-*
14 *cludes the following:*

15 “(1) *An assessment of the threat to Colombia*
16 *from narcotics trafficking and activities by organiza-*
17 *tions designated as foreign terrorist organizations*
18 *under section 219(a) of the Immigration and Nation-*
19 *ality Act (8 U.S.C. 1189(a)).*

20 “(2) *A description of the plan of the Government*
21 *of Colombia for the unified campaign described in*
22 *subsection (a).*

23 “(3) *A description of the activities supported*
24 *using the authority provided by subsection (a).*

1 “(4) An assessment of the effectiveness of the ac-
2 tivities described in paragraph (3) in addressing the
3 threat described in paragraph (1).”.

4 ***Subtitle C—Naval Vessels and***
5 ***Shipyards***

6 ***SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CON-***
7 ***STRUCTION PLAN.***

8 *Section 231(b)(2) of title 10, United States Code, is*
9 *amended by adding at the end the following new subpara-*
10 *graph:*

11 “(J) For any class of battle force ship for which
12 the procurement of the final ship of the class is pro-
13 posed in the relevant future-years defense program
14 submitted under section 221 of this title—

15 “(i) a description of the expected specific ef-
16 fects on the Navy shipbuilding industrial base
17 of—

18 “(I) the termination of the production
19 program for the ship and the transition to
20 a new or modified production program, or

21 “(II) the termination of the production
22 program for the ship without a new or
23 modified production program to replace it;
24 and

1 “(ii) in the case of any such production
2 program for which a replacement production
3 program is proposed, a detailed schedule for the
4 replacement production program with planned
5 decision points, solicitations, and contract
6 awards.”.

7 **SEC. 1022. NAVY CONSULTATION WITH MARINE CORPS ON**
8 **MAJOR DECISIONS DIRECTLY CONCERNING**
9 **MARINE CORPS AMPHIBIOUS FORCE STRUC-**
10 **TURE AND CAPABILITY.**

11 (a) *IN GENERAL.*—Section 8026 of title 10, United
12 States Code, is amended by inserting “or amphibious force
13 structure and capability” after “Marine Corps aviation”.

14 (b) *CLERICAL AMENDMENTS.*—

15 (1) *SECTION HEADING.*—The heading of such sec-
16 tion is amended by inserting “**or amphibious**
17 **force structure and capability**” after “**avia-**
18 **tion**”.

19 (2) *TABLE OF SECTIONS.*—The table of sections
20 at the beginning of chapter 803 of such title is
21 amended by striking the item relating to section 8026
22 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.”.

1 **SEC. 1023. AMPHIBIOUS WARSHIP FORCE STRUCTURE.**

2 *Section 8062 of title 10, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (b)—*

5 *(A) in the first sentence, by inserting “and*
6 *not less than 31 operational amphibious warfare*
7 *ships, of which not less than 10 shall be amphib-*
8 *ious assault ships” before the period; and*

9 *(B) in the second sentence—*

10 *(i) by inserting “or amphibious war-*
11 *fare ship” before “includes”; and*

12 *(ii) by inserting “or amphibious war-*
13 *fare ship” before “that is temporarily un-*
14 *available”; and*

15 *(2) by adding at the end the following new sub-*
16 *section:*

17 *“(g) In this section, the term ‘amphibious warfare*
18 *ship’ means a ship that is classified as an amphibious as-*
19 *sault ship (general purpose) (LHA), an amphibious assault*
20 *ship (multi-purpose) (LHD), an amphibious transport dock*
21 *(LPD), or a dock landing ship (LSD).”.*

1 **SEC. 1024. MODIFICATION TO LIMITATION ON DECOMMIS-**
2 **SIONING OR INACTIVATING BATTLE FORCE**
3 **SHIPS BEFORE END OF EXPECTED SERVICE**
4 **LIFE.**

5 (a) *IN GENERAL.*—Section 8678a(b) of title 10, United
6 States Code, is amended—

7 (1) in paragraph (1), by inserting “by not later
8 than three days after the date on which the President
9 submits the budget materials under section 1105(a) of
10 title 31 for the fiscal year in which such waiver is
11 sought” after “such ship”; and

12 (2) in paragraph (2), by striking “such certifi-
13 cation was submitted” and inserting “the National
14 Defense Authorization Act for such fiscal year is en-
15 acted”.

16 (b) *NO EFFECT ON CERTAIN SHIPS.*—The amend-
17 ments made by subsection (a) do not apply to a battle force
18 ship (as such term is defined in section 8678a(e)(1) of title
19 10, United States Code) that is proposed to be decommis-
20 sioned or inactivated during fiscal year 2023.

21 **SEC. 1025. AMPHIBIOUS WARFARE SHIP ASSESSMENT AND**
22 **REQUIREMENTS.**

23 Section 8695 of title 10, United States Code, is amend-
24 ed by adding at the end the following new subsection:

25 “(e) *AMPHIBIOUS WARFARE SHIPS.*—In preparing
26 each assessment and requirement under subsection (a), the

1 *Commandant of the Marine Corps shall be specifically re-*
2 *sponsible for developing the requirements relating to am-*
3 *phibious warfare ships.”.*

4 **SEC. 1026. BATTLE FORCE SHIP EMPLOYMENT, MAINTENANCE,**
5 **AND MANNING BASELINE PLANS.**

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

9 **“§ 8696. Battle force ship employment, maintenance,**
10 **and manning baseline plans**

11 *“(a) IN GENERAL.—Not later than 45 days after the*
12 *date of the delivery of the first ship in a new class of battle*
13 *force ships, the Secretary of the Navy shall submit to the*
14 *congressional defense committees a report on the employ-*
15 *ment, maintenance, and manning baseline plans for the*
16 *class, including a description of the following:*

17 *“(1) The sustainment and maintenance plans for*
18 *the class that encompass the number of years the class*
19 *is expected to be in service, including—*

20 *“(A) the allocation of maintenance tasks*
21 *among organizational, intermediate, depot, or*
22 *other activities;*

23 *“(B) the planned duration and interval of*
24 *maintenance for all depot-level maintenance*
25 *availabilities; and*

1 “(C) the planned duration and interval of
2 drydock maintenance periods.

3 “(2) Any contractually required integrated logis-
4 tics support deliverables for the ship, including tech-
5 nical manuals, and an identification of—

6 “(A) the deliverables provided to the Gov-
7 ernment on or before the delivery date; and

8 “(B) the deliverables not provided to the
9 Government on or before the delivery date and
10 the expected dates those deliverables will be pro-
11 vided to the Government.

12 “(3) The planned maintenance system for the
13 ship, including—

14 “(A) the elements of the system, including
15 maintenance requirement cards, completed on or
16 before the delivery date;

17 “(B) the elements of the system not com-
18 pleted on or before the delivery date and the ex-
19 pected completion date of those elements; and

20 “(C) the plans to complete planned mainte-
21 nance from the delivery date until all elements
22 of the system have been completed.

23 “(4) The coordinated shipboard allowance list for
24 the class, including—

1 “(A) the items on the list onboard on or be-
2 fore the delivery date; and

3 “(B) the items on the list not onboard on or
4 before the delivery date and the expected arrival
5 date of those items.

6 “(5) The ship manpower document for the class,
7 including—

8 “(A) the number of officers by grade and
9 designator; and

10 “(B) the number of enlisted personnel by
11 rate and rating.

12 “(6) The personnel billets authorized for the ship
13 for the fiscal year in which the ship is delivered and
14 each of the four fiscal years thereafter, including—

15 “(A) the number of officers by grade and
16 designator; and

17 “(B) the number of enlisted personnel by
18 rate and rating.

19 “(7) Programmed funding for manning and end
20 strength on the ship for the fiscal year in which the
21 ship is delivered and each of the four fiscal years
22 thereafter, including—

23 “(A) the number of officers by grade and
24 designator; and

1 “(B) the number of enlisted personnel by
2 rate and rating.

3 “(8) Personnel assigned to the ship on the deliv-
4 ery date, including—

5 “(A) the number of officers by grade and
6 designator; and

7 “(B) the number of enlisted personnel by
8 rate and rating.

9 “(9) For each critical hull, mechanical, elec-
10 trical, propulsion, and combat system of the class as
11 so designated by the Senior Technical Authority pur-
12 suant to section 8669b(c)(2)(C) of this title, the fol-
13 lowing:

14 “(A) The Government-provided training
15 available for personnel assigned to the ship at
16 the time of delivery, including the nature, objec-
17 tives, duration, and location of the training.

18 “(B) The contractor-provided training
19 available for personnel assigned to the ship at
20 the time of delivery, including the nature, objec-
21 tives, duration, and location of the training.

22 “(C) Plans to adjust how the training de-
23 scribed in subparagraphs (A) and (B) will be
24 provided to personnel after delivery, including
25 the nature and timeline of those adjustments.

1 “(10) *The notional employment schedule of the*
2 *ship for each month of the fiscal year in which the*
3 *ship is delivered and each of the four fiscal years*
4 *thereafter, including an identification of time spent*
5 *in the following phases:*

6 “(A) *Basic.*

7 “(B) *Integrated or advanced.*

8 “(C) *Deployment.*

9 “(D) *Maintenance.*

10 “(E) *Sustainment.*

11 “(b) *NOTIFICATION REQUIRED.—Not less than 30 days*
12 *before implementing a significant change to the baseline*
13 *plans described in subsection (a) or any subsequent signifi-*
14 *cant change, the Secretary of the Navy shall submit to the*
15 *congressional defense committees written notification of the*
16 *change, including for each such change the following:*

17 “(1) *An explanation of the change.*

18 “(2) *The desired outcome.*

19 “(3) *The rationale.*

20 “(4) *The duration.*

21 “(5) *The operational effects.*

22 “(6) *The budgetary effects, including—*

23 “(A) *for the year in which the change is*
24 *made;*

25 “(B) *over the five years thereafter; and*

1 “(C) over the expected service life of the rel-
2 evant 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 rel-
8 evant 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 rel-
15 evant 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 at*
16 *the beginning of chapter 863 of such title is amended by*
17 *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 amend-*
22 *ed by adding at the end the following new subsection:*

23 “(j) *WITHHOLDING OF CERTAIN INFORMATION.*—*Pur-*
24 *suant to subparagraphs (A)(ii) and (B) of section 552(b)(3)*
25 *of title 5 United States Code, the Secretary concerned may*

1 *withhold from public disclosure information and data about*
2 *the location or related artifacts of a sunken military craft*
3 *under the jurisdiction of the Secretary, if such disclosure*
4 *would increase the risk of the unauthorized disturbance of*
5 *one or more sunken military craft.”.*

6 **SEC. 1028. BUSINESS CASE ANALYSES ON DISPOSITION OF**
7 **CERTAIN GOVERNMENT-OWNED DRY-DOCKS.**

8 *(a) AFDM-10.—Not later than June 1, 2023, the Sec-*
9 *retary of the Navy shall submit to the congressional defense*
10 *committees the results of a business case analysis for Auxil-*
11 *iary Floating Dock, Medium-10 (in this section referred to*
12 *as “AFDM-10”) that compares the following options:*

13 *(1) The continued use of AFDM-10, in the same*
14 *location and under the same lease authorities in effect*
15 *on the date of the enactment of this Act.*

16 *(2) The relocation of AFDM-10 to Naval Station*
17 *Everett, including all infrastructure support require-*
18 *ment costs and anticipated operating costs.*

19 *(3) The relocation and use of AFDM-10 in alter-*
20 *nate locations under the same lease authorities in ef-*
21 *fect on the date of the enactment of this Act, including*
22 *all infrastructure support requirement costs and an-*
23 *ticipated operating costs.*

24 *(4) The relocation and use of AFDM-10 in alter-*
25 *nate locations under alternative lease authorities.*

1 (5) *The conveyance of AFDM-10 at a fair mar-*
2 *ket rate to an appropriate non-Government entity*
3 *with expertise in the non-nuclear ship repair indus-*
4 *try.*

5 (6) *Such other options as the Secretary deter-*
6 *mines appropriate.*

7 (b) *GRAVING DOCK AT NAVAL BASE, SAN DIEGO.—*
8 *Not later than June 1, 2023, the Secretary of the Navy shall*
9 *submit to the congressional defense committees the results*
10 *of a business case analysis for the Government-owned grav-*
11 *ing dock at Naval Base San Diego, California, that com-*
12 *pares the following options:*

13 (1) *The continued use of such graving dock, in*
14 *accordance with the utilization strategy described in*
15 *the May 25, 2022 report to Congress entitled “Navy*
16 *Dry Dock Strategy for Surface Ship Maintenance*
17 *and Repair”.*

18 (2) *Such other options as the Secretary deter-*
19 *mines appropriate.*

20 (c) *MATTERS FOR EVALUATION.—The business case*
21 *analyses required under subsections (a) and (b) shall each*
22 *include an evaluation of each of the following:*

23 (1) *The extent to which the Secretary plans to*
24 *execute a consistent and balanced docking strategy*

1 *that ensures the health of private sector maintenance*
2 *and repair capability and capacity.*

3 (2) *Legal, regulatory, and other requirements ap-*
4 *plicable to each of the options considered under each*
5 *such analysis, including environmental documenta-*
6 *tion, and the effect that such requirements are pro-*
7 *jected to have on the cost and schedule of such option.*

8 (3) *The extent to which the Secretary is consid-*
9 *ering adding dry dock capacity, including an anal-*
10 *ysis of the projected cost of adding such capacity and*
11 *the potential effects of adding such capacity on pri-*
12 *vate sector repair and maintenance facilities.*

13 (4) *The projected use by the Navy of Government*
14 *and non-Government dry docks assets through fiscal*
15 *year 2027.*

16 (5) *For each option considered under each such*
17 *analysis, the projected implementation timeline and*
18 *costs.*

19 (6) *For each option considered under each such*
20 *analysis, the relative maintenance capacity and out-*
21 *put.*

22 **SEC. 1029. PROHIBITION ON RETIREMENT OF CERTAIN**
23 **NAVAL VESSELS.**

24 (a) *IN GENERAL.*—*None of the funds authorized to be*
25 *appropriated by this Act for fiscal year 2023 may be obli-*

1 *gated or expended to retire, prepare to retire, or place in*
2 *storage—*

3 (1) *any of the naval vessels referred to in sub-*
4 *section (b); or*

5 (2) *more than four Littoral Combat Ships.*

6 (b) *NAVAL VESSELS.—The naval vessels referred to in*
7 *this subsection are the following:*

8 (1) *USS Vicksburg (CG 69).*

9 (2) *USS Germantown (LSD 42).*

10 (3) *USS Gunston Hall (LSD 44).*

11 (4) *USS Tortuga (LSD 46).*

12 (5) *USS Ashland (LSD 48).*

13 (6) *USNS Montford Point (T-ESD 1).*

14 (7) *USNS John Glenn (T-ESD 2).*

15 (c) *LITTORAL COMBAT SHIPS.—In the case of any Lit-*
16 *toral Combat Ship that is retired, prepared to retire, or*
17 *placed in storage using funds authorized to be appropriated*
18 *by this Act for fiscal year 2023, the Secretary of Defense*
19 *shall ensure that such vessel is evaluated for potential trans-*
20 *fer to the military forces of a nation that is an ally or part-*
21 *ner of the United States.*

Subtitle D—Counterterrorism

**SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS
FOR TRANSFER OR RELEASE OF INDIVIDUALS
DETAINED AT UNITED STATES NAVAL STA-
TION, GUANTANAMO BAY, CUBA, TO THE
UNITED STATES.**

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), as most recently amended by section 1033 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1901), is further amended by striking “December 31, 2022” and inserting “December 31, 2023”.

**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.**

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as most recently amended by section 1034 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1901), is further amended by striking “December 31, 2022” and inserting “December 31, 2023”.

1 **SEC. 1033. MODIFICATION AND EXTENSION OF PROHIBI-**
2 **TION ON USE OF FUNDS FOR TRANSFER OR**
3 **RELEASE OF INDIVIDUALS DETAINED AT**
4 **UNITED STATES NAVAL STATION, GUANTA-**
5 **NAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

6 *Section 1035 of the John S. McCain National Defense*
7 *Authorization Act for Fiscal Year 2019 (Public Law 115–*
8 *232; 132 Stat. 1954), as most recently amended by section*
9 *1032 of the National Defense Authorization Act for Fiscal*
10 *Year 2022 (Public Law 117–81; 135 Stat. 1901), is further*
11 *amended—*

12 *(1) by striking “December 31, 2022” and insert-*
13 *ing “December 31, 2023”;*

14 *(2) by redesignating paragraphs (1) through (4)*
15 *as paragraphs (2) through (5), respectively; and*

16 *(3) by inserting before paragraph (2), as so re-*
17 *designated, the following new paragraph:*

18 *“(1) Afghanistan.”.*

19 **SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS**
20 **TO CLOSE OR RELINQUISH CONTROL OF**
21 **UNITED STATES NAVAL STATION, GUANTA-**
22 **NAMO BAY, CUBA.**

23 *Section 1036 of the National Defense Authorization*
24 *Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.*
25 *1551), as most recently amended by section 1035 of the Na-*
26 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*

1 *lic Law 117–81; 135 Stat. 1901), is further amended by*
2 *striking “2022” and inserting “2023”.*

3 ***Subtitle E—Miscellaneous***
4 ***Authorities and Limitations***

5 ***SEC. 1041. SUBMISSION OF NATIONAL DEFENSE STRATEGY***
6 ***IN CLASSIFIED AND UNCLASSIFIED FORM.***

7 *Section 113(g)(1)(D) of title 10, United States Code,*
8 *is amended by striking “in classified form with an unclassi-*
9 *fied summary.” and inserting “in both classified and un-*
10 *classified form. The unclassified form may not be a sum-*
11 *mary of the classified document.”.*

12 ***SEC. 1042. DEPARTMENT OF DEFENSE SUPPORT FOR FU-***
13 ***NERALS AND MEMORIAL EVENTS FOR MEM-***
14 ***BERS AND FORMER MEMBERS OF CONGRESS.***

15 *(a) IN GENERAL.—Chapter 3 of title 10, United States*
16 *Code, is amended by inserting after section 130 the fol-*
17 *lowing new section:*

18 ***“§ 130a. Department of Defense support for funerals***
19 ***and memorial events for Members and***
20 ***former Members of Congress***

21 *“(a) SUPPORT FOR FUNERALS.—Subject to subsection*
22 *(b), the Secretary of Defense may provide such support as*
23 *the Secretary considers appropriate for a funeral or memo-*
24 *rial event for a Member or former Member of Congress, in-*
25 *cluding support with respect to transportation to and from*

1 *such a funeral or memorial event, in accordance with this*
 2 *section.*

3 “(b) *REQUESTS FOR SUPPORT; SECRETARY DETER-*
 4 *MINATION.—The Secretary may provide support under this*
 5 *section—*

6 “(1) *upon request from the Speaker of the House*
 7 *of Representatives, the Minority Leader of the House*
 8 *of Representatives, the Majority Leader of the Senate,*
 9 *or the Minority Leader of the Senate; or*

10 “(2) *if the Secretary determines such support is*
 11 *necessary to carry out duties or responsibilities of the*
 12 *Department of Defense.*

13 “(c) *USE OF FUNDS.—The Secretary may use funds*
 14 *authorized to be appropriated for operation and mainte-*
 15 *nance to provide support under this section.”.*

16 (b) *CLERICAL AMENDMENT.—The table of sections at*
 17 *the beginning of such chapter is amended by inserting after*
 18 *the item relating to section 130 the following new item:*

“130a. Department of Defense support for funerals and memorial events for Mem-
bers and former Members of Congress.”.

19 **SEC. 1043. MODIFICATION OF AUTHORITY FOR HUMANI-**
 20 **TARIAN DEMINING ASSISTANCE AND STOCK-**
 21 **PILED CONVENTIONAL MUNITIONS ASSIST-**
 22 **ANCE.**

23 (a) *LOCATION OF ASSISTANCE.—Section 407 of title*
 24 *10, United States Code, is amended—*

1 (1) *in subsection (a)(1)—*

2 (A) *in the matter preceding subparagraph*

3 (A)—

4 (i) *by striking “carry out” and insert-*
5 *ing “provide”; and*

6 (ii) *by striking “in a country” and in-*
7 *serting “to a country”; and*

8 (B) *in subparagraph (A), by striking “in*
9 *which the activities are to be carried out” and*
10 *inserting “to which the assistance is to be pro-*
11 *vided”; and*

12 (2) *in subsection (d)—*

13 (A) *in paragraph (1)—*

14 (i) *by striking “in which” and insert-*
15 *ing “to which”; and*

16 (ii) *by striking “carried out” and in-*
17 *serting “provided”;*

18 (B) *in paragraph (2), by striking “carried*
19 *out in” and inserting “provided to”;*

20 (C) *in paragraph (3)—*

21 (i) *by striking “in which” and insert-*
22 *ing “to which”; and*

23 (ii) *by striking “carried out” and in-*
24 *serting “provided”; and*

1 (D) in paragraph (4), by striking “in car-
2 rying out such assistance in each such country”
3 and inserting “in providing such assistance to
4 each such country”.

5 (b) *EXPENSES*.—Subsection (c) of such section 407 is
6 amended—

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

9 “(C) Travel, transportation, and subsistence ex-
10 penses of foreign personnel to attend training pro-
11 vided by the Department of Defense under this sec-
12 tion.”; and

13 (2) by striking paragraph (3).

14 (c) *REPORT*.—Subsection (d) of such section 407, as
15 amended by subsection (a)(2) of this section, is further
16 amended in the matter preceding paragraph (1), by striking
17 “include in the annual report under section 401 of this title
18 a separate discussion of” and inserting “submit to the Com-
19 mittee on Armed Services and the Committee on Foreign
20 Relations of the Senate and the Committee on Armed Serv-
21 ices and the Committee on Foreign Affairs of the House of
22 Representatives a report on”.

1 **SEC. 1044. MODIFICATION OF PROVISIONS RELATING TO**
2 **ANOMALOUS HEALTH INCIDENTS.**

3 (a) *CROSS-FUNCTIONAL TEAM*.—Section 910 of the
4 *National Defense Authorization Act for Fiscal Year 2022*
5 (*Public Law 117–81; 10 U.S.C. 111 note*) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1), by striking “and any
8 other” and all that follows through “necessary;
9 and” and inserting “, including the causation,
10 attribution, mitigation, identification, and treat-
11 ment for such incidents;”;

12 (B) in paragraph (2)—

13 (i) by inserting “and deconflict” after
14 “integrate”;

15 (ii) by striking “agency” and inserting
16 “agencies”; and

17 (iii) by striking the period at the end
18 and inserting “; and”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(3) any other efforts regarding such incidents
22 that the Secretary considers appropriate.”; and

23 (2) in subsection (e)(2), by striking “90 days”
24 and all that follows through “of enactment” and in-
25 serting “March 1, 2023, and not less frequently than
26 once every 180 days thereafter until March 1, 2026”.

1 **(b) ACCESS TO CERTAIN FACILITIES OF DEPARTMENT**
2 **OF DEFENSE.**—Section 732 of the National Defense Author-
3 ization Act for Fiscal Year 2022 (Public Law 117–81; 135
4 Stat. 1797; 10 U.S.C. 1071 note) is amended—

5 (1) in the section heading, by striking “**UNITED**
6 **STATES GOVERNMENT EMPLOYEES AND THEIR**
7 **FAMILY MEMBERS**” and inserting “**COVERED IN-**
8 **DIVIDUALS**”;

9 (2) in subsection (a), by striking “employees of
10 the United States Government and their family mem-
11 bers who” and inserting “covered individuals whom”;

12 (3) in subsection (c), by striking “employees
13 from those agencies and their family members” and
14 inserting “covered individuals”;

15 (4) in subsection (d)—

16 (A) by striking “employees of the United
17 States Government and their family members”
18 and inserting “covered individuals”; and

19 (B) by striking “subject to an agreement by
20 the employing agency and the consent of the em-
21 ployee” and inserting “subject to the consent of
22 the covered individual and, if applicable, an
23 agreement with the employing agency”; and

24 (5) by adding at the end the following new sub-
25 section:

1 “(e) *COVERED INDIVIDUALS DEFINED.*—*In this sec-*
2 *tion, the term ‘covered individuals’ means—*

3 “(1) *current and former employees of the United*
4 *States Government and their family members; and*

5 “(2) *current and former members of the Armed*
6 *Forces and their family members.*”.

7 **SEC. 1045. SECURITY CLEARANCES FOR RECENTLY SEPA-**
8 **RATED MEMBERS OF THE ARMED FORCES**
9 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
10 **MENT OF DEFENSE.**

11 (a) *IMPROVEMENTS.*—

12 (1) *IN GENERAL.*—*No later than September 30,*
13 *2023, the Secretary of Defense, in coordination with*
14 *the Director of National Intelligence when acting as*
15 *the Security Executive Agent, shall establish a process*
16 *to—*

17 (A) *determine, on the date on which a cov-*
18 *ered individual separates from the Armed Forces*
19 *or the Department of Defense (as the case may*
20 *be), whether the covered individual held an eligi-*
21 *bility to access classified information or to oc-*
22 *cupy a sensitive position immediately prior to*
23 *such separation and requires an eligibility of an*
24 *equal or lower level for employment as a covered*
25 *contractor, except as provided in subsection (b);*

1 (B) ensure that the re-establishment of trust
2 of a covered individual's eligibility to occupy a
3 sensitive position takes place expeditiously, in
4 accordance with applicable laws, Executive Or-
5 ders, or Security Executive Agent policy; and

6 (C) ensure that any additional security
7 processing required to re-establish trust to rein-
8 state a covered individual's eligibility to access
9 classified information or occupy a sensitive posi-
10 tion takes place expeditiously.

11 (2) *COAST GUARD.*—In the case of a member of
12 the Armed Forces who is a member of the Coast
13 Guard, the Secretary of Defense shall carry out para-
14 graph (1) in consultation with the Secretary of the
15 Department in which the Coast Guard is operating.

16 (b) *EXCEPTIONS.*—

17 (1) *IN GENERAL.*—Subsection (a) shall not apply
18 with respect to a covered individual—

19 (A) whose previously held security clearance
20 is, or was as of the date of separation of the cov-
21 ered individual, under review as a result of one
22 or more potentially disqualifying factors or con-
23 ditions that have not been fully investigated or
24 mitigated; or

1 (B) *in the case of a member of the Armed*
2 *Forces, who separated from the Armed Forces*
3 *under other than honorable conditions.*

4 (2) *CLARIFICATION OF REVIEW EXCEPTION.—The*
5 *exception specified in paragraph (1)(A) shall not*
6 *apply with respect to a routine periodic reinvestiga-*
7 *tion or a continuous vetting investigation in which*
8 *no potentially disqualifying factors or conditions have*
9 *been found.*

10 (c) *DEFINITIONS.—In this section:*

11 (1) *The term “covered contractor” means an in-*
12 *dividual who is employed by an entity that carries*
13 *out work under a contract with the Department of*
14 *Defense or an element of the intelligence community.*

15 (2) *The term “covered individual” means a*
16 *former member of the Armed Forces or a former civil-*
17 *ian employee of the Department of Defense.*

18 (3) *The term “intelligence community” has the*
19 *meaning given that term in section 3 of the National*
20 *Security Act of 1947 (50 U.S.C. 3003).*

1 **SEC. 1046. INTEGRATED AND AUTHENTICATED ACCESS TO**
2 **DEPARTMENT OF DEFENSE SYSTEMS FOR**
3 **CERTAIN CONGRESSIONAL STAFF FOR OVER-**
4 **SIGHT PURPOSES.**

5 (a) *IN GENERAL.*—*The Secretary of Defense shall de-*
6 *velop processes and procedures under which the Secretary*
7 *shall issue access tokens to staff of the congressional defense*
8 *committees to facilitate the performance of required congres-*
9 *sional oversight activities. Such access tokens shall—*

10 (1) *provide designated and authenticated staff*
11 *with access to designated Department of Defense in-*
12 *formation systems, including—*

13 (A) *the reporting system described in sec-*
14 *tion 805(b) of the National Defense Authoriza-*
15 *tion Act for Fiscal Year 2022 (Public Law 117–*
16 *81) that will replace the Selected Acquisition Re-*
17 *port requirements under section 4351 of title 10,*
18 *United States Code; and*

19 (B) *the process referred to in section 908 of*
20 *the William (Mac) Thornberry National Defense*
21 *Authorization Act for Fiscal Year 2021 (Public*
22 *Law 116–283) that is used by the Department of*
23 *Defense to identify reports to Congress required*
24 *by annual national defense authorization Acts,*
25 *assign responsibility for preparation of such re-*

1 ports, and manage the completion and delivery
2 of such reports to Congress; and

3 (2) to the extent feasible, be integrated with the
4 provision of Pentagon Facilities Alternative Creden-
5 tials.

6 (b) *IMPLEMENTATION.*—The Secretary shall imple-
7 ment the processes and procedures developed under sub-
8 section (a) not later than 180 days after the date of the
9 enactment of this Act.

10 (c) *INTERIM BRIEFING.*—Not later than 90 days after
11 the date of the enactment of the Act, the Secretary of Defense
12 shall provide to the congressional defense committees an in-
13 terim briefing on the status of the processes and procedures
14 required to be developed under subsection (a), including any
15 updates to applicable policies, instructions, and guidance
16 issued by the Department.

17 **SEC. 1047. INTRODUCTION OF ENTITIES IN TRANSACTIONS**
18 **CRITICAL TO NATIONAL SECURITY.**

19 (a) *IN GENERAL.*—The Secretary of Defense may fa-
20 cilitate the introduction of entities for the purpose of dis-
21 cussing a covered transaction that the Secretary has deter-
22 mined is in the national security interests of the United
23 States.

24 (b) *COVERED TRANSACTION DEFINED.*—The term
25 “covered transaction” means a transaction that the Sec-

1 *retary has reason to believe would likely involve an entity*
2 *affiliated with a strategic competitor unless an alternative*
3 *transaction were to occur.*

4 **SEC. 1048. JOINT TRAINING PIPELINE BETWEEN UNITED**
5 **STATES NAVY AND ROYAL AUSTRALIAN NAVY.**

6 (a) *EXCHANGE PROGRAM.*—Beginning in 2023, the
7 Secretary of Defense, in consultation with the Secretary of
8 Energy, may carry out an exchange program for Australian
9 submarine officers to implement one or more agreements en-
10 tered into under the enhanced trilateral security partner-
11 ship referred to as “AUKUS”. Under such a program, to
12 the extent consistent with one or more AUKUS agree-
13 ments—

14 (1) *a minimum of two Australian submarine of-*
15 *ficers may participate in the United States Navy offi-*
16 *cer training program for officers who are assigned to*
17 *duty on nuclear powered submarines; and*

18 (2) *following the successful completion of all as-*
19 *pects of such training, such officers may be assigned*
20 *to duty on an operational United States submarine.*

21 (b) *BRIEFING.*—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Defense shall
23 provide the congressional defense committees with a briefing
24 on a notional exchange program for Australian submarine
25 officers that includes initial, follow-on, and recurring train-

1 *ing that could be provided to Australian submarine officers*
2 *in order prepare such officers for command of nuclear-pow-*
3 *ered Australian submarines.*

4 **SEC. 1049. STANDARDIZATION OF SECTIONAL BARGE CON-**
5 **STRUCTION FOR DEPARTMENT OF DEFENSE**
6 **USE ON RIVERS AND INTERCOASTAL WATER-**
7 **WAYS.**

8 *With respect to the procurement of a sectional barge*
9 *for the Department of Defense on or after December 31,*
10 *2023, the Secretary of Defense shall, to the extent prac-*
11 *ticable—*

12 *(1) ensure the solicitation for such sectional*
13 *barge includes a requirement for a design that has*
14 *been approved by the American Bureau of Shipping,*
15 *using its rule set for building and classing steel ves-*
16 *sels, for service on rivers and intercoastal waterways;*
17 *or*

18 *(2) prioritize prime contractors that are in com-*
19 *pliance with ISO 9001:2015 of the International Or-*
20 *ganization for Standardization (or successor stand-*
21 *ard) in awarding contracts pursuant to such procure-*
22 *ment.*

1 **SEC. 1050. DEPARTMENT OF DEFENSE SUPPORT FOR RE-**
2 **CENTLY ENACTED COMMISSIONS.**

3 (a) *ASSISTANCE FROM DEPARTMENT OF DEFENSE.*—

4 *At the request of a covered commission, the Secretary of De-*
5 *fense may provide to the covered commission, on a reim-*
6 *bursable basis, such services, funds, facilities, staff, and*
7 *other support services as necessary for the performance of*
8 *the functions of the commission. Amounts provided to a cov-*
9 *ered commission pursuant to this section may be provided*
10 *from amounts appropriated for the Department of Defense,*
11 *as provided in advance in appropriations Acts.*

12 (b) *COVERED COMMISSION DEFINED.*—*In this section,*
13 *the term “covered commission” means a commission estab-*
14 *lished pursuant to any of the following sections of the Na-*
15 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
16 *lic Law 117–81):*

17 (1) *Section 1004 (Commission on Planning, Pro-*
18 *gramming, Budgeting, and Execution Reform).*

19 (2) *section 1091 (National Security Commission*
20 *on Emerging Biotechnology).*

21 (3) *section 1094 (Afghanistan War Commission).*

22 (4) *section 1095 (Commission on the National*
23 *Defense Strategy).*

24 (5) *section 1687 (Congressional Commission on*
25 *the Strategic Posture of the United States).*

1 **Subtitle F—Studies and Reports**

2 **SEC. 1051. MODIFICATION OF ANNUAL REPORT ON UN-**
3 **FUNDED PRIORITIES.**

4 *Section 222a of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) in subsection (c)—*

7 *(A) in paragraph (1)—*

8 *(i) in subparagraph (A), by striking*
9 *“to be achieved” and inserting “outlined in*
10 *the national defense strategy required under*
11 *section 113(g) of this title and the National*
12 *Military Strategy required under section*
13 *139(b) of this title to be advanced”;* and

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

16 *“(D) A detailed assessment of each specific*
17 *risk that would be reduced in executing the na-*
18 *tional defense strategy required under section*
19 *113(g) of this title and the National Military*
20 *Strategy required under section 139(b) of this*
21 *title if such priority is funded (whether in whole*
22 *or in part).”;* and

23 *(B) in paragraph (2)(A), by inserting “ac-*
24 *cording to the amount of risk reduced” after*
25 *“priority”;*

1 (2) *by adding redesignating subsection (d) as*
2 *subsection (e); and*

3 (3) *by inserting after subsection (c) the following*
4 *new subsection (d):*

5 “(d) *PRIORITIZATION.—Not later than 10 days after*
6 *the receipt of the all of the reports referred to in subsection*
7 *(a), the Secretary of Defense, in consultation with the*
8 *Chairman of the Joint Chiefs of Staff, shall submit to the*
9 *congressional defense committees a report that prioritizes*
10 *each specific unfunded priority across all unfunded prior-*
11 *ities submitted by officers specified in (b) according to the*
12 *risk reduced in executing the national defense strategy re-*
13 *quired under section 113(g) of this title and the National*
14 *Military Strategy required under section 139(b) of this*
15 *title.”.*

16 **SEC. 1052. CONGRESSIONAL NOTIFICATION OF MILITARY**
17 **INFORMATION SUPPORT OPERATIONS IN THE**
18 **INFORMATION ENVIRONMENT.**

19 (a) *IN GENERAL.—Chapter 19 of title 10, United*
20 *States Code, is amended by adding at the end the following*
21 *new section:*

22 **“§ 398. Military information support operations in in-**
23 **formation environment**

24 “(a) *CONGRESSIONAL NOTIFICATION REQUIRE-*
25 *MENT.—(1) Not later than 48 hours after the execution of*

1 *any new military information support operation plan (in*
2 *this section referred to as a ‘MISO plan’) approved by the*
3 *commander of a combatant command, or any change in*
4 *scope of any existing MISO plan, including any underlying*
5 *MISO supporting plan, the Secretary of Defense shall*
6 *promptly submit to the congressional defense committees*
7 *notice in writing of such approval or execution of change*
8 *in scope.*

9 “(2) *A notification under paragraph (1) with respect*
10 *to a MISO plan shall include each of the following:*

11 “(A) *A description of the military information*
12 *support operation program (in this section referred to*
13 *as a ‘MISO program’) supported by the MISO plan.*

14 “(B) *A description of the objectives of the MISO*
15 *plan.*

16 “(C) *A description of the intended target audi-*
17 *ence for military information support operation ac-*
18 *tivities under the MISO plan.*

19 “(D) *A description of the tactics, techniques, and*
20 *procedures to be used in executing the MISO plan.*

21 “(E) *A description of the personnel engaged in*
22 *supporting or facilitating the operation.*

23 “(F) *The amount of funding anticipated to be*
24 *obligated and expended to execute the MISO plan*
25 *during the current and subsequent fiscal years.*

1 “(G) *The expected duration and desired outcome*
2 *of the MISO plan.*

3 “(H) *Any other elements the Secretary deter-*
4 *mines appropriate.*

5 “(3) *To the maximum extent practicable, the Secretary*
6 *shall ensure that the congressional defense committees are*
7 *notified promptly of any unauthorized disclosure of a clan-*
8 *destine military support operation covered by this section.*
9 *A notification under this subsection may be verbal or writ-*
10 *ten, but in the event of a verbal notification, the Secretary*
11 *shall provide a written notification by not later than 48*
12 *hours after the provision of the verbal notification.*

13 “(b) *ANNUAL REPORT.—Not later than 90 days after*
14 *the last day of any fiscal year during which the Secretary*
15 *conducts a MISO plan, the Secretary shall submit to the*
16 *congressional defense committees a report on all such MISO*
17 *plans conducted during such fiscal year. Such report shall*
18 *include each of the following:*

19 “(1) *A list of each MISO program and the com-*
20 *batant command responsible for the program.*

21 “(2) *For each MISO plan—*

22 “(A) *a description of the plan and any sup-*
23 *porting plans, including the objectives for the*
24 *plan;*

1 “(B) a description of the intended target
2 audience for the activities carried out under the
3 plan and the means of distribution; and

4 “(C) the cost of executing the plan.

5 “(c) *PROHIBITION ON CLANDESTINE OPERATIONS DE-*
6 *SIGNED TO INFLUENCE OPINIONS AND POLITICS IN UNITED*
7 *STATES.*—None of the funds authorized to be appropriated
8 or otherwise made available for the Department of Defense
9 for any fiscal year may be used to conduct a clandestine
10 military information support operation that is designed to
11 influence—

12 “(1) any political process taking place in the
13 United States;

14 “(2) the opinions of United States persons;

15 “(3) United States policies; or

16 “(4) media produced by United States entities
17 for United States persons.”.

18 (b) *CLERICAL AMENDMENT.*—The table of sections at
19 the beginning of such chapter is amended by adding at the
20 end the following new item:

“398. Military information support operations in information environment.”.

21 **SEC. 1053. MODIFICATION AND CONTINUATION OF REPORT-**
22 **ING REQUIREMENT RELATING TO HUMANI-**
23 **TARIAN ASSISTANCE.**

24 (a) *MODIFICATION.*—Section 2561(c)(3) of title 10,
25 United States Code, is amended—

1 (1) *in subparagraph (A), by striking “relief”*
2 *and inserting “assistance”; and*

3 (2) *by striking subparagraphs (B) and (C) and*
4 *inserting the following new subparagraphs:*

5 “(B) *A comprehensive list of humanitarian as-*
6 *stance efforts for which support was provided under*
7 *this section, disaggregated by foreign partner country,*
8 *amount obligated, and purpose specified in subsection*
9 *(b).*

10 “(C) *A description of the manner in which such*
11 *efforts address—*

12 “(i) *the humanitarian needs of the foreign*
13 *partner country; and*

14 “(ii) *Department of Defense objectives and*
15 *broader United States national security objec-*
16 *tives.*

17 “(D) *A description of any transfer of nonlethal*
18 *excess supplies of the Department of Defense made*
19 *available for humanitarian relief purposes under sec-*
20 *tion 2557 of this title, including, for each such trans-*
21 *fer—*

22 “(i) *the date of the transfer;*

23 “(ii) *the entity to which the transfer is*
24 *made; and*

25 “(iii) *the quantity of items transferred.”.*

1 (b) *CONTINUATION OF REPORTING REQUIREMENT.*—

2 (1) *IN GENERAL.*—Section 1080(a) of the Na-
3 tional Defense Authorization Act for Fiscal Year 2016
4 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111
5 note) does not apply to the report required to be sub-
6 mitted to Congress under section 2561(c) of title 10,
7 United States Code.

8 (2) *CONFORMING REPEAL.*—Section 1061(c) of
9 National Defense Authorization Act for Fiscal Year
10 2017 (Public Law 114–328; 10 U.S.C. 111 note) is
11 amended by striking paragraph (48).

12 **SEC. 1054. BRIEFING ON GLOBAL FORCE MANAGEMENT AL-**
13 **LOCATION PLAN.**

14 Section 1074(c) of the National Defense Authorization
15 Act for Fiscal Year 2022 (Public Law 117–81) is amended
16 by adding at the end the following new paragraph:

17 “(4) For each major modification to global force
18 allocation made during the preceding fiscal year that
19 deviated from the Global Force Management Alloca-
20 tion Plan for that fiscal year—

21 “(A) an analysis of the costs of such modi-
22 fication;

23 “(B) an assessment of the risks associated
24 with such modification, including strategic risks,
25 operational risks, and risks to readiness; and

1 “(C) a description of any strategic trade-
2 offs associated with such modification.”.

3 **SEC. 1055. REPORT AND BUDGET DETAILS REGARDING OP-**
4 **ERATION SPARTAN SHIELD.**

5 Section 1225(b) of the William M. (Mac) Thornberry
6 *National Defense Authorization Act for Fiscal Year 2021*
7 *(Public Law 116–283)* is amended—

8 (1) in paragraph (6) by striking “; and” and in-
9 serting a semicolon;

10 (2) by redesignating paragraph (7) as para-
11 graph (11); and

12 (3) by inserting after paragraph (6), the fol-
13 lowing new paragraphs:

14 “(7) a list of all countries in which Task Force
15 Spartan operated during the prior fiscal year;

16 “(8) a description of activities conducted pursu-
17 ant to the operation to build the military readiness
18 of partner forces during the prior fiscal year, includ-
19 ing—

20 “(A) training exercises;

21 “(B) joint exercises; and

22 “(C) bilateral or multilateral exchanges;

23 “(9) an assessment of the extent to which the ac-
24 tivities described in paragraph (8) improved—

1 “(A) the military readiness of such partner
2 forces;

3 “(B) the national security of the United
4 States; and

5 “(C) the national security of allies and
6 partners of the United States;

7 “(10) a description of criteria used to make the
8 assessment required under paragraph (9); and”.

9 **SEC. 1056. ANNUAL REPORT ON CIVILIAN CASUALTIES IN**
10 **CONNECTION WITH UNITED STATES MILI-**
11 **TARY OPERATIONS.**

12 (a) *IN GENERAL.*—Section 1057(b) of the National De-
13 *fense Authorization Act for Fiscal Year 2018 (Public Law*
14 *115–91) is amended—*

15 (1) *in paragraph (1), by striking “that were con-*
16 *firmed, or reasonably suspected, to have resulted in*
17 *civilian casualties” and inserting “that resulted in ci-*
18 *vilian casualties that have been confirmed or are rea-*
19 *sonably suspected to have occurred”;*

20 (2) *in paragraph (2)—*

21 (A) *in subparagraph (B), by inserting “,*
22 *including, to the extent practicable, the closest*
23 *town, city, or identifiable place” after “loca-*
24 *tion”;*

1 (B) in subparagraph (D), by inserting be-
2 fore the period the following: “, including the
3 specific justification or use of authority for each
4 strike conducted”;

5 (C) in subparagraph (E), by inserting be-
6 fore the period at the end the following: “, formu-
7 lated as a range, if necessary, and including, to
8 the extent practicable, information regarding the
9 number of men, women, and children involved”;
10 and

11 (D) by adding at the end the following new
12 subparagraphs:

13 “(F) A summary of the determination of
14 each completed civilian casualty assessment or
15 investigation.

16 “(G) For each assessment or investigation of
17 an incident that resulted in civilian casualties—

18 “(i) whether the Department conducted
19 any witness interviews or site visits oc-
20 curred, and if not, an explanation of why
21 not; and

22 “(ii) whether information pertaining
23 to the incident that was collected by one or
24 more non-governmental entities was consid-
25 ered, if such information exists.”; and

1 (3) by striking paragraph (4) and inserting the
2 following new paragraph (4):

3 “(4) A description of any new or updated civil-
4 ian harm policies and procedures implemented by the
5 Department of Defense.”.

6 (b) *APPLICABILITY.*—The amendments made by this
7 section shall apply as follows:

8 (1) Except as provided in paragraph (2), the
9 amendments made by this section shall apply with re-
10 spect to a report submitted on or after May 1, 2024.

11 (2) The amendments made by subparagraphs (A)
12 and (B) of subsection (a)(2) shall apply with respect
13 to a report submitted after the date of the enactment
14 of this Act.

15 **SEC. 1057. EXTENSION OF CERTAIN REPORTING DEAD-**
16 **LINES.**

17 (a) *COMMISSION ON PLANNING, PROGRAMMING, BUDG-*
18 *ETING, AND EXECUTION REFORM.*—Section 1004(g) of the
19 *National Defense Authorization Act for Fiscal Year 2022*
20 *(Public Law 117–81; 135 Stat. 1886) 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 Defense
3 *Authorization Act for Fiscal Year 2022 (Public Law 117–*
4 *81; 135 Stat. 1931) is amended—*

5 (1) *in paragraph (1), by striking “2 years after”*
6 *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 STRAT-*
10 *EGY*.—Section 1095(g) of the National Defense Authoriza-
11 *tion Act for Fiscal Year 2022 (Public Law 117–81; 135*
12 *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 STRATEGIC*
18 *POSTURE OF THE UNITED STATES*.—Section 1687(d) of the
19 *National Defense Authorization Act for Fiscal Year 2022*
20 *(Public Law 117–81; 135 Stat. 2128) is amended—*

21 (1) *in paragraph (1), by striking “December 31,*
22 *2022” and inserting “July 31, 2023”; and*

23 (2) *in paragraph (3), by striking “180 days*
24 *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 DE-**
6 **PARTMENT OF DEFENSE.**

7 *Section 1014(d) of the National Defense Authorization*
8 *Act for Fiscal Year 2017 (Public Law 114–328) is amend-*
9 *ed—*

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 for*
16 *making cost estimates in the evalua-*
17 *tion of a request for assistance.*

18 *“(IX) The extent to which the ful-*
19 *fillment of the request for assistance af-*
20 *fects readiness of the Armed Forces,*
21 *including members of the reserve com-*
22 *ponents.”; and*

23 *(2) in paragraph (3), by striking “December 31,*
24 *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 De-
5 fense Authorization Act for Fiscal Year 2016 (Public Law
6 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply
7 to the report required to be submitted to Congress under
8 section 10541 of title 10, United States Code.

9 (b) *CONFORMING REPEAL.*—Section 1061(c) of the Na-
10 tional Defense Authorization Act for Fiscal Year 2017 (Pub-
11 lic Law 114–328); 130 Stat. 2402; 10 U.S.C. 111 note) is
12 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 for
25 use by the Forest Service and the United States Coast
26 Guard” and inserting “for use by the Forest Service,

1 *to the Secretary of Homeland Security for use by the*
2 *United States Coast Guard, and to the Governor of a*
3 *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 period*
16 *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 Secretary
12 of Defense that such Secretary declines such air-
13 craft.”;

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” after
17 “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 “Secretary
6 of Agriculture”;

7 (8) in subsection (e), as so redesignated, by strik-
8 ing “or the Secretary of Homeland Security” and in-
9 serting “, the Secretary of Homeland Security, or the
10 Governor of a State”;

11 (9) in subsection (f), as so redesignated, by strik-
12 ing “and the Secretary of Homeland Security” and
13 inserting “, the Secretary of Homeland Security, or
14 the Governor of the State to which such aircraft is
15 transferred using only State funds”; and

16 (10) by adding at the end the following new sub-
17 section:

18 “(g) *REPORTING.*—Not later than December 1, 2022,
19 and annually thereafter, the Secretary of Defense shall sub-
20 mit to the Committees on Armed Services of the Senate and
21 the House of Representatives a report on aircraft trans-
22 ferred, during the fiscal year preceding the date of such re-
23 port, 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 Act
6 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
7 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 2014
11 (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 Congress
17 the materials in support of the budget for any fiscal year,
18 or the date on which any of the military departments other-
19 wise proposes to retire or otherwise divest any airborne in-
20 telligence, surveillance, and reconnaissance capabilities, the
21 Vice Chairman of the Joint Chiefs of Staff, in coordination
22 with the commanders of each of the geographic combatant
23 commands, shall submit to the congressional defense com-
24 mittees a report containing an assessment of the level of
25 operational risk to each such command posed by the pro-

1 *posed retirement or divestment with respect to the capa-*
2 *bility of the command to meet near-, mid-, and far-term*
3 *contingency and steady-state requirements against adver-*
4 *saries in support of the objectives of the national defense*
5 *strategy under section 113(g) of title 10, United States*
6 *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 CJCS*
12 *Instruction 3401.01E, or any successor instruction.*

13 **(c) GEOGRAPHIC COMBATANT COMMAND.**—*In this sec-*
14 *tion, the term “geographic combatant command” means*
15 *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 is*
24 *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 shall*
6 *seek to enter into an agreement with a federally fund-*
7 *ed research and development center to conduct a*
8 *study to identify low-level military training routes*
9 *and special use airspace that may be used by the De-*
10 *partment of Defense to conduct realistic training over*
11 *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 for*
16 *military airspace that may be used for the train-*
17 *ing described in paragraph (1), taking into con-*
18 *sideration—*

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 required
2 for low-level training proficiency given current
3 and projected force structures;

4 (D) provide recommendations for re-
5 designing 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 affected
13 by wind turbines, any previous training routes
14 that are no longer in use because of wind tur-
15 bines, and any training routes projected to be
16 lost due to wind turbines.

17 (3) CONSULTATION.—In carrying out paragraph
18 (1), the Secretary of Defense shall consult with—

19 (A) the Under Secretary of Defense for Per-
20 sonnel and Readiness;

21 (B) the Department of Defense Policy Board
22 on Federal Aviation; and

23 (C) the Federal Aviation Administration.

24 (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 center
4 that conducts the study under paragraph (1)
5 shall submit to the Secretary of Defense a report
6 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 Sec-
13 retary shall submit to the appropriate congressional
14 committees an unaltered copy of the report together
15 with any comments the Secretary may have with re-
16 spect 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” means*
2 *a situation in which the presence of wind turbines in*
3 *the area of a low-level military training route or spe-*
4 *cial use airspace—*

5 (A) *prompted the Department of Defense to*
6 *alter a testing and training mission or to reduce*
7 *previously planned training activities; or*

8 (B) *prevented the Department from meeting*
9 *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, 2023,*
14 *and annually thereafter until the date specified in sub-*
15 *section (c), the Secretaries of the Army, Navy, and Air*
16 *Force shall each submit to the Committees on Armed Serv-*
17 *ices of the Senate and House of Representatives a report*
18 *on the installation of safety upgrades to the high mobility*
19 *multipurpose wheeled vehicle fleets under the jurisdiction*
20 *of the Secretary concerned, including anti-lock brakes, elec-*
21 *tronic stability control, and fuel tanks.*

22 (b) *MATTERS FOR INCLUSION.*—*Each report required*
23 *under subsection (a) shall include, for the year covered by*
24 *the report, each of the following:*

1 (1) *The total number of safety upgrades nec-*
2 *essary for the high mobility multipurpose wheeled ve-*
3 *hicle fleets under the jurisdiction of the Secretary con-*
4 *cerned.*

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 were*
9 *planned for the year covered by the report.*

10 (4) *A description of any such upgrades that were*
11 *made during the year covered by the report and, if*
12 *the number of such upgrades was less than the num-*
13 *ber of upgrades planned for such year, an explanation*
14 *of the variance.*

15 (5) *If the total number of necessary upgrades has*
16 *not been made, a description of the upgrades planned*
17 *for each year subsequent to the year covered by the re-*
18 *port.*

19 (c) *TERMINATION.*—*No report shall be required under*
20 *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 the
2 date of the enactment of this Act, the Comptroller General
3 of the United States shall submit to the congressional de-
4 fense committees a report on the extent to which the Depart-
5 ment of Defense provided comments and sensitivity and se-
6 curity reviews (for drafts tentatively identified as con-
7 taining controlled unclassified information or classified in-
8 formation) in a timely manner and in accordance with the
9 protocols of the Government Accountability Office during
10 the 180-day period preceding the date of the submittal of
11 the report.

12 (b) *REQUIREMENTS FOR GAO REPORT.*—Each report
13 under subsection (a) shall include the following information
14 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 be-*
2 *tween the date of the request for Department of De-*
3 *fense comments and the receipt of such comments.*

4 (3) *The average number of days between the date*
5 *of the request for a Department of Defense sensitivity*
6 *or security review and the receipt of the results of*
7 *such review.*

8 (4) *In the case of any such draft report for which*
9 *the Department of Defense failed to provide such com-*
10 *ments or review within 30 days of the request for such*
11 *comments or review—*

12 (A) *the number of days between the date of*
13 *the request and the receipt of such comments or*
14 *review; and*

15 (B) *a unique identifier, for purposes of*
16 *identifying the draft report.*

17 (5) *In the case of any such draft report for which*
18 *the Government Accountability Office provided an ex-*
19 *tension to the Department of Defense—*

20 (A) *whether the Department provided the*
21 *comments or review within the time period of the*
22 *extension; and*

23 (B) *a unique identifier, for purposes of*
24 *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 subsection*
5 *(a), the Secretary of Defense shall submit to the congres-*
6 *sional defense committees a response to such report that in-*
7 *cludes 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 Department*
14 *of Defense has taken or plans to take to address such*
15 *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 re-*
22 *port submitted by the Comptroller General.*

1 **SEC. 1065. JUSTIFICATION FOR TRANSFER OR ELIMINATION**
2 **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 Sec-*
7 *retary of Defense shall submit to the congressional defense*
8 *committees a report describing the justification of the Sec-*
9 *retary for the decision to relocate or eliminate such flying*
10 *mission. Such report shall include each of the following:*

11 *(1) A description of how the decision supports*
12 *the national defense strategy, the national military*
13 *strategy, the North American Aerospace Defense Com-*
14 *mand strategy, and other relevant strategies.*

15 *(2) A specific analysis and metrics supporting*
16 *such decision.*

17 *(3) An analysis and metrics to show that the*
18 *elimination or relocation of the flying mission would*
19 *not negatively affect broader mission sets, such as the*
20 *homeland defense mission.*

21 *(4) A plan for how the Department of Defense*
22 *intends to fulfill or continue to meet the mission re-*
23 *quirements of the eliminated or relocated flying mis-*
24 *sion.*

25 *(5) An assessment of the effect of the elimination*
26 *or relocation on the national defense strategy, the na-*

1 *tional military strategy, the North American Aero-*
2 *space Defense Command strategy, and broader mis-*
3 *sion sets, such as the homeland defense mission.*

4 (6) *An analysis and metrics to show that the*
5 *elimination or relocation of the flying mission and its*
6 *secondary and tertiary impacts would not degrade ca-*
7 *pacilities and readiness of the Joint Force.*

8 (7) *An analysis and metrics to show that the*
9 *elimination or relocation of the flying mission would*
10 *not negatively affect the continental United States na-*
11 *tional airspace system.*

12 **SEC. 1066. REPORTS ON UNITED STATES MILITARY FORCE**

13 **PRESENCE IN EUROPE.**

14 (a) *REPORT ON UNITED STATES MILITARY FORCE*
15 *POSTURE AND RESOURCING REQUIREMENTS IN EUROPE.—*

16 (1) *IN GENERAL.—Not later than 120 days after*
17 *the date of the enactment of this Act, the Secretary of*
18 *Defense shall submit to the congressional defense com-*
19 *mittees a report containing an assessment of the*
20 *United States military force posture requirements for*
21 *the United States European Command to support the*
22 *following objectives:*

23 (A) *Implementation of the national defense*
24 *strategy under section 113(g) of title 10, United*

1 *States Code, with respect to the area of responsi-*
2 *bility of the United States European Command.*

3 *(B) Fulfillment of the commitments of the*
4 *United States to NATO operations, missions,*
5 *and activities, as modified and agreed upon at*
6 *the 2022 Madrid Summit.*

7 *(C) Reduction of the risk of executing the*
8 *contingency plans of the Department of Defense.*

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

11 *(A) For the Army, the Navy, the Air Force,*
12 *the Marine Corps, and the Space Force and for*
13 *each warfighting domain, a description of the*
14 *force structure and posture of assigned and allo-*
15 *cated forces in Europe, including consideration*
16 *of the balance of permanently stationed forces*
17 *and forces rotating from the United States, to*
18 *support the objectives described in paragraph*
19 *(1).*

20 *(B) An assessment of the military training*
21 *and all domain exercises to support such objec-*
22 *tives, including—*

23 *(i) training and exercises on interoper-*
24 *ability; and*

1 (ii) joint activities with allies and
2 partners.

3 (C) An assessment of logistics requirements,
4 including personnel, equipment, supplies, pre-po-
5 sitioned storage, host country support and agree-
6 ments, and maintenance needs, to support such
7 objectives.

8 (D) An identification of required infrastruc-
9 ture, facilities, and military construction invest-
10 ments to support such objectives.

11 (E) A description of the requirements for
12 United States European Command integrated
13 air and missile defense throughout the area of re-
14 sponsibility of the United States European Com-
15 mand.

16 (F) An assessment of United States security
17 cooperation activities and resources required to
18 support such objectives.

19 (G) A detailed assessment of the resources
20 necessary to address the elements described in
21 subparagraphs (A) through (F), categorized by
22 the budget accounts for—

23 (i) procurement;

24 (ii) research, development, test, and
25 evaluation;

- 1 (iii) operation and maintenance;
2 (iv) military personnel; and
3 (v) military construction.

4 (H) *The projected timeline to achieve fulfillment of each such element.*

6 (I) *Any other information the Secretary considers relevant.*

8 (3) *FORM.—The report required under paragraph (1) may be submitted in classified form, but, if so, it shall include an unclassified summary.*

11 (b) *QUARTERLY REPORTS ON EXPENDITURES FOR PLANNING AND DESIGN OF INFRASTRUCTURE TO SUPPORT PERMANENT UNITED STATES FORCE PRESENCE ON EUROPE'S EASTERN FLANK.—*

15 (1) *IN GENERAL.—The Commander of United States European Command shall submit to the congressional defense committees quarterly reports on the use of the funds described in paragraph (3) until the date on which all such funds are expended.*

20 (2) *CONTENTS.—Each report required under paragraph (1) shall include an expenditure plan for the establishment of infrastructure to support a permanent United States force presence in the covered region.*

1 (3) *FUNDS DESCRIBED.*—*The funds described in*
2 *this paragraph are the amounts authorized to be ap-*
3 *propriated or otherwise made available for fiscal year*
4 *2023 for—*

5 (A) *Operation and Maintenance, Air Force,*
6 *for Advanced Planning for Infrastructure to*
7 *Support Presence on NATO’s Eastern Flank;*

8 (B) *Operation and Maintenance, Army, for*
9 *Advanced Planning for Infrastructure to Sup-*
10 *port Presence on NATO’s Eastern Flank; and*

11 (C) *Military Construction, Defense-wide,*
12 *Planning & Design: EUCOM—Infrastructure to*
13 *Support Presence on NATO’s Eastern Flank.*

14 (D) *Military Construction, Defense-wide,*
15 *Exercise-related Minor Construction: EUCOM.*

16 (4) *COVERED REGION.*—*In this subsection, the*
17 *term “covered region” means Romania, Poland, Lith-*
18 *uania, Latvia, Estonia, Hungary, Bulgaria, the*
19 *Czech Republic, and Slovakia.*

20 **SEC. 1067. REPORT ON DEPARTMENT OF DEFENSE PRAC-**
21 **TICES REGARDING DISTINCTION BETWEEN**
22 **COMBATANTS AND CIVILIANS IN UNITED**
23 **STATES MILITARY OPERATIONS.**

24 (a) *REPORT.*—*The Civilian Protection Center of Ex-*
25 *cellence of the Department of Defense, as established under*

1 *section 184 of title 10, United States Code, as added by*
2 *section 1082 of this Act, shall seek to enter into an agree-*
3 *ment with an appropriate federally funded research and de-*
4 *velopment center to develop an independent report on De-*
5 *partment of Defense practices regarding distinguishing be-*
6 *tween combatants and civilians in United States military*
7 *operations.*

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

10 **(1)** *A description of how the Department of De-*
11 *fense has differentiated between combatants and civil-*
12 *ians in both ground and air operations since 2001,*
13 *including in Afghanistan, Iraq, Syria, Somalia,*
14 *Libya, and Yemen, including—*

15 **(A)** *relevant policy and legal standards and*
16 *how these standards were implemented in prac-*
17 *tice; and*

18 **(B)** *target engagement criteria.*

19 **(2)** *A description of how the Department of De-*
20 *fense has differentiated between combatants and civil-*
21 *ians when assessing allegations of civilian casualties*
22 *since 2001, including in Afghanistan, Iraq, Syria,*
23 *Somalia, Libya, and Yemen, including—*

24 **(A)** *relevant policy and legal standards and*
25 *the factual indicators these standards were ap-*

1 *plied to in assessing claims of civilian casualties;*
2 *and*

3 *(B) any other matters the Secretary of De-*
4 *fense determines appropriate.*

5 *(c) SUBMISSION OF REPORT.—Not later than one year*
6 *after the date of the enactment of this Act, the Secretary*
7 *of Defense shall submit to the congressional defense commit-*
8 *tees a report setting forth an unaltered copy of the federally*
9 *funded research and development center assessment required*
10 *under this section, together with the views of the Secretary*
11 *on the assessment.*

12 *(d) DEFINITION OF UNITED STATES MILITARY OPER-*
13 *ATION.—In this section, the term “United States military*
14 *operations” includes any mission, strike, engagement, raid,*
15 *or incident involving the United States Armed Forces.*

16 **SEC. 1068. REPORT ON STRATEGY AND IMPROVEMENT OF**
17 **COMMUNITY ENGAGEMENT EFFORTS OF**
18 **ARMED FORCES IN HAWAII.**

19 *(a) IN GENERAL.—In an effort to better meet the fu-*
20 *ture force posture needs within the Indo-Pacific area of re-*
21 *sponsibility, the Commander of the United States Indo-Pa-*
22 *cific Command, in collaboration with the Assistant Sec-*
23 *retary of Defense for Energy, Installations, and Environ-*
24 *ment, installation commanders, and the relevant theater*
25 *component commanders, shall—*

1 (1) *develop and implement a holistic strategy*
2 *to—*

3 (A) *improve, standardize, and coordinate*
4 *the engagement efforts of the military with the*
5 *local community in Hawaii; and*

6 (B) *effectively communicate with such com-*
7 *munity for the purpose of enhancing readiness;*
8 *and*

9 (2) *enhance coordinated community engagement*
10 *efforts (as described in section 587 of the National De-*
11 *fense Authorization Act for Fiscal Year 2022 (Public*
12 *Law 117–81)) in Hawaii.*

13 (b) *REPORT REQUIRED.—Not later than one year after*
14 *the date of the enactment of this Act, the Commander shall*
15 *submit to the congressional defense committees a report on*
16 *the strategy and enhanced engagement efforts implemented*
17 *pursuant to subsection (a). Such report shall include each*
18 *of the following:*

19 (1) *The plan of the Commander for conducting*
20 *education and training programs relating to con-*
21 *sultation and engagement with the local and native*
22 *Hawaiian community, including—*

23 (A) *a description of the outreach activities*
24 *conducted during fiscal years 2023 and 2024;*
25 *and*

1 (B) a description of the extent to which
2 members of the local and native Hawaiian com-
3 munity have been involved in development of
4 curricula, tentative dates, locations, required
5 attendees, and topics for the education and
6 training programs.

7 (2) A list of all local and native Hawaiian com-
8 munity groups involved or expected to be consulted in
9 the process of updating Department of Defense In-
10 struction 4710.03 (or any successor document).

11 (3) Recommendations for improving Department
12 of Defense Instruction 4710.03 to reflect best practices
13 and provide continuity across the military depart-
14 ments with respect to the practices, policies, training,
15 and personnel related to consultation with the local
16 and native Hawaiian community.

17 (4) A timeline for issuing the next update or suc-
18 cessor document to Department of Defense Instruction
19 4710.03.

20 (5) Recommendations for the enhancement and
21 expansion of—

22 (A) Department of Defense education and
23 training programs relating to consultation and
24 engagement with the local and Native Hawaiian
25 community; and

1 (B) outreach activities for all commands
2 and installations in Hawaii.

3 (c) *THEATER COMPONENT COMMANDER*.—In this sec-
4 tion, the term “theater component commander” has the
5 meaning given such term in section 1513(8) of title 10,
6 United States Code.

7 **SEC. 1069. REPORT ON DEPARTMENT OF DEFENSE MILI-**
8 **TARY CAPABILITIES IN THE CARIBBEAN.**

9 (a) *IN GENERAL*.—Not later than one year after the
10 date of the enactment of this Act, the Secretary of Defense,
11 in consultation with the Secretary of State and the Sec-
12 retary of Homeland Security, shall submit to the Commit-
13 tees on Armed Services of the Senate and House of Rep-
14 resentatives a report on United States military posture and
15 capabilities in the Caribbean basin, particularly in and
16 around Puerto Rico and the United States Virgin Islands.

17 (b) *ELEMENTS*.—The report required by subsection (a)
18 shall include the following:

19 (1) An assessment of United States military
20 force posture and capabilities in the Caribbean basin.

21 (2) An assessment of the feasibility, desirability,
22 and cost of increasing United States military posture
23 and capabilities in the Caribbean basin to—

24 (A) enhance access and influence and pro-
25 vide forward-deployed capabilities to effectively

1 *implement the national defense strategy and sup-*
2 *port strategic competition with China and Rus-*
3 *sia;*

4 *(B) ensure, to the greatest extent possible,*
5 *that United States Northern Command and*
6 *United States Southern Command have the nec-*
7 *essary assets to support the defense of the United*
8 *States homeland;*

9 *(C) confront the threats posed by*
10 *transnational criminal organizations and illicit*
11 *trafficking in the Caribbean basin, including by*
12 *supporting interagency partners in disrupting*
13 *and degrading illicit trafficking into the United*
14 *States;*

15 *(D) improve surveillance capabilities and*
16 *maximize the effectiveness of counter-trafficking*
17 *operations in the Caribbean region;*

18 *(E) ensure, to the greatest extent possible,*
19 *that United States Northern Command and*
20 *United States Southern Command have the as-*
21 *sets necessary to detect, interdict, disrupt, or cur-*
22 *tail illicit narcotics and weapons trafficking ac-*
23 *tivities within their respective areas of oper-*
24 *ations in the Caribbean basin;*

1 (F) respond to malign influences of foreign
2 governments, particularly including non-market
3 economies, in the Caribbean basin that harm
4 United States national security and regional se-
5 curity interests in the Caribbean basin and in
6 the Western Hemisphere; and

7 (G) strengthen the ability of the security
8 sector of partner nations in the Caribbean basin
9 to respond to, and become more resilient in the
10 face of, major humanitarian or natural disas-
11 ters, including to ensure critical infrastructure
12 and ports can come back online rapidly fol-
13 lowing disasters.

14 (c) *FORM OF REPORT.*—The report required under
15 subsection (a) shall be submitted in unclassified form with-
16 out any designation relating to dissemination control, but
17 may include a classified annex.

18 **SEC. 1070. QUARTERLY BRIEFINGS ON DEPARTMENT OF DE-**
19 **FENSE SUPPORT FOR CIVIL AUTHORITIES TO**
20 **ADDRESS IMMIGRATION AT THE SOUTHWEST**
21 **BORDER.**

22 Not later than 30 days after the date of the enactment
23 of this Act, and every 90 days thereafter through December
24 31, 2024, the Assistant Secretary of Defense for Homeland
25 Defense or another Assistant Secretary of Defense, as appro-

1 *priate, shall provide an unclassified briefing to the Com-*
2 *mittee on Armed Services of the Senate and the Committee*
3 *on Armed Services of the House of Representatives, with*
4 *a classified component, if necessary, regarding—*

5 (1) *Department of Defense planning to address*
6 *current and anticipated border support mission re-*
7 *quirements as part of the Department of Defense’s an-*
8 *ual planning, programming, budgeting, and execu-*
9 *tion process;*

10 (2) *any Department of Defense risk assessment*
11 *with respect to the safety of Department of Defense*
12 *personnel conducted in evaluating any request for as-*
13 *sistance from the Department of Homeland Security*
14 *during the quarter covered by the briefing;*

15 (3) *any Department of Defense efforts, or up-*
16 *dates to existing efforts, to cooperate with Mexico with*
17 *respect to border security;*

18 (4) *the type of support that is currently being*
19 *provided by the Department of Defense along the*
20 *southwest border of the United States;*

21 (5) *the effect of such efforts and support on Na-*
22 *tional Guard readiness; and*

23 (6) *any recommendations of the Department of*
24 *Defense regarding the modification of the support*

1 *provided by the Department of Defense to the Depart-*
2 *ment of Homeland Security at the southwest border.*

3 **SEC. 1071. ANNUAL REPORT ON PROCUREMENT OF EQUIP-**
4 **MENT BY STATE AND LOCAL GOVERNMENTS**
5 **THROUGH THE DEPARTMENT OF DEFENSE.**

6 *(a) IN GENERAL.—The Secretary of Defense, in coordi-*
7 *nation with the Administrator of General Services, shall*
8 *submit to the Committees on Armed Services of the Senate*
9 *and House of Representatives an annual report that in-*
10 *cludes current information on the purchase of equipment*
11 *under the procedures established under section 281(a) of*
12 *title 10, United States Code, and the recipients of such*
13 *equipment.*

14 *(b) MATTERS FOR INCLUSION.—Each report under*
15 *subsection (a) shall include the following for the year cov-*
16 *ered by the report:*

17 *(1) The catalog of equipment available for pur-*
18 *chase under subsection (c) of section 281 of title 10,*
19 *United States Code.*

20 *(2) For each purchase of equipment under the*
21 *procedures established under subsection (a) of such*
22 *section—*

23 *(A) the recipient State or unit of local gov-*
24 *ernment;*

25 *(B) the type of equipment;*

1 (C) the cost of the equipment; and

2 (D) the administrative costs under sub-
3 section (b) of such section.

4 (3) Such other information the Secretary deter-
5 mines is necessary.

6 (c) *TERMINATION.*—The requirement to submit a re-
7 port under subsection (a) shall terminate on the date that
8 is five years after the date of the enactment of this Act.

9 **SEC. 1072. BRIEFING ON FINANCIAL OVERSIGHT OF CER-**
10 **TAIN EDUCATIONAL INSTITUTIONS RECEIV-**
11 **ING DEPARTMENT OF DEFENSE FUNDS.**

12 Not later than 180 days after the date of the enactment
13 of this Act, the Secretary of Defense shall provide to the
14 Committees on Armed Services of the Senate and the House
15 of Representatives a briefing on the methods used to assess
16 the eligibility of educational institutions for the receipt of
17 payments under the payment method described in section
18 668.162(d) of title 34, Code of Federal Regulations (as in
19 effect on the date of the enactment of this Act).

20 **SEC. 1073. REPORT ON EFFECTS OF CERTAIN ETHICS RE-**
21 **QUIREMENTS ON DEPARTMENT OF DEFENSE**
22 **HIRING, RETENTION, AND OPERATIONS.**

23 (a) *STUDY.*—

24 (1) *IN GENERAL.*—The Secretary of Defense shall
25 seek to enter into an agreement with a federally fund-

1 *ed research and development center under which the*
2 *center shall conduct a study to assess whether the cov-*
3 *ered ethics requirements have had an effect on—*

4 *(A) the hiring or retention of personnel at*
5 *the Department of Defense, particularly those*
6 *persons with specialized experience or training;*
7 *and*

8 *(B) the ability of the Department of Defense*
9 *to detect, deter, prevent, and redress violations of*
10 *the Standards of Ethical Conduct for Employees*
11 *of the Executive Branch and applicable statutory*
12 *and regulatory ethics requirements, including*
13 *conflicts of interest, by Department of Defense*
14 *personnel.*

15 *(2) ELEMENTS.—A study conducted pursuant to*
16 *paragraph (1) shall include the following elements:*

17 *(A) An examination of how the covered eth-*
18 *ics requirements are inconsistent or incongruent*
19 *with ethics statutes, and any implementing regu-*
20 *lations, that apply to all executive branch em-*
21 *ployees.*

22 *(B) An examination of the relative degrees*
23 *of risk associated with the potential for viola-*
24 *tions of ethical standards at the Department of*
25 *Defense and those associated with the potential*

1 *for such violations at other Federal agencies, and*
2 *an analysis of whether ethical standards that are*
3 *applied exclusively to Department of Defense*
4 *personnel are justified.*

5 *(C) An examination of how covered ethics*
6 *requirements have affected, or are likely to affect,*
7 *the hiring and retention of personnel, particu-*
8 *larly those persons with specialized experience or*
9 *training, at the Department of Defense in com-*
10 *parison to other Federal agencies that are not*
11 *subject to such requirements. The examination*
12 *shall account for any relevant differences between*
13 *the Department of Defense and other Federal de-*
14 *partments and agencies within the executive*
15 *branch and shall use analytical methods to con-*
16 *trol for any variables that may affect the com-*
17 *parative results.*

18 *(D) An examination of how any confusion*
19 *in the interpretation of the requirement referred*
20 *to in paragraph (3)(B) may have affected, or is*
21 *likely to affect—*

22 *(i) the hiring or retention of personnel,*
23 *particularly those persons with specialized*
24 *experience or training, at the Department of*
25 *Defense; and*

1 (ii) the ability of the Department of
2 Defense to detect, deter, prevent, and redress
3 violations of ethical standards, including
4 conflicts of interest, by Department of De-
5 fense personnel.

6 (E) An examination of how the ethics re-
7 quirements referred to in subparagraphs (B) and
8 (C) of paragraph (3) may affect the ability of the
9 Department of Defense to obtain expertise from
10 industry and other groups in support of tech-
11 nology development, supply chain security, and
12 other national security matters.

13 (F) An examination of whether the removal
14 or alteration of any covered ethics requirement
15 may adversely affect the ability of the Depart-
16 ment of Defense to detect, deter, prevent, and re-
17 dress violations of ethical standards, including
18 conflicts of interest, by Department of Defense
19 personnel.

20 (G) An examination of whether the removal
21 or alteration of any covered ethics requirement
22 may adversely affect the ability of the Depart-
23 ment of Defense to negotiate and effectuate arms-
24 length transactions.

1 (H) *Any suggested changes to any covered*
2 *ethics requirement to further the establishment*
3 *and maintenance of ethical standards, while also*
4 *supporting the ability of the Department of De-*
5 *fense to hire and retain personnel and obtain ex-*
6 *pertise from academia, think tanks, industry,*
7 *and other groups to support national security.*

8 (3) *COVERED ETHICS REQUIREMENTS.—In this*
9 *section, the term “covered ethics requirement” means*
10 *each of the requirements under the following provi-*
11 *sions of law:*

12 (A) *Section 847 of the National Defense Au-*
13 *thorization Act for Fiscal Year 2008 (Public*
14 *Law 110–181; 10 U.S.C. 1701 note).*

15 (B) *Section 1045 of the National Defense*
16 *Authorization Act for Fiscal Year 2018 (Public*
17 *Law 115–91; 10 U.S.C. 971 note prec.).*

18 (C) *Section 1117 of the National Defense*
19 *Authorization Act for Fiscal Year 2022 (10*
20 *U.S.C. 971 note prec.).*

21 (D) *Section 988 of title 10, United States*
22 *Code.*

23 (b) *REPORT.—*

24 (1) *IN GENERAL.—An agreement entered into*
25 *under subsection (a) shall provide that the federally*

1 *funded research and development center shall submit*
2 *to the Secretary a report containing the results of the*
3 *study conducted under the agreement by not later*
4 *than one year after the date of the enactment of this*
5 *Act.*

6 (2) *TRANSMITTAL TO CONGRESS.—Not later than*
7 *30 days after the Secretary receives the report under*
8 *paragraph (1), the Secretary shall transmit a copy of*
9 *the report to the Committee on Armed Services of the*
10 *Senate and the Committee on Armed Services of the*
11 *House of Representatives.*

12 (3) *SECRETARY OF DEFENSE EVALUATION.—The*
13 *Secretary shall submit with the report transmitted*
14 *pursuant to paragraph (2) an evaluation of each*
15 *change suggested pursuant to subsection (a)(2)(H).*
16 *The evaluation shall include—*

17 (A) *a determination of whether the Sec-*
18 *retary concurs with each suggested change;*

19 (B) *an assessment of the potential effects of*
20 *each suggested change on the ability of the De-*
21 *partment of Defense to hire or retain personnel*
22 *at the Department of Defense, particularly those*
23 *persons with specialized experience or training;*

24 (C) *an assessment of the potential effects of*
25 *each suggested change on the ability of the De-*

1 *partment of Defense to detect, deter, prevent, or*
2 *redress violations of ethical standards, including*
3 *conflicts of interest; and*

4 *(D) any other information that the Sec-*
5 *retary determines to be appropriate.*

6 **SEC. 1074. JOINT CONCEPT FOR COMPETING.**

7 *(a) IN GENERAL.—Not later than 90 days after the*
8 *date of the enactment of this Act, the Secretary of Defense*
9 *shall develop a Joint Concept for Competing.*

10 *(b) PURPOSES.—The purposes of the Joint Concept for*
11 *Competing are to—*

12 *(1) define the roles and missions of the Depart-*
13 *ment of Defense in long-term strategic competition*
14 *with specific competitors;*

15 *(2) conceptualize the employment of joint forces*
16 *capabilities to deter adversarial military action by*
17 *strategic competitors;*

18 *(3) describe the manner in which the Depart-*
19 *ment of Defense will use its forces, capabilities, pos-*
20 *ture, indications and warning systems, and authori-*
21 *ties to protect United States national interests in the*
22 *course of participating in long-term strategic com-*
23 *petition, including through—*

1 (A) departmental efforts to integrate De-
2 partment of Defense roles and missions with
3 other instruments of national power;

4 (B) security cooperation with partners and
5 allies; and

6 (C) operations relating to long-term stra-
7 tegic competition, particularly below the thresh-
8 old of traditional armed conflict;

9 (4) identify priority lines of effort and assign re-
10 sponsibility to relevant Armed Forces, combatant
11 commands, and other elements of the Department of
12 Defense for each specified line of effort in support of
13 the Joint Concept for Competing; and

14 (5) provide means for integrating and continu-
15 ously improving the ability of the Department to en-
16 gage in long-term strategic competition.

17 (c) *REPORT.*—

18 (1) *IN GENERAL.*—Not later than 180 days after
19 the date of the enactment of this Act, and every 180
20 days thereafter for two years, the Secretary of Defense
21 shall submit to the congressional defense committees a
22 report on the implementation of the Joint Concept for
23 Competing.

24 (2) *ELEMENTS.*—Each report required under
25 paragraph (1) shall include the following elements:

1 (A) *A detailed description of any actions*
2 *taken by the Department of Defense relative to*
3 *the purposes specified under subsection (b).*

4 (B) *An articulation of any new concepts or*
5 *strategies necessary to support the Joint Concept*
6 *for Competing.*

7 (C) *An articulation of any capabilities, re-*
8 *sources, or authorities necessary to implement*
9 *the Joint Concept for Competing.*

10 (D) *An explanation of the manner in which*
11 *the Joint Concept for Competing relates to and*
12 *integrates with the Joint Warfighting Concept.*

13 (E) *An explanation of the manner in which*
14 *the Joint Concept for Competing synchronizes*
15 *and integrates with efforts of other departments*
16 *and agencies of the United States Government to*
17 *address long-term strategic competition.*

18 (F) *Any other matters the Secretary of De-*
19 *fense determines relevant.*

20 **SEC. 1075. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF**
21 **RELOCATING MAJOR UNITS OF THE UNITED**
22 **STATES ARMED FORCES TO CERTAIN EURO-**
23 **PEAN COUNTRIES.**

24 (a) *REPORT.*—*Not later than 180 days after the date*
25 *of enactment of this Act, the Secretary of Defense shall sub-*

1 *mit to the congressional defense committees a report on the*
2 *feasibility and advisability of relocating major units of the*
3 *United States Armed Forces to a covered country. Such re-*
4 *port shall include—*

5 (1) *a description of commitments made by a cov-*
6 *ered country to provide host nation support, includ-*
7 *ing funding for construction and maintenance of De-*
8 *partment of Defense facilities and other actions that*
9 *might reduce costs to the Department of Defense asso-*
10 *ciated with hosting major units of the Armed Forces*
11 *in such covered country;*

12 (2) *an estimate of the expenses associated with*
13 *the relocation of major units of the Armed Forces*
14 *from current host nation locations, as well as a de-*
15 *scription of any benefits that would be derived from*
16 *colocating such units with existing United States or*
17 *multinational forces at current host nation locations;*

18 (3) *a description of the extent to which posi-*
19 *tioning major units of the Armed Forces in covered*
20 *countries would provide greater operational benefit*
21 *than keeping such units in current locations, includ-*
22 *ing an analysis of—*

23 (A) *the geographic significance of covered*
24 *countries;*

1 (B) any capabilities the host nation may
2 offer, such as air defense or base security or
3 terms under which the United States may use fa-
4 cilities on their territory; and

5 (C) an analysis of the risks associated with
6 the relocation of such units to covered countries;

7 (4) a description of any engagements at the
8 Under Secretary level or higher with an official of a
9 covered country with respect to anticipated major
10 unit movements in the area of responsibility of the
11 United States European Command during the period
12 covered by the future-years defense program most re-
13 cently submitted to Congress pursuant to section 221
14 of title 10, United States Code, including—

15 (A) a description of the engagement with
16 each covered country during the calendar year
17 preceding the calendar during which the report
18 is submitted;

19 (B) a description of any specific require-
20 ments identified in order to host a major unit;
21 and

22 (C) in the case of a covered country has
23 been determined to be unsuitable for hosting a
24 major unit of the Armed Forces, a description of
25 why it was determined unsuitable; and

1 (5) *any other matter the Secretary determines is*
2 *relevant.*

3 (b) *DEFINITIONS.—In this section:*

4 (1) *The term “covered country” means Romania,*
5 *Poland, Lithuania, Latvia, Estonia, Hungary, Bul-*
6 *garia, the Czech Republic, or Slovakia.*

7 (2) *The term “major unit” means an organiza-*
8 *tional unit composed of more than 500 military per-*
9 *sonnel.*

10 **SEC. 1076. REPORT ON EFFECTS OF STRATEGIC COMPET-**
11 **ITOR NAVAL FACILITIES IN AFRICA.**

12 (a) *IN GENERAL.—Not later than May 15, 2023, the*
13 *Secretary of Defense shall submit to the congressional de-*
14 *fense committees a report on the effects of current or*
15 *planned covered naval facilities in Africa on the interests*
16 *of the Department of Defense.*

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

19 (1) *An identification of—*

20 (A) *any location in Africa where a covered*
21 *naval facility has been established; and*

22 (B) *any location in Africa where a covered*
23 *naval facility is planned for construction.*

24 (2) *A detailed description of—*

1 (A) any agreement entered into between
2 China or Russia and a country or government
3 in Africa providing for or enabling the establish-
4 ment or operation of a covered naval facility in
5 Africa; and

6 (B) any efforts by the Department of De-
7 fense to change force posture, deployments, or
8 other activities in Africa as a result of current
9 or planned covered naval facilities in Africa.

10 (3) An assessment of—

11 (A) the effect that each current covered
12 naval facility has had on Department of Defense
13 interests in and around Africa, including De-
14 partment of Defense operational plans in the
15 areas of responsibility of geographic combatant
16 commands other than United States Africa Com-
17 mand;

18 (B) the effect that each planned covered
19 naval facility is expected to have on Department
20 of Defense interests in and around Africa, in-
21 cluding Department of Defense operational plans
22 in the areas of responsibility of geographic com-
23 batant commands other than United States Afri-
24 ca Command;

1 (C) the policy objectives of China and Rus-
2 sia in establishing current and future covered
3 naval facilities at the locations identified under
4 paragraph (1); and

5 (D) the specific military capabilities sup-
6 ported by each current or planned covered naval
7 facility.

8 (c) *FORM OF REPORT.*—The report required under
9 subsection (a) shall be submitted in unclassified form with-
10 out any designation relating to dissemination control, but
11 may include a classified annex.

12 (d) *DEFINITIONS.*—In this section:

13 (1) The term “Africa” means all countries in the
14 area of operations of United States Africa Command
15 and Egypt.

16 (2) The term “covered naval facility” means a
17 naval facility owned, operated, or otherwise controlled
18 by the People’s Republic of China or the Russian Fed-
19 eration.

20 (3) The term “naval facility” means a naval
21 base, civilian sea port with dual military uses, or
22 other facility intended for the use of warships or other
23 naval vessels for refueling, refitting, resupply, force
24 projection, or other military purposes.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CONFORMING AMENDMENTS.

(a) *TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:*

(1) *The table of chapters at the beginning of subtitle A is amended by striking the item relating to the second chapter 19 (relating to cyber matters).*

(2) *Section 113 is amended—*

(A) *in subsection (l)(2)(F), by inserting a period after “inclusion in the armed forces”; and*

(B) *in subsection (m), by redesignating the second paragraph (8) as paragraph (9).*

(3) *The section heading for section 2691 is amended by striking “state” and inserting “State”.*

(4) *Section 3014 is amended by striking “section 4002(a) or 4003” and inserting “section 4021(a) or 4022”.*

(5) *Section 4423(e) is amended by striking “section 4003” and inserting “section 4022”.*

(6) *Section 4831(a) is amended by striking “section 4002” and inserting “section 4021”.*

(7) *Section 4833(c) is amended by striking “section 4002” and inserting “section 4021”.*

1 (b) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
2 *FISCAL YEAR 2022.*—Effective as of December 27, 2021,
3 and as if included therein as enacted, section 907(a) of the
4 *National Defense Authorization Act for Fiscal Year 2022*
5 *(Public Law 117–81)* is amended by striking “116–283”
6 and inserting “115–232”.

7 (c) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
8 *FISCAL YEAR 2020.*—Effective as of December 20, 2019,
9 and as if included therein as enacted, section 905(a)(2) of
10 *the National Defense Authorization Act for Fiscal Year*
11 *2020 (Public Law 116–92; 10 U.S.C. 391 note)* is amended
12 by inserting a period at the end.

13 (d) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
14 *FISCAL YEAR 2014.*—Effective as of December 26, 2013,
15 and as if included therein as enacted, section 932(c)(2)(D)
16 of *the National Defense Authorization Act for Fiscal Year*
17 *2014 (Public Law 113–66; 10 U.S.C. 2224 note)* is amended
18 by striking “subsection (c)(3)” and inserting “paragraph
19 (3)”.

20 (e) *AUTOMATIC EXECUTION OF CONFORMING CHANGES*
21 *TO TABLES OF SECTIONS, TABLES OF CONTENTS, AND*
22 *SIMILAR TABULAR ENTRIES IN DEFENSE LAWS.*—

23 (1) *ELIMINATION OF NEED FOR SEPARATE CON-*
24 *FORMING AMENDMENT.*—Chapter 1 of title 10, *United*

1 *States Code, is amended by adding at the end the fol-*
2 *lowing new section:*

3 **“§ 102. Effect of certain amendments on conforming**
4 **changes to tables of sections, tables of**
5 **contents, and similar tabular entries**

6 “(a) *AUTOMATIC EXECUTION OF CONFORMING*
7 *CHANGES.*—*When an amendment to a covered defense law*
8 *adds a section or larger organizational unit to the covered*
9 *defense law, repeals or transfers a section or larger organi-*
10 *zational unit in the covered defense law, or amends the des-*
11 *ignation or heading of a section or larger organizational*
12 *unit in the covered defense law, that amendment also shall*
13 *have the effect of amending any table of sections, table of*
14 *contents, or similar tabular entries in the covered defense*
15 *law to alter the table to conform to the changes made by*
16 *the amendment.*

17 “(b) *EXCEPTIONS.*—*Subsection (a) shall not apply to*
18 *an amendment described in such subsection when—*

19 “(1) *the amendment or a clerical amendment en-*
20 *acted at the same time expressly amends a table of*
21 *sections, table of contents, or similar tabular entries*
22 *in the covered defense law to alter the table to conform*
23 *to the changes made by the amendment; or*

24 “(2) *the amendment otherwise expressly exempts*
25 *itself from the operation of this section.*

1 “(c) *COVERED DEFENSE LAW*.—*In this section, the*
2 *term ‘covered defense law’ means—*

3 “(1) *this title;*

4 “(2) *titles 32 and 37;*

5 “(3) *any national defense authorization Act that*
6 *authorizes funds to be appropriated for a fiscal year*
7 *to the Department of Defense; and*

8 “(4) *any other law designated in the text thereof*
9 *as a covered defense law for purposes of application*
10 *of this section.”.*

11 (2) *CONFORMING AMENDMENT*.—*The heading of*
12 *chapter 1 of title 10, United States Code, is amended*
13 *to read as follows:*

14 **“CHAPTER 1—DEFINITIONS, RULES OF**
15 **CONSTRUCTION, CROSS REFERENCES,**
16 **AND RELATED MATTERS”.**

17 (3) *APPLICATION OF AMENDMENT*.—*Section 102*
18 *of title 10, United States Code, as added by para-*
19 *graph (1), shall apply to the amendments made by*
20 *this section and other amendments made by this Act.*

21 (f) *COORDINATION WITH OTHER AMENDMENTS MADE*
22 *BY THIS ACT*.—*For purposes of applying amendments*
23 *made by provisions of this Act other than this section, the*
24 *amendments made by this section shall be treated as having*

1 *been enacted immediately before any such amendments by*
2 *other provisions of this Act.*

3 **SEC. 1082. DEPARTMENT OF DEFENSE CIVILIAN PROTEC-**
4 **TION CENTER OF EXCELLENCE.**

5 (a) *CIVILIAN PROTECTION CENTER OF EXCEL-*
6 *LENCE.—*

7 (1) *IN GENERAL.—Chapter 7 of title 10, United*
8 *States Code, is amended by inserting after section*
9 *183a the following new section:*

10 **“§ 184. Civilian Protection Center of Excellence**

11 *“(a) ESTABLISHMENT.—The Secretary of Defense shall*
12 *operate the Civilian Protection Center of Excellence. The*
13 *purpose of the Center shall be to—*

14 *“(1) serve as the focal point for matters related*
15 *to civilian casualties and other forms of civilian*
16 *harm resulting from military operations involving the*
17 *United States Armed Forces; and*

18 *“(2) institutionalize and advance knowledge,*
19 *practices, and tools for preventing, mitigating, and*
20 *responding to civilian harm.*

21 *“(b) PURPOSE.—The Center shall be used to—*

22 *“(1) develop standardized civilian-harm oper-*
23 *ational reporting and data management processes to*
24 *improve data collection, sharing, and learning across*
25 *the Department of Defense;*

1 “(2) develop, recommend, and review guidance,
2 and the implementation of guidance, on how the De-
3 partment responds to civilian harm;

4 “(3) develop recommended guidance for address-
5 ing civilian harm across the full spectrum of armed
6 conflict and for use in doctrine and operational
7 plans;

8 “(4) recommend training and exercises for the
9 prevention and investigation of civilian harm;

10 “(5) develop a repository of civilian casualty
11 and civilian harm information;

12 “(6) capture lessons learned from assessments
13 and investigations of civilian casualty incidents and
14 supporting institutionalization of such lessons learned
15 within policy, doctrine, training, exercises, and tac-
16 tics, techniques, and procedures of the Department of
17 Defense;

18 “(7) support the coordination and synchroni-
19 zation of efforts across combatant commands, the De-
20 partment of State, and other relevant United States
21 Government departments and agencies to prevent,
22 mitigate, and respond to incidents of civilian harm;

23 “(8) engage with nongovernmental organizations
24 and civilian casualty experts; and

1 “(9) perform such other functions as the Sec-
2 retary of Defense may specify.

3 “(c) ANNUAL REPORT.—The Secretary of Defense shall
4 submit to the congressional defense committees, and make
5 publicly available on an appropriate website of the Depart-
6 ment, an annual report on the activities of the Center.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of such chapter is amended by
9 inserting after the item relating to section 183a the
10 following new item:

“184. Civilian Protection Center of Excellence.”.

11 (b) DEADLINE FOR ESTABLISHMENT.—The Civilian
12 Protection Center of Excellence, as required under section
13 184 of title 10, United States Code, as added by subsection
14 (a), shall be established by not later than 90 days after the
15 date of the enactment of this Act.

16 (c) REPORT TO CONGRESS.—Not later than 90 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the congressional defense commit-
19 tees a report on the establishment of such Civilian Protec-
20 tion Center of Excellence.

21 **SEC. 1083. RONALD V. DELLUMS MEMORIAL FELLOWSHIP IN**
22 **STEM.**

23 Section 4093(f) of title 10, United States Code, is
24 amended by adding at the end the following new paragraph:

1 “(3) *In coordination with the efforts under paragraph*
2 *(2), the Secretary of Defense shall additionally establish a*
3 *program, which shall be known as the ‘Ronald V. Dellums*
4 *Memorial Fellowship in STEM’, to provide financial assist-*
5 *ance under this section to at least 30 students from commu-*
6 *nities that are underrepresented in the Department of De-*
7 *fense STEM workforce, not fewer of 50 percent of whom*
8 *shall attend historically Black colleges and universities and*
9 *minority-serving institutions. As part of such program, the*
10 *Secretary shall establish an internship program that pro-*
11 *vides each student who is awarded a fellowship under this*
12 *paragraph with an internship in an organization or ele-*
13 *ment of the Department of Defense, and to the extent prac-*
14 *ticable, each such student shall be paired with a mid-level*
15 *or a senior-level official of the relevant organization or ele-*
16 *ment of the Department of Defense who shall serve as a*
17 *mentor during the internship.”.*

18 **SEC. 1084. AMENDMENT TO MEMORIAL FOR MEMBERS OF**
19 **THE ARMED FORCES KILLED IN ATTACK ON**
20 **HAMID KARZAI INTERNATIONAL AIRPORT.**

21 *Section 1087 of National Defense Authorization Act for*
22 *Fiscal Year 2022 (40 U.S.C. 8903 note) is amended by*
23 *striking “The Secretary of Defense may” and inserting*
24 *“The Secretary of Defense shall, not later than 1 year after*

1 *the date of enactment of the National Defense Authorization*
2 *Act for Fiscal Year 2023,”.*

3 **SEC. 1085. PUBLIC AVAILABILITY OF COST OF CERTAIN**
4 **MILITARY OPERATIONS.**

5 *Section 1090 of the National Defense Authorization*
6 *Act for Fiscal Year 2017 (Public Law 114–328) is amend-*
7 *ed—*

8 *(1) by inserting “(a) PUBLICATION OF INFORMA-*
9 *TION.—” before “The Secretary of Defense”;*

10 *(2) by striking “of each of the wars in Afghani-*
11 *stan, Iraq, and Syria.” and inserting “of any contin-*
12 *gency operation conducted by the United States*
13 *Armed Forces on or after September 18, 2001.”; and*

14 *(3) by adding at the end the following new sub-*
15 *sections:*

16 *“(b) DISPLAY OF INFORMATION.—The information re-*
17 *quired to be posted under subsection (a) shall, to the extent*
18 *practicable—*

19 *“(1) be posted directly on the website of the De-*
20 *partment of Defense, in an accessible and clear for-*
21 *mat;*

22 *“(2) include corresponding documentation as*
23 *links or attachments; and*

1 “(3) include, for each contingency operation, a
2 list of countries where the contingency operation has
3 taken place.

4 “(c) *UPDATES.*—The Secretary shall ensure that all
5 the information required to be posted under subsection (a)
6 is updated by not later than 90 days after the last day of
7 each fiscal year.

8 “(d) *CONTINGENCY OPERATION DEFINED.*—In this
9 section, the term ‘contingency operation’ has the meaning
10 given such term in section 101(a)(13) of title 10, United
11 States Code.”.

12 **SEC. 1086. COMBATING MILITARY RELIANCE ON RUSSIAN**
13 **ENERGY.**

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

16 (1) *reliance on Russian energy poses a critical*
17 *challenge for national security activities in the area*
18 *of responsibility of the United States European Com-*
19 *mand; and*

20 (2) *in order to reduce the vulnerability of United*
21 *States military facilities to disruptions caused by re-*
22 *liance on Russian energy, the Department of Defense*
23 *should establish and implement plans to reduce reli-*
24 *ance on Russian energy for all main operating bases*

1 *in the area of responsibility of the United States Eu-*
2 *ropean Command.*

3 **(b) ELIMINATING USE OF RUSSIAN ENERGY.**—*It shall*
4 *be the goal of the Department of Defense to eliminate the*
5 *use of Russian energy on each main operating base in the*
6 *area of responsibility of the United States European Com-*
7 *mand by not later than five years after the date of the com-*
8 *pletion of an installation energy plan for such base, as re-*
9 *quired under this section.*

10 **(c) INSTALLATION ENERGY PLANS FOR MAIN OPER-**
11 **ATING BASES.**—

12 **(1) IDENTIFICATION OF INSTALLATIONS.**—*Not*
13 *later than June 1, 2023, the Secretary of Defense*
14 *shall submit to the congressional defense committees a*
15 *list of main operating bases within the area of re-*
16 *sponsibility of the United States European Command*
17 *ranked according to mission criticality and vulner-*
18 *ability to energy disruption.*

19 **(2) SUBMITTAL OF PLANS.**—*Not later than 12*
20 *months after the date of the enactment of this Act, the*
21 *Secretary of Defense shall submit to the congressional*
22 *defense committees—*

23 **(A)** *an installation energy plan for each*
24 *main operating base on the list submitted under*
25 *paragraph (1); and*

1 (B) *an assessment of the feasibility of reach-*
2 *ing the goal for the elimination of the use of*
3 *Russian energy pursuant to subsection (b) on*
4 *that base, including—*

5 (i) *a description of the steps that*
6 *would be required to meet such goal; and*

7 (ii) *an analysis of the effects such steps*
8 *would have on the national security of the*
9 *United States.*

10 (d) *CONTENT OF PLANS.—Each installation energy*
11 *plan for a main operating base shall include each of the*
12 *following with respect to that base:*

13 (1) *An assessment of the energy resilience re-*
14 *quirements, resiliency gaps, and energy-related cyber-*
15 *security requirements of the base, including with re-*
16 *spect to operational technology, control systems, and*
17 *facilities-related control systems.*

18 (2) *An identification of investments in tech-*
19 *nology required to improve energy resilience, reduce*
20 *demand, strengthen energy conservation, and support*
21 *mission readiness.*

22 (3) *An identification of investments in infra-*
23 *structure, including microgrids, required to strength-*
24 *en energy resilience and mitigate risk due to grid dis-*
25 *turbance.*

1 (4) *Recommendations related to opportunities for*
2 *the use of renewable energy, clean energy, nuclear en-*
3 *ergy, and energy storage projects to reduce dependence*
4 *on natural gas.*

5 (5) *An assessment of how the requirements and*
6 *recommendations included pursuant to paragraphs*
7 *(2) through (4) interact with the energy policies of the*
8 *country where the base is located, both at present and*
9 *into the future.*

10 (e) *IMPLEMENTATION OF PLANS.—*

11 (1) *DEADLINE FOR IMPLEMENTATION.—Not later*
12 *than 30 days after the date on which the Secretary*
13 *submits an installation energy plan for a base under*
14 *subsection (c)(2), the Secretary shall—*

15 (A) *begin implementing the plan; and*

16 (B) *provide to the congressional defense*
17 *committees a briefing on the contents of the plan*
18 *and the strategy of the Secretary for imple-*
19 *menting the mitigation measures identified in*
20 *the plan.*

21 (2) *PRIORITIZATION OF CERTAIN PROJECTS.—In*
22 *implementing an installation energy plan for a base*
23 *under this section, the Secretary shall prioritize*
24 *projects requested under section 2914 of title 10,*
25 *United States Code, to mitigate assessed risks and*

1 *improve energy resilience, energy security, and energy*
2 *conservation at the base.*

3 (3) *NONAPPLICATION OF CERTAIN OTHER AU-*
4 *THORITIES.—Subsection (d) of section 2914 of title*
5 *10, United States Code, shall not apply with respect*
6 *to any project carried out pursuant to this section or*
7 *pursuant to an installation energy plan for a base*
8 *under this section.*

9 (f) *POLICY FOR FUTURE BASES.—The Secretary of*
10 *Defense shall establish a policy to ensure that any new mili-*
11 *tary base in the area of responsibility of the United States*
12 *European Command is established in a manner that*
13 *proactively includes the consideration of energy security,*
14 *energy resilience, and mitigation of risk due to energy dis-*
15 *ruption.*

16 (g) *ANNUAL CONGRESSIONAL BRIEFINGS.—The Sec-*
17 *retary of Defense shall provide to the congressional defense*
18 *committees annual briefings on the installation energy*
19 *plans required under this section. Such briefings shall in-*
20 *clude an identification of each of the following:*

21 (1) *The actions each main operating base is tak-*
22 *ing to implement the installation energy plan for that*
23 *base.*

1 (2) *The progress that has been made toward re-*
2 *ducing the reliance of United States bases on Russian*
3 *energy.*

4 (3) *The steps being taken and planned across the*
5 *future-years defense program to meet the goal of*
6 *eliminating reliance on Russian energy.*

7 **SEC. 1087. ESTABLISHMENT OF JOINT FORCE HEAD-**
8 **QUARTERS IN AREA OF OPERATIONS OF**
9 **UNITED STATES INDO-PACIFIC COMMAND.**

10 (a) *ESTABLISHMENT.*—*Not later than October 1, 2024,*
11 *the Secretary of Defense shall establish a joint force head-*
12 *quarters in the area of operations of United States Indo-*
13 *Pacific Command, in accordance with the implementation*
14 *plan required under subsection (b).*

15 (b) *IMPLEMENTATION PLAN AND ESTABLISHMENT OF*
16 *JOINT FORCE HEADQUARTERS.*—

17 (1) *IMPLEMENTATION PLAN.*—*Not later than 180*
18 *days after the date of the enactment of this Act, the*
19 *Secretary of Defense shall submit to the congressional*
20 *defense committees an implementation plan for the es-*
21 *tablishment of a joint force headquarters in the area*
22 *of operations of United States Indo-Pacific Command*
23 *to serve as an operational command. Such plan shall*
24 *include—*

1 (A) *the integration of joint all domain com-*
2 *mand and control effects chains and mission*
3 *command and control, including in conflicts that*
4 *arise with minimal warning;*

5 (B) *the integration of the capabilities of As-*
6 *sault Breaker II, developed by the Defense Ad-*
7 *vanced Research Projects Agency, and related de-*
8 *velopmental efforts as they transition to oper-*
9 *ational deployment;*

10 (C) *the exercise of other joint all domain*
11 *command and control capabilities and functions;*
12 *and*

13 (D) *such other missions and operational*
14 *tasks as the Secretary determines appropriate.*

15 (2) *ELEMENTS.—The plan required by para-*
16 *graph (1) shall include each of the following with re-*
17 *spect to the joint force headquarters to be established:*

18 (A) *A description of the operational chain*
19 *of command.*

20 (B) *An identification of the manning and*
21 *resourcing required, relative to assigned mis-*
22 *sions, particularly the sources of personnel re-*
23 *quired.*

24 (C) *A description of the mission and lines*
25 *of effort.*

1 (D) *A description of the relationship with*
2 *existing entities in United States Indo-Pacific*
3 *Command, including an assessment of com-*
4 *plementary and duplicative activities with such*
5 *entities and the joint force headquarters.*

6 (E) *An identification of supporting infra-*
7 *structure required.*

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

10 (c) *SUPPORT FOR JOINT FORCE HEADQUARTERS.—*
11 *The commander of the joint force headquarters established*
12 *under this section shall be supported by the United States*
13 *Indo-Pacific Command subordinate unified commands,*
14 *subordinate component commands, standing joint task*
15 *force, and the Armed Forces.*

16 (d) *ANNUAL REPORT REQUIRED.—*

17 (1) *IN GENERAL.—Not later than one year after*
18 *the date of the establishment of the joint force head-*
19 *quarters required under subsection (a), and not less*
20 *frequently than once each year thereafter until De-*
21 *cember 31, 2028, the Secretary of Defense shall submit*
22 *to the congressional defense committees an annual re-*
23 *port on the joint force headquarters established under*
24 *this section.*

1 (2) *CONTENTS.*—Each report submitted under
2 paragraph (1) shall include the following:

3 (A) A description of the mission and lines
4 of effort of the joint force headquarters.

5 (B) An accounting of the personnel and
6 other resources supporting the joint force head-
7 quarters, including support external to the head-
8 quarters.

9 (C) A description of the operational chain
10 of command of the joint force headquarters.

11 (D) An assessment of the manning and
12 resourcing of the joint force headquarters, rel-
13 ative to assigned missions.

14 (E) A description of the relationship with
15 existing entities in Indo-Pacific Command, in-
16 cluding an assessment of complementary and du-
17 plicative activities with such entities and the
18 joint force headquarters.

19 (3) *FORM.*—Each report submitted under para-
20 graph (1) shall be submitted in unclassified form, but
21 may include a classified annex.

22 **SEC. 1088. NATIONAL TABLETOP EXERCISE.**

23 (a) *REQUIREMENT.*—Not later than one year after the
24 date of the enactment of this Act, the Secretary of Defense
25 shall conduct a tabletop exercise designed to assess the resil-

1 *gency of United States domestic critical infrastructure sup-*
2 *porting United States military requirements in the event*
3 *of a military contingency involving Taiwan.*

4 *(b) ELEMENTS.—A tabletop exercise under this section*
5 *shall be designed to evaluate the following elements:*

6 *(1) The resilience of domestic critical infrastruc-*
7 *ture and logistical chokepoints necessary for the*
8 *United States Armed Forces to respond to a contin-*
9 *gency involving Taiwan, including an assessment of*
10 *the mobility of the United States Armed Forces in the*
11 *event of attacks upon such infrastructure.*

12 *(2) Federal Government response options to en-*
13 *sure the viability of domestic critical infrastructure*
14 *in the event of a military contingency involving Tai-*
15 *wan.*

16 *(3) The ability of the United States Armed*
17 *Forces, with the armed forces of United States allies*
18 *and partners, to resist any resort to force or other*
19 *form of coercion by an aggressor in the event of a*
20 *military contingency involving Taiwan, if domestic*
21 *critical infrastructure is compromised.*

22 *(4) The importance of nonmilitary actions, in-*
23 *cluding economic and financial measures, by the*
24 *United States, with United States allies and partners,*

1 to deter and, if necessary, respond to a contingency
2 involving Taiwan.

3 (c) *CONSULTATION REQUIREMENT.*—In carrying out
4 this section, the Secretary shall consult with the heads of
5 other appropriate Federal departments and agencies, as the
6 Secretary determines appropriate.

7 (d) *BRIEFING.*—

8 (1) *IN GENERAL.*—Not later than 90 days after
9 the date on which a tabletop exercise is conducted
10 under this section, the Secretary shall provide to the
11 appropriate congressional committees a briefing on
12 the exercise.

13 (2) *CONTENTS.*—A briefing under paragraph (1)
14 shall include—

15 (A) an assessment of the decision-making,
16 capability, and response gaps observed in the ta-
17 bletop exercise; and

18 (B) recommendations to improve the resil-
19 iency of, and reduce vulnerabilities in, the do-
20 mestic critical infrastructure of the United
21 States in the event of a military contingency in-
22 volving Taiwan.

23 (e) *DEFINITIONS.*—In this section:

24 (1) The term “appropriate congressional com-
25 mittees” means—

1 (A) *the Committee on Armed Services, the*
2 *Committee on Foreign Affairs, and the Com-*
3 *mittee on Oversight and Reform of the House of*
4 *Representatives; and*

5 (B) *the Committee on Armed Services, the*
6 *Committee on Foreign Relations, and the Com-*
7 *mittee on Homeland Security and Government*
8 *Affairs of the Senate.*

9 (2) *The term “tabletop exercise” means an activ-*
10 *ity—*

11 (A) *in which key personnel assigned high-*
12 *level roles and responsibilities are gathered to de-*
13 *liberate various simulated emergency or rapid*
14 *response situations; and*

15 (B) *that is designed to be used to assess the*
16 *adequacy of plans, policies, procedures, training,*
17 *resources, and relationships or agreements that*
18 *guide prevention of, response to, and recovery*
19 *from a defined event.*

20 **SEC. 1089. PERSONNEL SUPPORTING THE OFFICE OF THE**
21 **ASSISTANT SECRETARY OF DEFENSE FOR**
22 **SPECIAL OPERATIONS AND LOW INTENSITY**
23 **CONFLICT.**

24 (a) *PLAN REQUIRED.—Not later than 30 days after*
25 *the date of the completion of the manpower study required*

1 *by the Joint Explanatory Statement accompanying the Na-*
2 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
3 *lic Law 117–81), the Secretary of Defense shall submit to*
4 *the congressional defense committees a plan for adequately*
5 *staffing the Office of the Assistant Secretary of Defense for*
6 *Special Operations and Low Intensity Conflict to fulfill the*
7 *requirements of section 138(b)(2)(A)(i) of title 10, United*
8 *States Code, for exercising authority, direction, and control*
9 *of all special-operations peculiar administrative matters re-*
10 *lating to the organization, training, and equipping of spe-*
11 *cial operations forces.*

12 (b) *ADDITIONAL INFORMATION.—The Secretary shall*
13 *ensure the plan required under subsection (a) is informed*
14 *by the manpower study required by the Joint Explanatory*
15 *Statement accompanying the National Defense Authoriza-*
16 *tion Act for Fiscal Year 2022 (Public Law 117–81).*

17 (c) *ELEMENTS.—The plan required under subsection*
18 *(a) shall include the following elements:*

19 (1) *A validated number of personnel necessary to*
20 *fulfill the responsibilities of the Secretariat for Spe-*
21 *cial Operations outlined in section 139b of title 10,*
22 *United States Code, and associated funding across the*
23 *future-years defense program submitted to Congress*
24 *under section 221 of title 10, United States Code.*

1 (2) *A hiring plan with milestones for gradually*
2 *increasing the number of required personnel.*

3 (3) *A breakdown of the optimal mix of required*
4 *military, civilian, and contractor personnel.*

5 (4) *An analysis of the feasibility and advis-*
6 *ability of assigning a member of the Senior Executive*
7 *Service to serve as the Deputy Director of the Secre-*
8 *tariat for Special Operations.*

9 (5) *An identification of any anticipated funding*
10 *shortfalls for personnel supporting the Secretariat for*
11 *Special Operations across the future-years defense*
12 *program submitted to Congress under section 221 of*
13 *title 10, United States Code.*

14 (6) *Any other matters the Secretary determines*
15 *relevant.*

16 **SEC. 1090. SENSE OF CONGRESS ON REDESIGNATION OF**
17 **THE AFRICA CENTER FOR STRATEGIC STUD-**
18 **IES AS THE JAMES M. INHOFE CENTER FOR**
19 **AFRICA STRATEGIC STUDIES.**

20 *It is the sense of Congress that—*

21 (1) *Senator James M. Inhofe—*

22 (A) *has, during his more than three decades*
23 *of service in the United States Congress—*

1 (i) demonstrated a profound commit-
2 ment to strengthening United States-Africa
3 relations; and

4 (ii) been one of the foremost leaders in
5 Congress on matters related to United
6 States-Africa relations;

7 (B) was a key advocate for the establish-
8 ment of United States Africa Command; and

9 (C) has conducted 170 visits to countries in
10 Africa; and

11 (2) as a recognition of Senator Inhofe's long his-
12 tory of engaging with, and advocating for, Africa, the
13 Department of Defense Africa Center for Strategic
14 Studies should be renamed the James M. Inhofe Cen-
15 ter for Africa Strategic Studies.

16 **SEC. 1091. INTEGRATION OF ELECTRONIC WARFARE INTO**
17 **TIER 1 AND TIER 2 JOINT TRAINING EXER-**
18 **CISES.**

19 (a) *IN GENERAL.*—During fiscal years 2023 through
20 2027, the Chairman of the Joint Chiefs of Staff shall require
21 that offensive and defensive electronic warfare capabilities
22 be integrated into Tier 1 and Tier 2 joint training exercises.

23 (b) *REQUIREMENT TO INCLUDE OPPOSING FORCE.*—
24 The Chairman shall require exercises conducted under sub-
25 section (a) to include an opposing force design based on

1 *a current intelligence assessment of the electromagnetic*
2 *order of battle and capabilities of an adversary.*

3 (c) *WAIVER.—The Chairman may waive the require-*
4 *ments under subsections (a) and (b) with respect to an exer-*
5 *cise if the Chairman determines that—*

6 (1) *the exercise does not require—*

7 (A) *a demonstration of electronic warfare*
8 *capabilities; or*

9 (B) *a militarily significant threat from*
10 *electronic warfare attack; or*

11 (2) *the integration of offensive and defensive elec-*
12 *tronic warfare capabilities into the exercise is cost*
13 *prohibitive or not technically feasible based on the*
14 *overall goals of the exercise.*

15 (d) *BRIEFING REQUIRED.—Concurrent with the sub-*
16 *mission of the budget of the President to Congress pursuant*
17 *to section 1105(a) of title 31, United States Code, for each*
18 *of fiscal years 2023 through 2027, the Chairman shall pro-*
19 *vide to the congressional defense committees a briefing on*
20 *exercises conducted under subsection (a) that includes—*

21 (1) *a description of such exercises planned and*
22 *included in the budget submission for that fiscal year;*
23 *and*

24 (2) *the results of each such exercise conducted in*
25 *the preceding fiscal year, including—*

1 (A) *the extent to which offensive and defen-*
2 *sive electronic warfare capabilities were inte-*
3 *grated into the exercise;*

4 (B) *an evaluation and assessment of the ex-*
5 *ercise to determine the impact of the opposing*
6 *force on the participants in the exercise, includ-*
7 *ing—*

8 (i) *joint lessons learned;*

9 (ii) *high interest training issues; and*

10 (iii) *high interest training require-*
11 *ments; and*

12 (C) *whether offensive and defensive elec-*
13 *tronic warfare capabilities were part of an over-*
14 *all joint fires and, if so, a description of how*
15 *such capabilities were incorporated into the joint*
16 *fires.*

17 (e) *DEFINITIONS.—In this section:*

18 (1) *The term “electromagnetic order of battle”*
19 *has the meaning given that term in Joint Publication*
20 *3-85 titled “Joint Electromagnetic Spectrum Oper-*
21 *ations”, dated May 2020.*

22 (2) *The terms “high interest training issue”,*
23 *“high interest training requirement”, “Tier 1”, and*
24 *“Tier 2” have the meanings given those terms in the*
25 *Joint Training Manual for the Armed Forces of the*

1 *United States (Document No. CJCSM 3500.03E),*
2 *dated April 20, 2015.*

3 (3) *The term “joint fires” has the meaning given*
4 *that term in the publication of the Joint Staff titled*
5 *“Insights and Best Practices Focus Paper on Integra-*
6 *tion and Synchronization of Joint Fires”, dated July*
7 *2018.*

8 **SEC. 1092. NATIONAL COMMISSION ON THE FUTURE OF THE**
9 **NAVY.**

10 (a) *ESTABLISHMENT.—*

11 (1) *IN GENERAL.—There is established an inde-*
12 *pendent commission in the legislative branch to be*
13 *known as the “Commission on the Future of the*
14 *Navy” (in this section referred to as the “Commis-*
15 *sion”).*

16 (2) *DUTIES OF COMMISSION.—*

17 (A) *STUDY ON NAVAL FORCE STRUCTURE.—*

18 (i) *IN GENERAL.—The Commission*
19 *shall undertake a comprehensive study of*
20 *the structure of the Navy and policy as-*
21 *sumptions related to the size and force mix-*
22 *ture of the Navy, in order—*

23 (I) *to make recommendations on*
24 *the size and force mixture of ships; and*

1 (ii) to make recommendations on
2 the size and force mixture of naval
3 aviation.

4 (ii) CONSIDERATIONS.—In under-
5 taking the study required by this subsection,
6 the Commission shall carry out each of the
7 following:

8 (I) An evaluation and identifica-
9 tion of a structure for the Navy that—

10 (aa) has the depth and
11 scalability to meet current and
12 anticipated requirements of the
13 combatant commands;

14 (bb) assumes four different
15 funding levels of: fiscal year 2023
16 appropriated plus inflation; fiscal
17 year 2023 appropriated with 3–5
18 percent real growth; such as is
19 necessary to build, man, maintain
20 and modernize the fleet required
21 by section 1025 of the National
22 Defense Authorization Act for
23 2018 (Public Law 115–91); and
24 notionally unconstrained to meet
25 the needs of the National Defense

1 *Strategy including a particular*
2 *focus on the areas of responsibility*
3 *of United States Indo-Pacific*
4 *Command and United States Eu-*
5 *ropean Command;*

6 *(cc) ensures that the Navy*
7 *has the capacity needed to sup-*
8 *port current and anticipated*
9 *homeland defense and disaster as-*
10 *sistance missions in the United*
11 *States;*

12 *(dd) provides for sufficient*
13 *numbers of members of the Navy*
14 *to ensure a 115 percent manning*
15 *level of all deployed ships and not*
16 *less than a 90 percent manning*
17 *level at any point in time;*

18 *(ee) provides a sustainable*
19 *force generation model with the*
20 *associated rotational presence,*
21 *personnel, training, and mainte-*
22 *nance assumptions;*

23 *(ff) identifies forward basing*
24 *and stationing requirements; and*

1 *(gg) identifies potential strategic and operational risk trade-*
2 *offs and makes recommendations*
3 *among readiness, efficiency, effectiveness, capability, and affordability.*

4 *(II) An evaluation and identification of combatant command demand*
5 *and fleet size, including recommendations to support—*

6 *(aa) readiness;*

7 *(bb) training;*

8 *(cc) routine ship maintenance;*

9 *(dd) personnel;*

10 *(ee) forward presence;*

11 *(ff) depot level ship maintenance; and*

12 *(gg) fleet modernization.*

13 *(III) A detailed review of the cost of the recapitalization of the Nuclear Triad in the Department of Defense and its effect on the Navy's budget.*

14 *(IV) A review of Navy personnel policies and training to determine*

1 *changes needed across all personnel ac-*
2 *tivities to improve training effective-*
3 *ness and force tactical readiness and*
4 *reduce operational stress.*

5 (B) *STUDY ON SHIPBUILDING AND INNOVA-*
6 *TION.—*

7 (i) *IN GENERAL.—The Commission*
8 *shall conduct a study on shipbuilding, new*
9 *construction, and repair shipyards, and op-*
10 *portunities to better integrate advanced*
11 *technologies such as augmented reality and*
12 *artificial intelligence in the fleet.*

13 (ii) *CONSIDERATIONS.—In conducting*
14 *the study required under this subsection, the*
15 *Commission shall consider the following:*

16 (I) *Recommendations for specific*
17 *changes to the Navy’s Shipyard Infra-*
18 *structure Optimization Program,*
19 *which may include legislative changes*
20 *such as providing multi-year appro-*
21 *priations or expanded use of innova-*
22 *tive technology.*

23 (II) *Recommendations for changes*
24 *to the ship design and build program*
25 *that could reduce technical and sched-*

1 *ule risk, reduce cost, accelerate build*
2 *timelines, and prioritize an incre-*
3 *mental approach to introducing*
4 *change.*

5 *(III) Recommendations for*
6 *changes to the ship depot maintenance*
7 *program in order to reduce overhaul*
8 *timelines, integrate current tech-*
9 *nologies into ships, and reduce costs.*

10 *(3) POWERS OF COMMISSION.—*

11 *(A) HEARINGS.—The Commission may hold*
12 *such hearings, sit and act at such times and*
13 *places, take such testimony, and receive such evi-*
14 *dence as the Commission considers advisable to*
15 *carry out its duties under this section.*

16 *(B) INFORMATION FROM FEDERAL AGEN-*
17 *CIES.—The Commission may secure directly*
18 *from any Federal department or agency such in-*
19 *formation as the Commission considers necessary*
20 *to carry out its duties under this section. Upon*
21 *request of the Co-Chairs of the Commission, the*
22 *head of such department or agency shall furnish*
23 *such information to the Commission.*

24 *(C) USE OF POSTAL SERVICE.—The Com-*
25 *mission may use the United States mails in the*

1 *same manner and under the same conditions as*
2 *other departments and agencies of the Federal*
3 *Government.*

4 (D) *AUTHORITY TO ACCEPT GIFTS.—*

5 (i) *IN GENERAL.—The Commission*
6 *may accept, use, and dispose of gifts or do-*
7 *nations of services, goods, and property*
8 *from non-Federal entities for the purposes of*
9 *aiding and facilitating the work of the*
10 *Commission. The authority under this*
11 *paragraph does not extend to gifts of*
12 *money.*

13 (ii) *DOCUMENTATION; CONFLICTS OF*
14 *INTEREST.—The Commission shall docu-*
15 *ment gifts accepted under the authority pro-*
16 *vided by clause (i) and shall avoid conflicts*
17 *of interest or the appearance of conflicts of*
18 *interest.*

19 (iii) *COMPLIANCE WITH CONGRES-*
20 *SIONAL ETHICS RULES.—Except as specifi-*
21 *cally provided in this section, a member of*
22 *the Commission shall comply with rules set*
23 *forth by the Select Committee on Ethics of*
24 *the Senate and the Committee on Ethics of*
25 *the House of Representatives governing em-*

1 *ployees of the Senate and the House of Rep-*
2 *resentatives, respectively.*

3 *(4) REPORT REQUIRED.—Not later than July 1,*
4 *2024, the Commission shall submit to the Committees*
5 *on Armed Services of the Senate and House of Rep-*
6 *resentatives an unclassified report, with classified an-*
7 *nexes if necessary, that includes the findings and con-*
8 *clusions of the Commission as a result of the studies*
9 *required under this section, together with its rec-*
10 *ommendations for such legislative actions as the Com-*
11 *mission considers appropriate in light of the results*
12 *of the studies.*

13 *(b) MEMBERSHIP.—*

14 *(1) COMPOSITION.—The Commission shall be*
15 *composed of 8 members, of whom—*

16 *(A) one shall be appointed by the Speaker*
17 *of the House of Representatives;*

18 *(B) one shall be appointed by the Minority*
19 *Leader of the House of Representatives;*

20 *(C) one shall be appointed by the Majority*
21 *Leader of the Senate;*

22 *(D) one shall be appointed by the Minority*
23 *Leader of the Senate;*

1 (E) one shall be appointed by the Chairman
2 of the Committee on Armed Services of the Sen-
3 ate;

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 Chairman
8 of the Committee on Armed Services of the House
9 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 of
14 the Commission. The Republican leadership of the
15 Senate and House of Representatives shall jointly se-
16 lect one Co-Chair, and the Democratic leadership of
17 the Senate and House of Representatives shall jointly
18 select the other.

19 (3) APPOINTMENT DATE; NOTIFICATIONS.—

20 (A) Members shall be appointed to the com-
21 mission under paragraph (1) by not later than
22 90 days after the date of enactment of this Act.

23 (B) Individuals making appointments
24 under paragraph (1) shall provide notice of the

1 *appointments to the Secretary of Defense (in this*
2 *section referred to as the “Secretary”).*

3 (4) *QUALIFICATIONS AND EXPERTISE.—*

4 (A) *IN GENERAL.—In making appointments*
5 *under this subsection, consideration shall be*
6 *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 sustainment;*

16 (vii) *Navy shipbuilding;*

17 (viii) *naval aviation aircraft procure-*
18 *ment; and*

19 (ix) *Navy ship and aircraft depot*
20 *maintenance.*

21 (B) *RESTRICTION ON APPOINTMENT.—Offi-*
22 *cers or employees of the Federal Government*
23 *(other than experts or consultants the services of*
24 *which are procured under section 3109 of title 5,*

1 *United States Code*) may not be appointed as
2 members of the Commission.

3 (C) *RESTRICTION ON MEMBERS OF CON-*
4 *GRESS.—Members of Congress may not serve on*
5 *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 Commission.*

10 (B) *VACANCIES.—Any vacancy in the Com-*
11 *mission shall not affect its powers, but shall be*
12 *filled in the same manner as the original ap-*
13 *pointment.*

14 (C) *REMOVAL OF MEMBERS.—A member*
15 *may be removed from the Commission for cause*
16 *by the individual serving in the position respon-*
17 *sible for the original appointment of such mem-*
18 *ber under subsection (b)(1), provided that notice*
19 *has first been provided to such member of the*
20 *cause for removal and voted and agreed upon by*
21 *three quarters of the members serving. A vacancy*
22 *created by the removal of a member under this*
23 *subsection shall not affect the powers of the Com-*
24 *mission, and shall be filled in the same manner*
25 *as the original appointment was made.*

1 (D) *QUORUM*.—*A majority of the members*
2 *-serving on the Commission shall constitute a*
3 *quorum.*

4 (E) *INITIAL MEETING*.—*Not later than 30*
5 *days after the date on which all members of the*
6 *Commission have been appointed as published in*
7 *the Congressional Record, the Commission shall*
8 *hold its initial meeting.*

9 (c) *PERSONNEL MATTERS*.—

10 (1) *STATUS AS FEDERAL EMPLOYEES*.—*Notwith-*
11 *standing the requirements of section 2105 of title 5,*
12 *United States Code, including the required super-*
13 *vision under subsection (a)(3) of such section, mem-*
14 *bers of the Commission shall be deemed to be Federal*
15 *employees in the legislative branch subject to all the*
16 *laws and policies applicable to legislative branch em-*
17 *ployees.*

18 (2) *OATH OF OFFICE*.—*Notwithstanding the pro-*
19 *vision of section 2903(b) of title 5, United States*
20 *Code, an employee of an Executive Branch agency,*
21 *otherwise authorized to administer oaths under sec-*
22 *tion 2903 of title 5, United States Code, may admin-*
23 *ister the oath of office to Commissioners for the pur-*
24 *pose of their service to the Commission.*

1 (3) *SECURITY CLEARANCES.*—*The appropriate*
2 *Federal departments or agencies shall cooperate with*
3 *the Commission in expeditiously providing to the*
4 *Commission members and staff appropriate security*
5 *clearances to the extent possible pursuant to existing*
6 *procedures and requirements, except that no person*
7 *may be provided with access to classified information*
8 *under this Act without the appropriate security clear-*
9 *ances.*

10 (4) *PAY FOR MEMBERS.*—*Each member of the*
11 *Commission may be compensated at a rate not to ex-*
12 *ceed the daily equivalent of the annual rate of basic*
13 *pay payable for level IV of the Executive Schedule*
14 *under section 5315 of title 5, United States Code, for*
15 *each day (including travel time) during which such*
16 *member is engaged in the performance of the duties*
17 *of the Commission. All members of the Commission*
18 *who are officers or employees of the United States*
19 *shall serve without compensation additional to that*
20 *received for their services as officers or employees of*
21 *the United States.*

22 (5) *STAFF.*—

23 (A) *EXECUTIVE DIRECTOR.*—*The Co-Chairs*
24 *of the Commission may appoint and fix the rate*
25 *of basic pay for an Executive Director in accord-*

1 *ance with section 3161 of title 5, United States*
2 *Code.*

3 *(B) COMMISSION STAFF.—The Executive*
4 *Director may appoint and fix the rate of basic*
5 *pay for additional personnel as staff of the Com-*
6 *mission in accordance with section 3161 of title*
7 *5, United States Code.*

8 *(C) DETAILEES AUTHORIZED.—On a reim-*
9 *bursable or non-reimbursable basis, the heads of*
10 *departments and agencies of the Federal Govern-*
11 *ment may provide, and the Commission may ac-*
12 *cept personnel detailed from such departments*
13 *and agencies, including active-duty military per-*
14 *sonnel.*

15 *(D) TRAVEL EXPENSES.—The members and*
16 *staff of the Commission shall be allowed travel*
17 *expenses, including per diem in lieu of subsist-*
18 *ence, at rates authorized for employees of agen-*
19 *cies under subchapter I of chapter 57 of title 5,*
20 *United States Code, while away from their*
21 *homes or regular places of business in the per-*
22 *formance of services for the Commission.*

23 *(d) SUPPORT.—*

24 *(1) ASSISTANCE FROM DEPARTMENT OF DE-*
25 *FENSE.—*

1 (A) *IN GENERAL.*—*Of the amounts author-*
2 *ized to be appropriated for the Department of*
3 *Defense for support of the Commission, the Sec-*
4 *retary may make transfers to the Commission for*
5 *commission expenses, including compensation of*
6 *commission members, officers, and employees,*
7 *and provision of other such services, funds, fa-*
8 *ilities, and other support services as necessary*
9 *for the performance of the Commission’s func-*
10 *tions. Funds made available to support and pro-*
11 *vide assistance to the Commission may be used*
12 *for payment of compensation of members, offi-*
13 *cers, and employees of the Commission without*
14 *transfer under this subparagraph. Amounts*
15 *transferred under this subparagraph shall re-*
16 *main available until expended. Transfer author-*
17 *ity provided by this subparagraph is in addition*
18 *to any other transfer authority provided by law.*
19 *Section 2215 of title 10, United States Code,*
20 *shall not apply to a transfer of funds under this*
21 *subparagraph.*

22 (B) *TREASURY ACCOUNT AUTHORIZED.*—
23 *The Secretary of the Treasury may establish an*
24 *account or accounts for the Commission from*

1 *which any amounts transferred under this clause*
2 *may be used for activities of the Commission.*

3 (2) *LIAISON.*—*The Secretary shall designate at*
4 *least one officer or employee of the Department of De-*
5 *fense to serve as a liaison officer between the Depart-*
6 *ment and the Commission.*

7 (3) *ADDITIONAL SUPPORT.*—*To the extent that*
8 *funds are available for such purpose, or on a reim-*
9 *bursable basis, the Secretary may, at the request of*
10 *the Co-Chairs of the Commission—*

11 (A) *enter into contracts for the acquisition*
12 *of administrative supplies and equipment for use*
13 *by the Commission; and*

14 (B) *make available the services of a Federal*
15 *funded research and development center or an*
16 *independent, nongovernmental organization, de-*
17 *scribed under section 501(c)(3) of the Internal*
18 *Revenue Code of 1986 and exempt from taxation*
19 *under section 501(a) of such Code.*

20 (4) *PRELIMINARY ADMINISTRATIVE SUPPORT AU-*
21 *THORIZED.*—*Upon the appointment of the Co-Chairs*
22 *under subsection (b), the Secretary may provide ad-*
23 *ministrative support authorized under this section*
24 *necessary to facilitate the standing up of the Commis-*
25 *sion.*

1 (e) *TERMINATION OF COMMISSION.*—*The Commission*
2 *shall terminate 90 days after the submission of the report*
3 *required under subsection (a).*

4 **SEC. 1093. DYNAMIC AIRSPACE PILOT PROGRAM.**

5 (a) *PILOT PROGRAM.*—

6 (1) *PILOT PROGRAM REQUIRED.*—*Not later than*
7 *90 days after the date of the enactment of this Act,*
8 *the Administrator of the Federal Aviation Adminis-*
9 *tration, in coordination with the Secretary of Defense,*
10 *shall establish a pilot program for the purpose of de-*
11 *veloping, testing, and assessing dynamic scheduling*
12 *and management of special activity airspace in order*
13 *to accommodate emerging military testing and train-*
14 *ing requirements, including—*

15 (A) *special activity airspace for use by the*
16 *Department of Defense for emerging military*
17 *testing and training requirements of infrequent*
18 *or limited durations; and*

19 (B) *streamlining the process for the Depart-*
20 *ment of Defense to request the designation of spe-*
21 *cial activity airspace for activities described in*
22 *subparagraph (A).*

23 (2) *DEVELOPMENT, TEST, AND ASSESSMENT OF*
24 *DYNAMIC AIRSPACE.*—*Under the pilot program estab-*
25 *lished under paragraph (1), the Administrator and*

1 *the Secretary shall jointly test not less than two use*
2 *cases concerning temporary or permanent special ac-*
3 *tivity airspace established by the Federal Aviation*
4 *Administration for use by the Department of Defense*
5 *that develop, test, and assess—*

6 *(A) the availability of such airspace on an*
7 *infrequent or limited duration necessary to ac-*
8 *commodate the Department of Defense’s emerging*
9 *military testing and training requirements; and*

10 *(B) whether the processes for the Depart-*
11 *ment of Defense to request special activity air-*
12 *space for infrequent or limited duration military*
13 *testing and training events meet Department of*
14 *Defense testing and training requirements.*

15 *(b) REQUIREMENTS.—The pilot program established*
16 *by subsection (a) shall not interfere with—*

17 *(1) the public’s right of transit consistent with*
18 *national security;*

19 *(2) the use of airspace necessary to ensure the*
20 *safety of aircraft within the National Airspace Sys-*
21 *tem;*

22 *(3) the use of airspace necessary to ensure the ef-*
23 *ficent use of the National Airspace System; and*

1 (4) *Department of Defense use of special activity*
2 *airspace that is established through means other than*
3 *the pilot program established by subsection (a).*

4 (c) *REPORT BY THE ADMINISTRATOR.—*

5 (1) *IN GENERAL.—Not later than two years after*
6 *the date of the establishment of the pilot program*
7 *under subsection (a)(1), the Administrator shall sub-*
8 *mit to the appropriate committees of Congress a re-*
9 *port on the interim findings of the Administrator*
10 *with respect to the pilot program.*

11 (2) *ELEMENTS.—The report submitted under*
12 *paragraph (1) shall include an analysis of the fol-*
13 *lowing:*

14 (A) *How the pilot program established*
15 *under subsection (a)(1) affected policies on estab-*
16 *lishing and scheduling special activity airspace*
17 *with an emphasis on the impact of allocation*
18 *and utilization policies to other nonpartici-*
19 *pating aviation users of the National Airspace*
20 *System.*

21 (B) *Whether the streamlined processes for*
22 *dynamic scheduling and management of special*
23 *activity airspace involved in the pilot program*
24 *established under subsection (a)(1) contributed*
25 *to—*

1 (i) *the public’s right of transit con-*
2 *sistent with national security;*

3 (ii) *the use of airspace necessary to en-*
4 *sure the safety of aircraft within the Na-*
5 *tional Airspace System; and*

6 (iii) *the use of airspace necessary to*
7 *ensure the efficient use of the National Air-*
8 *space System.*

9 (d) *REPORT BY THE SECRETARY OF DEFENSE.—Not*
10 *later than two years after the date of the establishment of*
11 *the pilot program under subsection (a)(1), the Secretary*
12 *shall submit to the appropriate committees of Congress a*
13 *report on the interim findings of the Secretary with respect*
14 *to the pilot program. Such report shall include an analysis*
15 *of how the pilot program affected military testing and*
16 *training.*

17 (e) *DEFINITIONS.—In this section:*

18 (1) *The term “appropriate committees of Con-*
19 *gress” means—*

20 (A) *the Committee on Commerce, Science,*
21 *and Transportation, the Committee on Armed*
22 *Services, and the Committee on Appropriations*
23 *of the Senate; and*

24 (B) *the Committee on Transportation and*
25 *Infrastructure, the Committee on Science, Space,*

1 *and Technology, the Committee on Armed Serv-*
2 *ices, and the Committee on Appropriations of the*
3 *House of Representatives.*

4 (2) *The term “special activity airspace” means*
5 *the following airspace with defined dimensions within*
6 *the National Airspace System wherein limitations*
7 *may be imposed upon aircraft operations:*

8 (A) *Restricted areas.*

9 (B) *Military operations areas.*

10 (C) *Air traffic control assigned airspace.*

11 (D) *Warning areas.*

12 (3) *The term “use cases” means a compendium*
13 *of airspace utilization data collected from the develop-*
14 *ment, testing, and assessment conducted under sub-*
15 *section (a)(1), and other test points or metrics as*
16 *agreed to by the Administrator and the Secretary,*
17 *within a specific geographic region as determined by*
18 *the Administrator and Secretary.*

19 (f) *DURATION.—The pilot program under subsection*
20 *(a)(1) shall continue for not more than three years after*
21 *the date on which it is established.*

22 ***TITLE XI—CIVILIAN PERSONNEL***
23 ***MATTERS***

Sec. 1101. Restricted reporting option for Department of Defense civilian employ-
ees 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 civil-
ian 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.*

1 **SEC. 1101. RESTRICTED REPORTING OPTION FOR DEPART-**
 2 **MENT OF DEFENSE CIVILIAN EMPLOYEES**
 3 **CHOOSING TO REPORT EXPERIENCING**
 4 **ADULT SEXUAL ASSAULT.**

5 (a) *IN GENERAL.*—Chapter 81 of title 10, United
 6 States Code, is amended by adding at the end the following
 7 new section:

8 **“§ 1599j. Restricted reports of incidents of adult sex-**
 9 **ual assault**

10 *“(a) RESTRICTED REPORTS.*—The Secretary of De-
 11 fense may provide a civilian employee of the Department
 12 of Defense an opportunity to submit to an individual de-
 13 scribed in subsection (d) a restricted report of an alleged
 14 incident of adult sexual assault for the purpose of assisting
 15 the employee in obtaining information and access to au-

1 *thorized victim support services provided by the Depart-*
2 *ment.*

3 “(b) *RESTRICTIONS ON DISCLOSURES AND INITIATING*
4 *INVESTIGATIONS.—Unless the Secretary determines that a*
5 *disclosure is necessary to prevent or mitigate a serious and*
6 *imminent safety threat to the employee submitting the re-*
7 *port or to another person, a restricted report submitted pur-*
8 *suant to subsection (a) shall not—*

9 “(1) *be disclosed to the supervisor of the em-*
10 *ployee or any other management official; or*

11 “(2) *cause the initiation of a Federal civil or*
12 *criminal investigation.*

13 “(c) *DUTIES UNDER OTHER LAWS.—The receipt of a*
14 *restricted report submitted under subsection (a) shall not*
15 *be construed as imputing actual or constructive knowledge*
16 *of an alleged incident of sexual assault to the Department*
17 *of Defense for any purpose.*

18 “(d) *INDIVIDUALS AUTHORIZED TO RECEIVE RE-*
19 *STRICTED REPORTS.—An individual described in this sub-*
20 *section is an individual who performs victim advocate du-*
21 *ties under a program for one or more of the following pur-*
22 *poses (or any other program designated by the Secretary):*

23 “(1) *Sexual assault prevention and response.*

24 “(2) *Victim advocacy.*

25 “(3) *Equal employment opportunity.*

1 “(4) *Workplace violence prevention and response.*

2 “(5) *Employee assistance.*

3 “(6) *Family advocacy.*

4 “(e) *DEFINITIONS.—In this section:*

5 “(1) *CIVILIAN EMPLOYEE.—The term ‘civilian*
6 *employee’ has the meaning given the term ‘employee’*
7 *in section 2105 of title 5.*

8 “(2) *SEXUAL ASSAULT.—The term ‘sexual as-*
9 *sault’ has the meaning given that term in section 920*
10 *of this title (article 120 of the Uniform Code of Mili-*
11 *tary Justice), and includes penetrative offenses and*
12 *sexual contact offenses.”.*

13 (b) *CLERICAL AMENDMENT.—The table of sections at*
14 *the beginning of such chapter is amended by adding at the*
15 *end the following new item:*

“1599j. Restricted reports of incidents of adult sexual assault.”.

16 **SEC. 1102. MODIFICATION AND EXTENSION OF AUTHORITY**
17 **TO WAIVE ANNUAL LIMITATION ON PREMIUM**
18 **PAY AND AGGREGATE LIMITATION ON PAY**
19 **FOR FEDERAL CIVILIAN EMPLOYEES WORK-**
20 **ING OVERSEAS.**

21 *Subsection (a) of section 1101 of the Duncan Hunter*
22 *National Defense Authorization Act for Fiscal Year 2009*
23 *(Public Law 110–417; 122 Stat. 4615), as most recently*
24 *amended by section 1112 of the National Defense Authoriza-*

1 *tion Act for Fiscal Year 2022 (Public Law 117–81; 135*
2 *Stat. 1953), is further amended—*

3 (1) *by striking “that is in the area of responsi-*
4 *bility” and all that follows through “United States*
5 *Africa Command,” and*

6 (2) *by striking “through 2022” and inserting*
7 *“through 2023”.*

8 **SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
9 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
10 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
11 **FICIAL DUTY IN A COMBAT ZONE.**

12 *Paragraph (2) of section 1603(a) of the Emergency*
13 *Supplemental Appropriations Act for Defense, the Global*
14 *War on Terror, and Hurricane Recovery, 2006 (Public Law*
15 *109–234; 120 Stat. 443), as added by section 1102 of the*
16 *Duncan Hunter National Defense Authorization Act for*
17 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616)*
18 *and as most recently amended by section 1114 of the Na-*
19 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
20 *lic Law 117–81; 135 Stat. 1954), is further amended by*
21 *striking “2023” and inserting “2024”.*

1 **SEC. 1104. STANDARDIZED CREDENTIALS FOR LAW EN-**
2 **FORCEMENT OFFICERS OF THE DEPARTMENT**
3 **OF DEFENSE.**

4 (a) *STANDARDIZED CREDENTIALS REQUIRED.*—Not
5 later than 180 days after the date of the enactment of this
6 Act, the Secretary of Defense shall ensure that—

7 (1) the Secretary of each military department
8 develops standardized credentials for Defense law en-
9 forcement officers under their respective authority;

10 (2) the Secretary of each military department
11 issues such credential to each such officer at no cost
12 to such officer; and

13 (3) any Department of Defense common access
14 card issued to such an officer clearly identifies the of-
15 ficer as a Defense law enforcement officer.

16 (b) *DEFENSE LAW ENFORCEMENT OFFICER DE-*
17 *FINED.*—In this section, the term “Defense law enforcement
18 officer” means a member of the Armed Forces or civilian
19 employee of the Department of Defense who—

20 (1) is authorized by law to engage in or super-
21 vise the prevention, detection, investigation, or pros-
22 ecution of, or the incarceration of any person for, any
23 violation of law;

24 (2) has statutory powers of arrest or apprehen-
25 sion under section 807(b) of title 10, United States

1 *Code (article 7(b) of the Uniform Code of Military*
2 *Justice); and*

3 *(3) is authorized by the Department to carry a*
4 *firearm.*

5 **SEC. 1105. TEMPORARY EXTENSION OF AUTHORITY TO PRO-**
6 **VIDE SECURITY FOR FORMER DEPARTMENT**
7 **OF DEFENSE OFFICIALS.**

8 *During the period beginning on the date of enactment*
9 *of this Act and ending on January 1, 2024, subsection (b)*
10 *of section 714 of title 10, United States Code, shall be ap-*
11 *plied—*

12 *(1) in paragraph (1)(A), by substituting “a seri-*
13 *ous and credible threat” for “an imminent and cred-*
14 *ible threat”;*

15 *(2) in paragraph (2)(B), by substituting “three*
16 *years” for “two years”; and*

17 *(3) in paragraph (6)(A), by substituting—*

18 *(A) “congressional leadership and the con-*
19 *gressional defense committees” for “the congres-*
20 *sional defense committees”; and*

21 *(B) by substituting “the justification for*
22 *such determination, scope of the protection, and*
23 *the anticipated cost and duration of such protec-*
24 *tion” for “the justification for such determina-*
25 *tion”.*

1 **SEC. 1106. ENHANCED PAY AUTHORITY FOR CERTAIN RE-**
2 **SEARCH AND TECHNOLOGY POSITIONS IN**
3 **SCIENCE AND TECHNOLOGY REINVENTION**
4 **LABORATORIES.**

5 (a) *IN GENERAL.*—Chapter 303 of title 10, United
6 States Code, is amended by inserting after section 4093 the
7 following new section:

8 **“§ 4094. Enhanced pay authority for certain research**
9 **and technology positions in science and**
10 **technology reinvention laboratories**

11 “(a) *IN GENERAL.*—The Secretary of Defense may
12 carry out a program using the pay authority specified in
13 subsection (d) to fix the rate of basic pay for positions de-
14 scribed in subsection (c) in order to assist the military de-
15 partments in attracting and retaining high quality acquisi-
16 tion and technology experts in positions responsible for
17 managing and performing complex, high-cost research and
18 technology development efforts in the science and technology
19 reinvention laboratories of the Department of Defense.

20 “(b) *APPROVAL REQUIRED.*—The program may be
21 carried out in a military department only with the ap-
22 proval of the service acquisition executive of the military
23 department concerned.

24 “(c) *POSITIONS.*—The positions described in this sub-
25 section are positions in the science and technology reinven-
26 tion laboratories of the Department of Defense that—

1 “(1) *require expertise of an extremely high level*
2 *in a scientific, technical, professional, or acquisition*
3 *management field; and*

4 “(2) *are critical to the successful accomplishment*
5 *of an important research or technology development*
6 *mission.*

7 “(d) *RATE OF BASIC PAY.—The pay authority speci-*
8 *fied in this subsection is authority as follows:*

9 “(1) *Authority to fix the rate of basic pay for a*
10 *position at a rate not to exceed 150 percent of the rate*
11 *of basic pay payable for level I of the Executive*
12 *Schedule, upon the approval of the service acquisition*
13 *executive concerned.*

14 “(2) *Authority to fix the rate of basic pay for a*
15 *position at a rate in excess of 150 percent of the rate*
16 *of basic pay payable for level I of the Executive*
17 *Schedule, upon the approval of the Secretary of the*
18 *military department concerned.*

19 “(e) *LIMITATIONS.—*

20 “(1) *IN GENERAL.—The authority in subsection*
21 *(a) may be used only to the extent necessary to com-*
22 *petitively recruit or retain individuals exceptionally*
23 *well qualified for positions described in subsection (c).*

24 “(2) *NUMBER OF POSITIONS.—The authority in*
25 *subsection (a) may not be used with respect to more*

1 *than five positions in each military department at*
2 *any one time, unless the Under Secretary of Defense*
3 *for Research and Engineering, in concurrence with*
4 *the Secretaries of the military departments concerned,*
5 *authorizes the transfer of positions from one military*
6 *department to another.*

7 “(3) *TERM OF POSITIONS.*—*The authority in*
8 *subsection (a) may be used only for positions having*
9 *a term of less than five years.*

10 “(f) *SCIENCE AND TECHNOLOGY REINVENTION LAB-*
11 *ORATORIES OF THE DEPARTMENT OF DEFENSE DE-*
12 *FINED.*—*In this section, the term ‘science and technology*
13 *reinvention laboratories of the Department of Defense’*
14 *means the laboratories designated as science and technology*
15 *reinvention laboratories by section 4121(b) of this title.”.*

16 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
17 *the beginning of chapter 303 of such title is amended by*
18 *inserting after the item relating to section 4093 the fol-*
19 *lowing new item:*

 “4094. *Enhanced pay authority for certain research and technology positions in*
 science and technology reinvention laboratories.”.

20 “(c) *APPLICATION.*—*This section shall take effect imme-*
21 *diately after section 881 of this Act.*

22 **SEC. 1107. FLEXIBLE WORKPLACE PROGRAMS.**

23 *Not later than 120 days after the date of the enactment*
24 *of this Act, the Secretary of Defense shall promulgate guid-*

1 *ance to the military departments to promote consistency in*
2 *policies relating to flexible workplace programs. Such guid-*
3 *ance shall address at a minimum the conditions under*
4 *which an employee is allowed to perform all or a portion*
5 *of assigned duties—*

6 *(1) at a telecommuting center established pursu-*
7 *ant to statute; or*

8 *(2) through the use of flexible workplace services*
9 *agreements.*

10 **SEC. 1108. ELIGIBILITY OF DEPARTMENT OF DEFENSE EM-**
11 **PLOYEES IN TIME-LIMITED APPOINTMENTS**
12 **TO COMPETE FOR PERMANENT APPOINT-**
13 **MENTS.**

14 *Section 3304 of title 5, United States Code, is amended*
15 *by adding at the end the following:*

16 *“(g) ELIGIBILITY OF DEPARTMENT OF DEFENSE EM-*
17 *PLOYEES IN TIME-LIMITED APPOINTMENTS TO COMPETE*
18 *FOR PERMANENT APPOINTMENTS.—*

19 *“(1) DEFINITIONS.—In this subsection—*

20 *“(A) the term ‘Department’ means the De-*
21 *partment of Defense; and*

22 *“(B) the term ‘time-limited appointment’*
23 *means a temporary or term appointment in the*
24 *competitive service.*

1 “(2) *ELIGIBILITY.*—*Notwithstanding any other*
2 *provision of this chapter or any other provision of*
3 *law relating to the examination, certification, and*
4 *appointment of individuals in the competitive service,*
5 *an employee of the Department serving under a time-*
6 *limited appointment is eligible to compete for a per-*
7 *manent appointment in the competitive service when*
8 *the Department is accepting applications from indi-*
9 *viduals within its own workforce, or from individuals*
10 *outside its own workforce, under merit promotion*
11 *procedures, if—*

12 “(A) *the employee was appointed initially*
13 *under open, competitive examination under sub-*
14 *chapter I of this chapter to the time-limited ap-*
15 *pointment;*

16 “(B) *the employee has served under 1 or*
17 *more time-limited appointments within the De-*
18 *partment for a period or periods totaling more*
19 *than 2 years without a break of 2 or more years;*
20 *and*

21 “(C) *the employee’s performance has been at*
22 *an acceptable level of performance throughout the*
23 *period or periods referred to in subparagraph*
24 *(B).*

1 “(3) *CAREER-CONDITIONAL STATUS; COMPETITIVE STATUS.*—*An individual appointed to a permanent position under this section—*

4 “(A) *becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and*

7 “(B) *acquires competitive status upon appointment.*

9 “(4) *FORMER EMPLOYEES.*—*If the Department is accepting applications as described in paragraph (2), a former employee of the Department who served under a time-limited appointment and who otherwise meets the requirements of this section shall be eligible to compete for a permanent position in the competitive service under this section if—*

16 “(A) *the employee applies for a position covered by this section not later than 2 years after the most recent date of separation; and*

19 “(B) *the employee’s most recent separation was for reasons other than misconduct or performance.*

22 “(5) *REGULATIONS.*—*The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection.”.*

1 **SEC. 1109. MODIFICATION TO PERSONNEL MANAGEMENT**
2 **AUTHORITY TO ATTRACT EXPERTS IN**
3 **SCIENCE AND ENGINEERING.**

4 *Section 4092 of title 10, united states code, is amend-*
5 *ed—*

6 *(1) in subsection (a)(8), in the second sentence,*
7 *by striking “December 31, 2025” and inserting “De-*
8 *cember 31, 2030”;*

9 *(2) in subsection (b)—*

10 *(A) in paragraph (1)(H)—*

11 *(i) by striking “10 positions” and in-*
12 *serting “15 positions”; and*

13 *(ii) by striking “3 such positions” and*
14 *inserting “5 such positions”; and*

15 *(B) in paragraph (2)(A)—*

16 *(i) in the matter preceding clause (i),*
17 *by striking “paragraph (1)(B)” and insert-*
18 *ing “subparagraphs (B) and (H) of para-*
19 *graph (1)”;*

20 *(ii) in clause (i)—*

21 *(I) by striking “to any of” and*
22 *inserting “to any of the”; and*

23 *(II) by inserting “and any of the*
24 *5 positions designated by the Director*
25 *of the Space Development Agency”*
26 *after “Projects Agency”; and*

1 (iii) in clause (ii), by striking “the Di-
2 rector” and inserting “the Director of the
3 Defense Advanced Research Projects Agency
4 or the Director of the Space Development
5 Agency”; and

6 (3) in subsection (c)(2), by inserting “the Space
7 Development Agency,” after “Intelligence Center,”.

8 **SEC. 1110. MODIFICATION AND EXTENSION OF PILOT PRO-**
9 **GRAM ON DYNAMIC SHAPING OF THE WORK-**
10 **FORCE TO IMPROVE THE TECHNICAL SKILLS**
11 **AND EXPERTISE AT CERTAIN DEPARTMENT**
12 **OF DEFENSE LABORATORIES.**

13 (a) *REPEAL OF OBSOLETE PROVISION.*—Section
14 1109(b)(1) of the National Defense Authorization Act for
15 Fiscal Year 2016 (Public Law 114–92) is amended by strik-
16 ing subparagraph (D).

17 (b) *EXTENSION OF AUTHORITY.*—Section 1109(d)(1)
18 of such Act is amended by striking “December 31, 2023”
19 and inserting “December 31, 2027”.

20 **SEC. 1111. MODIFICATION OF TEMPORARY EXPANSION OF**
21 **AUTHORITY FOR NONCOMPETITIVE APPOINT-**
22 **MENTS OF MILITARY SPOUSES BY FEDERAL**
23 **AGENCIES.**

24 (a) *EXTENSION OF SUNSET.*—Subsection (e) of section
25 573 of the John S. McCain National Defense Authorization

1 *Act for Fiscal Year 2019 (Public Law 115–232; 5 U.S.C.*
 2 *3330d note) is amended, in the matter preceding paragraph*
 3 *(1), by striking “the date that is 5 years after the date of*
 4 *the enactment of this Act” and inserting “December 31,*
 5 *2028”.*

6 (b) *REPEAL OF OPM LIMITATION AND REPORTS.—*
 7 *Subsection (d) of such section is repealed.*

8 **SEC. 1112. MODIFICATION TO PILOT PROGRAM FOR THE**
 9 **TEMPORARY ASSIGNMENT OF CYBER AND IN-**
 10 **FORMATION TECHNOLOGY PERSONNEL TO**
 11 **PRIVATE SECTOR ORGANIZATIONS.**

12 *Section 1110(d) of the National Defense Authorization*
 13 *Act for Fiscal Year 2010 (5 U.S.C. 3702 note; Public Law*
 14 *111–84) is amended by striking “September 30, 2022” and*
 15 *inserting “December 31, 2026”.*

16 **TITLE XII—MATTERS RELATING**
 17 **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 cleanup.*
- 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 NECESSARY**
4 **FOR PARTICIPATION IN TRAINING PROGRAM**
5 **CONDUCTED BY COLOMBIA UNDER THE**
6 **UNITED STATES-COLOMBIA ACTION PLAN**
7 **FOR REGIONAL SECURITY.**

8 (a) *IN GENERAL.*—Subchapter IV of chapter 16 of title
9 10, United States Code, is amended by adding at the end
10 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 pay
17 the expendable training supplies, travel, subsistence, and
18 similar personnel expenses of, and special compensation for,
19 the following that the Secretary considers necessary for par-
20 ticipation in the training program conducted by Colombia
21 under the United States-Colombia Action Plan for Regional
22 Security:

23 “(1) Defense personnel of friendly foreign govern-
24 ments.

1 “(2) *With the concurrence of the Secretary of*
2 *State, other personnel of friendly foreign governments*
3 *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 from*
9 *developing countries.*

10 “(2) *EXCEPTION.— The Secretary may authorize*
11 *the payment of such expenses of, and special com-*
12 *penetration for, such personnel from a country other*
13 *than a developing country if the Secretary determines*
14 *that such payment is—*

15 “(A) *necessary to respond to extraordinary*
16 *circumstances; and*

17 “(B) *in the national security interest of the*
18 *United States.”.*

19 (b) *CONFORMING AMENDMENT.—The table of sections*
20 *at the beginning of subchapter IV of chapter 16 of title 10,*
21 *United States Code, is amended by adding at the end the*
22 *following new item:*

 “335. *Payment of personnel expenses necessary for participation in training pro-*
 gram conducted by Colombia under the United States-Colombia
 Action Plan for Regional Security.”.

1 **SEC. 1202. MODIFICATIONS TO REPORTS ON SECURITY CO-**
2 **OPERATION.**

3 (a) *SUPPORT TO FRIENDLY FOREIGN COUNTRIES FOR*
4 *CONDUCT OPERATIONS.*—Section 331(d)(2) of title 10,
5 *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 en-*
13 *tity is covered by an authorization for the use of*
14 *military force.”.*

15 (b) *DEFENSE INSTITUTION CAPACITY BUILDING.*—
16 *Section 332(b)(2) of title 10, United States Code, is amend-*
17 *ed—*

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 AC-*
7 *TIVITIES.—Section 386 of title 10, United States Code, is*
8 *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 submit*
12 *to the appropriate congressional committees a report that*
13 *sets forth, on a country-by-country basis, an overview of*
14 *security cooperation activities carried out by the Depart-*
15 *ment of Defense during the fiscal year in which such report*
16 *is submitted, using the authorities specified in subsection*
17 *(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 strategy
3 of the relevant geographic combatant command.

4 “(2) A table that includes an aggregated amount
5 with respect to each of the following:

6 “(A) With respect to amounts made avail-
7 able for section 332(a) of this title, the Depart-
8 ment of Defense cost to provide any Department
9 personnel as advisors to a ministry of defense.

10 “(B) With respect to amounts made avail-
11 able for section 332(b) of this title, the Depart-
12 ment of Defense incremental execution costs to
13 conduct activities under such section.

14 “(C) With respect to section 333 of this title,
15 the value of all programs for which notice is re-
16 quired by such section.

17 “(D) With respect to section 335 of this
18 title, the total Department of Defense costs to
19 fund expenses to attend training provided by the
20 Government of Colombia that began during the
21 period of the report.

22 “(E) With respect to amounts made avail-
23 able for section 341 of this title, the Department
24 of Defense manpower and travel costs to conduct

1 *bi-lateral state partnership program engage-*
2 *ments with the partner country.*

3 *“(F) With respect to amounts made avail-*
4 *able for section 342 of this title, the Department*
5 *of Defense-funded, foreign-partner travel costs to*
6 *attend a regional center activity that began dur-*
7 *ing the period of the report.*

8 *“(G) With respect to amounts made avail-*
9 *able for section 345 of this title, the estimated*
10 *Department of Defense execution cost to complete*
11 *all training that began during the period of the*
12 *report.*

13 *“(H) With respect to amounts made avail-*
14 *able for section 2561 of this title, the planned*
15 *execution cost of completing humanitarian as-*
16 *sistance activities for the partner country that*
17 *were approved for the period of the report.*

18 *“(3) A table that includes aggregated totals for*
19 *each of the following:*

20 *“(A) Pursuant to section 311 of this title,*
21 *the number of personnel from a partner country*
22 *assigned to a Department of Defense organiza-*
23 *tion.*

24 *“(B) Pursuant to section 332(a) of this*
25 *title, the number of Department of Defense per-*

1 *sonnel assigned as advisors to a ministry of de-*
2 *fense.*

3 “(C) Pursuant to section 332(b) of this title,
4 *the number of activities conducted by the De-*
5 *partment of Defense.*

6 “(D) *The number of new programs carried*
7 *out during the period of the report that required*
8 *notice under section 333 of this title.*

9 “(E) *With respect to section 335 of this*
10 *title, the number of partner country officials who*
11 *participated in training provided by the Govern-*
12 *ment of Colombia that began during the period*
13 *of the report.*

14 “(F) *With respect to section 341 of this title,*
15 *the number of Department of Defense bilateral*
16 *state partnership program engagements with the*
17 *partner country that began during the period of*
18 *the report.*

19 “(G) *With respect to section 342 of this*
20 *title, the number of partner country officials who*
21 *participated in regional center activity that*
22 *began during the period of the report.*

23 “(H) *Pursuant to the authorities under sec-*
24 *tions 343, 345, 348, 349, 350 and 352 of this*
25 *title, the total number of partner country per-*

1 *sonnel who began training during the period of*
2 *the report.*

3 *“(I) Pursuant to section 347 of this title,*
4 *the number of cadets from the partner country*
5 *that were enrolled in the Service Academies dur-*
6 *ing the period of the report.*

7 *“(J) Pursuant to amounts made available*
8 *to carry out section 2561 of this title, the number*
9 *of new humanitarian assistance projects funded*
10 *through the Overseas Humanitarian Disaster*
11 *and Civic Aid account that were approved dur-*
12 *ing the period of the required report.*

13 *“(4) A table that includes the following:*

14 *“(A) For each person from the partner*
15 *country assigned to a Department of Defense or-*
16 *ganization pursuant to section 311 of this title—*

17 *“(i) whether the person is a member of*
18 *the armed forces or a civilian;*

19 *“(ii) the rank of the person (if applica-*
20 *ble); and*

21 *“(iii) the component of the Department*
22 *of Defense and location to which such per-*
23 *son is assigned.*

24 *“(B) With respect to each civilian employee*
25 *of the Department of Defense or member of the*

1 *armed forces that was assigned, pursuant to sec-*
2 *tion 332(a) of this title, as an advisor to a min-*
3 *istry of defense during the period of the report,*
4 *a description of the object of the Department of*
5 *Defense for such support and the name of the*
6 *ministry or regional organization to which the*
7 *employee or member was assigned.*

8 *“(C) With respect to each activity com-*
9 *menced under section 332(b) of this title during*
10 *the period of the report—*

11 *“(i) the name of the supported min-*
12 *istry or regional organization;*

13 *“(ii) the component of the Department*
14 *of Defense that conducted the activity;*

15 *“(iii) the duration of the activity; and*

16 *“(iv) a description of the objective of*
17 *the activity.*

18 *“(D) For each program that required notice*
19 *to Congress under section 333 of this title during*
20 *the period of the report—*

21 *“(i) the units of the national security*
22 *forces of the foreign country to which assist-*
23 *ance was provided;*

24 *“(ii) the type of operation capability*
25 *assisted;*

1 “(iii) a description of the nature of the
2 assistance being provided; and

3 “(iv) the estimated cost included in the
4 notice provided for such assistance.

5 “(E) With respect to each Government of
6 Colombia training activity which included De-
7 partment of Defense funded participants under
8 section 335 of this title that commenced during
9 the period of the report—

10 “(i) the units of the defense personnel
11 of the friendly foreign country to which the
12 Department of Defense funded assistance
13 was provided;

14 “(ii) the units of the Government of
15 Colombia that conducted the training activ-
16 ity;

17 “(iii) the duration of the training ac-
18 tivity provided by the Government of Co-
19 lombia;

20 “(iv) a description of the objective of
21 the training activity provided by the Gov-
22 ernment of Colombia.

23 “(F) With respect to each activity com-
24 menced under section 341 of this title during the
25 period of the report—

1 “(i) a description of the activity;

2 “(ii) the duration of the activity;

3 “(iii) the number of participating
4 members of the National Guard; and

5 “(iv) the number of participating per-
6 sonnel of foreign country.

7 “(G) With respect to each activity of a Re-
8 gional Center for Security Studies commenced
9 under section 342 of this title during the period
10 of the report—

11 “(i) a description of the activity;

12 “(ii) the name of the Regional Center
13 that sponsored the activity;

14 “(iii) the location and duration of the
15 training; and

16 “(iv) the number of officials from the
17 foreign country who participated the activ-
18 ity.

19 “(H) With respect to each training event
20 that commenced under sections 343, 345, 348,
21 349, 350, or 352 of this title during the period
22 of the report—

23 “(i) a description of the training;

24 “(ii) the location and duration of the
25 training; and

1 “(iii) the number of personnel of the
2 foreign country trained.

3 “(I) With respect to each new project ap-
4 proved under section 2561 of this title during the
5 period of the report and funded through the
6 Overseas Humanitarian Disaster and Civic Aid
7 account—

8 “(i) the title of the project;

9 “(ii) a description of the assistance to
10 be provided; and

11 “(iii) the anticipated costs to provide
12 such assistance.”.

13 (e) *APPLICABILITY OF AMENDMENT TO ANNUAL RE-*
14 *PORT REQUIREMENTS.*—With respect to a report that was
15 required to be submitted under section 386 of title 10,
16 United States Code, prior to the date of the enactment of
17 this Act, that has not been submitted as of such date and
18 relates to a year preceding fiscal year 2023, such a report
19 may be submitted in accordance with—

20 (1) the requirements of such section 386 as
21 amended by subsection (d); or

22 (2) the requirements of such section 386 as in ef-
23 fect on the day before the date of the enactment of this
24 Act.

1 **SEC. 1203. MODIFICATION OF AUTHORITY FOR PARTICIPA-**
2 **TION IN MULTINATIONAL CENTERS OF EX-**
3 **CELLENCE.**

4 *Section 344(f) of title 10, United States Code, is*
5 *amended—*

6 *(1) in paragraph (1)(D), by striking “and” at*
7 *the end;*

8 *(2) in paragraph (2), by striking the period at*
9 *the end and inserting “; and”; and*

10 *(3) by adding at the end the following new para-*
11 *graph:*

12 *“(3) the International Special Training Centre,*
13 *established in 1979 and located in Pfullendorf, Ger-*
14 *many.”.*

15 **SEC. 1204. MODIFICATION OF EXISTING AUTHORITIES TO**
16 **PROVIDE FOR AN IRREGULAR WARFARE CEN-**
17 **TER AND A REGIONAL DEFENSE FELLOWSHIP**
18 **PROGRAM.**

19 *(a) IN GENERAL.—Section 345 of title 10, United*
20 *States Code, is amended—*

21 *(1) by amending the section heading to read as*
22 *follows: “**Irregular Warfare Center and Re-***
23 ***gional Defense Fellowship Program**”;*

24 *(2) in subsection (a)—*

1 (A) in the subsection heading, by striking
2 “PROGRAM AUTHORIZED” and inserting “AU-
3 THORITIES”;

4 (B) by amending paragraph (1) to read as
5 follows:

6 “(1) IN GENERAL.—The Secretary of Defense
7 may—

8 “(A) operate and administer a Center for
9 Strategic Studies in Irregular Warfare, to be
10 known as the ‘Irregular Warfare Center’, in ac-
11 cordance with the requirements described in sub-
12 section (c); and

13 “(B) carry out a program, to be known as
14 the ‘Regional Defense Fellowship Program’, to
15 provide for the education and training of foreign
16 personnel described in paragraph (2) at military
17 or civilian educational institutions, the Irregular
18 Warfare Center, regional centers, conferences,
19 seminars, or other training programs conducted
20 for purposes of regional defense in connection
21 with irregular warfare or combating terrorism.”;

22 (C) by striking paragraphs (2) and (3); and

23 (D) by inserting after paragraph (1) (as
24 amended) the following:

1 “(2) *COVERED COSTS.*—*The Secretary may pay*
2 *the following costs associated with exercising the au-*
3 *thorities under this section:*

4 “(A) *Costs of travel, subsistence, and simi-*
5 *lar personnel expenses of, and special compensa-*
6 *tion for—*

7 “(i) *defense personnel of friendly for-*
8 *ign governments to attend activities of the*
9 *Irregular Warfare Center or attend the Re-*
10 *gional Defense Fellowship Program;*

11 “(ii) *with the concurrence of the Sec-*
12 *retary of State, other personnel of friendly*
13 *foreign governments and non-governmental*
14 *personnel to attend activities of the Irreg-*
15 *ular Warfare Center or attend the Regional*
16 *Defense Fellowship Program; and*

17 “(iii) *foreign personnel and United*
18 *States Government personnel necessary for*
19 *the administration and execution of the au-*
20 *thorities under this section.*

21 “(B) *Costs associated with the administra-*
22 *tion and operation of the Irregular Warfare Cen-*
23 *ter, including costs associated with—*

24 “(i) *research, communication, the ex-*
25 *change of ideas, curriculum development*

1 *and review, and training of military and*
2 *civilian participants of the United States*
3 *and other countries, as the Secretary con-*
4 *siders necessary; and*

5 “(ii) *maintaining an international*
6 *network of irregular warfare policymakers*
7 *and practitioners to achieve the objectives of*
8 *the Department of Defense and the Depart-*
9 *ment of State.*

10 “(C) *Costs associated with strategic engage-*
11 *ment with alumni of the Regional Defense Fel-*
12 *lowship Program to address Department of De-*
13 *fense objectives and planning on irregular war-*
14 *fare and combating terrorism topics.”;*

15 (3) *in subsection (b)—*

16 (A) *in the subsection heading, by striking*
17 *“REGULATIONS” and inserting “REGULATIONS*
18 *FOR REGIONAL DEFENSE FELLOWSHIP PRO-*
19 *GRAM”;* and

20 (B) *in paragraph (1), by striking “The pro-*
21 *gram authorized by subsection (a)” and insert-*
22 *ing “The authorities granted to the Secretary of*
23 *Defense under subsection (a)(1)(B)”;*

24 (4) *by redesignating subsections (c) and (d) as*
25 *subsections (d) and (e), respectively;*

1 (5) *by inserting after subsection (b) the fol-*
2 *lowing:*

3 “(c) *IRREGULAR WARFARE CENTER.—*

4 “(1) *MISSION.—The mission of the Irregular*
5 *Warfare Center shall be to serve as a central mecha-*
6 *nism for developing the irregular warfare knowledge*
7 *of the Department of Defense and advancing the un-*
8 *derstanding of irregular warfare concepts and doc-*
9 *trine, in collaboration with key partners and allies,*
10 *by—*

11 “(A) *coordinating and aligning Department*
12 *education curricula, standards, and objectives re-*
13 *lated to irregular warfare;*

14 “(B) *facilitating research on irregular war-*
15 *fare, strategic competition, and the role of the*
16 *Department in supporting interagency activities*
17 *relating to irregular warfare;*

18 “(C) *engaging and coordinating with Fed-*
19 *eral departments and agencies and with aca-*
20 *demia, nongovernmental organizations, civil so-*
21 *ciety, and international partners to discuss and*
22 *coordinate efforts on security challenges in irreg-*
23 *ular warfare;*

24 “(D) *developing curriculum and conducting*
25 *training and education of military and civilian*

1 *participants of the United States and other*
2 *countries, as determined by the Secretary of De-*
3 *fense; and*

4 *“(E) serving as a coordinating body and*
5 *central repository for irregular warfare re-*
6 *sources, including educational activities and pro-*
7 *grams, and lessons learned across components of*
8 *the Department.*

9 *“(2) EMPLOYMENT AND COMPENSATION OF FAC-*
10 *ULTY.—With respect to the Irregular Warfare Cen-*
11 *ter—*

12 *“(A) the Secretary of Defense may, subject*
13 *to the availability of appropriations, employ a*
14 *Director, a Deputy Director, and such civilians*
15 *as professors, instructors, and lecturers, as the*
16 *Secretary considers necessary; and*

17 *“(B) compensation of individuals employed*
18 *under this section shall be as prescribed by the*
19 *Secretary.*

20 *“(3) PARTNERSHIP WITH INSTITUTION OF HIGH-*
21 *ER EDUCATION.—*

22 *“(A) IN GENERAL.—In operating the Irreg-*
23 *ular Warfare Center, to promote integration*
24 *throughout the United States Government and*
25 *civil society across the full spectrum of irregular*

1 *warfare competition and conflict challenges, the*
2 *Secretary of Defense may partner with an insti-*
3 *tution of higher education (as such term is de-*
4 *finied in section 101 of the Higher Education Act*
5 *of 1965 (20 U.S.C. 1001)).*

6 “(B) *TYPES OF PARTNERSHIPS.*—*The Sec-*
7 *retary may establish a partnership under sub-*
8 *paragraph (A) by—*

9 “(i) *entering into an intergovern-*
10 *mental support agreement pursuant to sec-*
11 *tion 2679 of this title; or*

12 “(ii) *entering into a contract or coop-*
13 *erative agreement or awarding a grant*
14 *through the Defense Security Cooperation*
15 *University.*

16 “(C) *DETERMINATION REQUIRED.*—*The*
17 *Secretary of Defense shall make a determination*
18 *with respect to the desirability of partnering*
19 *with an institution of higher education in a*
20 *Government-owned, contractor-operated partner-*
21 *ship, such as the partnership structure used by*
22 *the Department of Defense for University Affili-*
23 *ated Research Centers, for meeting the mission*
24 *requirements of the Irregular Warfare Center.*

1 “(4) *ROLES AND RESPONSIBILITIES.*—*The Sec-*
2 *retary of Defense shall prescribe guidance for the roles*
3 *and responsibilities of the relevant components of the*
4 *Department of Defense in the administration, oper-*
5 *ation, and oversight of the Irregular Warfare Center,*
6 *which shall include the roles and responsibilities of*
7 *the following:*

8 “(A) *The Under Secretary of Defense for*
9 *Policy and the Assistant Secretary of Defense for*
10 *Special Operations and Low Intensity Conflict*
11 *in policy oversight and governance structure of*
12 *the Center.*

13 “(B) *The Director of the Defense Security*
14 *Cooperation Agency, as the Executive Agent in*
15 *support of the operation of the Center.*

16 “(C) *Any other official of the Department of*
17 *Defense, as determined by the Secretary.”;*

18 (6) *in subsection (d) (as redesignated), by strik-*
19 *ing “subsection (a)” each place it appears and insert-*
20 *ing “subsection (a)(1)(B)”;*

21 (7) *in subsection (e) (as redesignated)—*

22 (A) *in paragraph (3), by striking “sub-*
23 *section (a)” and inserting “subsection*
24 *(a)(1)(B)”;* and

25 (B) *by adding at the end the following:*

1 “(6) *A discussion of how the training from the*
2 *previous year incorporated lessons learned from ongo-*
3 *ing conflicts.*”; and

4 (8) *by inserting after subsection (e) (as redesign-*
5 *ated) the following:*

6 “(f) *ANNUAL REVIEW OF IRREGULAR WARFARE CEN-*
7 *TER.—Not later than December 1, 2024, and annually*
8 *thereafter, the Secretary of Defense—*

9 “(1) *shall conduct a review of the structure and*
10 *activities of the Irregular Warfare Center to deter-*
11 *mine whether such structure and activities are appro-*
12 *priately aligned with the strategic priorities of the*
13 *Department of Defense and the applicable combatant*
14 *commands; and*

15 “(2) *may, after an annual review under para-*
16 *graph (1), revise the relevant structure and activities*
17 *so as to more appropriately align such structure and*
18 *activities with the strategic priorities and combatant*
19 *commands.*”.

20 (b) *CLERICAL AMENDMENT.—The table of sections at*
21 *the beginning of subchapter V of chapter 16 of title 10,*
22 *United States Code, is amended by striking the item relat-*
23 *ing to section 345 and inserting the following:*

 “345. *Irregular Warfare Center and Regional Defense Fellowship Program.*”.

24 (c) *REPEAL OF TREATMENT AS REGIONAL CENTER*
25 *FOR SECURITY STUDIES.—Section 1299L(b) of the William*

1 *M. (Mac) Thornberry National Defense Authorization Act*
2 *for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4012;*
3 *10 U.S.C. 342 note) is amended—*

4 (1) *by striking paragraph (2); and*

5 (2) *by redesignating paragraphs (3) and (4) as*
6 *paragraphs (2) and (3), respectively.*

7 (d) *SENSE OF CONGRESS.—It is the sense of Congress*
8 *that a Center for Security Studies in Irregular Warfare es-*
9 *tablished under section 345 of title 10, United States Code,*
10 *as amended by subsection (a), should be known as the “John*
11 *S. McCain III Center for Security Studies in Irregular*
12 *Warfare”.*

13 (e) *PLAN FOR IRREGULAR WARFARE CENTER.—*

14 (1) *IN GENERAL.—Not later than 180 days after*
15 *the date of the enactment of this Act, the Secretary of*
16 *Defense shall submit to the Committee on Armed*
17 *Services of the Senate and the Committee on Armed*
18 *Services of the House of Representatives a plan for es-*
19 *tablishing the structure, operations, and administra-*
20 *tion of the Irregular Warfare Center described in sec-*
21 *tion 345(a)(1) of title 10, United States Code, as*
22 *amended by subsection (a)(2)(B).*

23 (2) *ELEMENTS.—The plan required by para-*
24 *graph (1) shall include—*

1 (A) a timeline and milestones for the estab-
2 lishment of the Irregular Warfare Center; and

3 (B) steps to enter into partnerships and re-
4 source agreements with academic institutions of
5 the Department of Defense or other academic in-
6 stitutions, including any agreement for hosting
7 or operating the Irregular Warfare Center.

8 **SEC. 1205. MODIFICATION TO AUTHORITY TO PROVIDE SUP-**
9 **PORT FOR CONDUCT OF OPERATIONS.**

10 Notwithstanding subsection (g)(1) of section 331 of
11 title 10, United States Code, the aggregate value of all logis-
12 tic support, supplies, and services provided under para-
13 graphs (1), (4), and (5) of subsection (c) of such section
14 331 in each of fiscal years 2023 and 2024 may not exceed
15 \$950,000,000.

16 **SEC. 1206. EXTENSION AND MODIFICATION OF AUTHORITY**
17 **FOR REIMBURSEMENT OF CERTAIN COALI-**
18 **TION NATIONS FOR SUPPORT PROVIDED TO**
19 **UNITED STATES MILITARY OPERATIONS.**

20 Section 1233 of the National Defense Authorization
21 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
22 393) is amended—

23 (1) in subsection (a), by striking “for the period
24 beginning on October 1, 2021, and ending on Decem-
25 ber 31, 2022” and inserting “for the period beginning

1 *on October 1, 2022, and ending on December 31,*
2 *2023”; and*

3 *(2) in subsection (d)—*

4 *(A) by striking “during the period begin-*
5 *ning on October 1, 2021, and ending on Decem-*
6 *ber 31, 2022” and inserting “during the period*
7 *beginning on October 1, 2022, and ending on*
8 *December 31, 2023”; and*

9 *(B) by striking “\$60,000,000” and inserting*
10 *“\$30,000,000”.*

11 **SEC. 1207. MODIFICATION AND EXTENSION OF AUTHORITY**
12 **TO SUPPORT BORDER SECURITY OPER-**
13 **ATIONS OF CERTAIN FOREIGN COUNTRIES.**

14 *(a) MODIFICATION.—Subsection (e) of section 1226 of*
15 *the National Defense Authorization Act for Fiscal Year*
16 *2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2151*
17 *note) is amended by striking paragraph (4).*

18 *(b) EXTENSION.—Subsection (h) of such section is*
19 *amended by striking “December 31, 2023” and inserting*
20 *“December 31, 2025”.*

21 **SEC. 1208. SECURITY COOPERATION PROGRAMS WITH FOR-**
22 **EIGN PARTNERS TO ADVANCE WOMEN,**
23 **PEACE, AND SECURITY.**

24 *(a) IN GENERAL.—During fiscal years 2023 through*
25 *2025, the Secretary of Defense, in coordination with the*

1 *Secretary of State, may conduct or support security co-*
2 *operation programs and activities involving the national*
3 *military forces or national-level security forces of a foreign*
4 *country, or other covered personnel, to advise, train, and*
5 *educate such forces or personnel with respect to—*

6 (1) *the recruitment, employment, development,*
7 *retention, promotion, and meaningful participation*
8 *in decisionmaking of women;*

9 (2) *sexual harassment, sexual assault, domestic*
10 *abuse, and other forms of violence that disproportion-*
11 *ately impact women;*

12 (3) *the requirements of women, including pro-*
13 *viding appropriate equipment and facilities; and*

14 (4) *the implementation of activities described in*
15 *this subsection, including the integration of such ac-*
16 *tivities into security-sector policy, planning, exercises,*
17 *and training, as appropriate.*

18 (b) *ANNUAL REPORT.*—*Not later than 90 days after*
19 *the end of each of fiscal years 2023 through 2025, the Sec-*
20 *retary of Defense shall submit to the congressional defense*
21 *committees a report detailing the assistance provided under*
22 *this section and specifying the recipients of such assistance.*

23 (c) *OTHER COVERED PERSONNEL DEFINED.*—*In this*
24 *section, the term “other covered personnel” means personnel*

1 *of the ministry of defense or other governmental entity car-*
2 *rying out similar functions of a foreign country.*

3 **SEC. 1209. REVIEW OF IMPLEMENTATION OF PROHIBITION**
4 **ON USE OF FUNDS FOR ASSISTANCE TO**
5 **UNITS OF FOREIGN SECURITY FORCES THAT**
6 **HAVE COMMITTED A GROSS VIOLATION OF**
7 **HUMAN RIGHTS.**

8 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
9 *that the promotion of human rights is a critical element*
10 *of Department of Defense security cooperation programs*
11 *and activities that advance United States national security*
12 *interests and values.*

13 *(b) REVIEW.—*

14 *(1) IN GENERAL.—Not later than 60 days after*
15 *the date of the enactment of this Act, the Secretary of*
16 *Defense, in consultation with the commanders of the*
17 *geographic combatant commands, shall initiate a re-*
18 *view of the policies, guidance, and processes for De-*
19 *partment of Defense-wide implementation of section*
20 *362 of title 10, United States Code.*

21 *(2) ELEMENTS.—The review required by para-*
22 *graph (1) shall include an assessment of the following:*

23 *(A) The standards and procedures by which*
24 *the Secretary, before making a decision to pro-*
25 *vide assistance to a unit of a foreign security*

1 *force under section 362 of title 10, United States*
2 *Code, gives full consideration to credible infor-*
3 *mation that the unit has committed a gross vio-*
4 *lation of human rights, including credible infor-*
5 *mation available to the Department of State re-*
6 *lating to human rights violations by such unit.*

7 *(B) The roles and responsibilities of Depart-*
8 *ment of Defense components in implementing*
9 *such section, including the Under Secretary of*
10 *Defense for Policy, the Deputy Assistant Sec-*
11 *retary of Defense for Global Partnerships, the ge-*
12 *ographic combatant commands, and the Office of*
13 *the General Counsel, and whether such compo-*
14 *nents are adequately funded, resourced, and*
15 *manned to carry out their respective roles and*
16 *responsibilities.*

17 *(C) The standards and procedures by which*
18 *the Secretary implements the exception under*
19 *subsection (b) of such section based on a deter-*
20 *mination that all necessary corrective steps have*
21 *been taken.*

22 *(D) The standards and procedures by which*
23 *the Secretary exercises the waiver authority*
24 *under subsection (c) of such section based on a*

1 *determination that a waiver is required by ex-*
2 *traordinary circumstances.*

3 *(E) The policies, standards, and processes*
4 *for the remediation of units of foreign security*
5 *forces described in such section and resumption*
6 *of assistance consistent with such section, and*
7 *the effectiveness of such remediation process.*

8 *(F) The process by which the Secretary de-*
9 *termines whether a unit of a foreign security*
10 *force designated to receive training, equipment,*
11 *or other assistance under such section is new or*
12 *fundamentally different from its predecessor for*
13 *which there was determined to be credible infor-*
14 *mation that the unit had committed a gross vio-*
15 *lation of human rights.*

16 *(c) REPORTS.—*

17 *(1) FINDINGS OF REVIEW.—Not later than 180*
18 *days after the date of the enactment of this Act, the*
19 *Secretary shall submit to the congressional defense*
20 *committees a report on the findings of the review con-*
21 *ducted under subsection (b) that includes any rec-*
22 *ommendations or corrective actions necessary with re-*
23 *spect to the policies, guidance, and processes for De-*
24 *partment of Defense-wide implementation of section*
25 *362 of title 10, United States Code.*

1 (2) *REMEDATION PROCESS.*—

2 (A) *IN GENERAL.*—Not later than 180 days
3 after the date of the enactment of this Act, and
4 every 180 days thereafter through fiscal year
5 2025, the Secretary shall submit to the appro-
6 priate committees of Congress a report on the re-
7 mediation process under section 362 of title 10,
8 United States Code, and resumption of assist-
9 ance consistent with such section.

10 (B) *ELEMENTS.*—Each report required by
11 subparagraph (A) shall include the following:

12 (i) An identification of the units of for-
13 eign security forces that currently have been
14 determined under section 362 of title 10,
15 United States Code, to be ineligible to re-
16 ceive Department of Defense training,
17 equipment, or other assistance.

18 (ii) With respect to each unit identified
19 under clause (i), the date on which such de-
20 termination was made.

21 (iii) The number of requests submitted
22 by geographic combatant commands for re-
23 view by a remediation review panel with re-
24 spect to resumption of assistance to a unit
25 of a foreign security force that has been de-

1 *nied assistance under such section,*
2 *disaggregated by geographic combatant*
3 *command.*

4 *(iv) For the preceding reporting pe-*
5 *riod, the number of—*

6 *(I) remediation review panels con-*
7 *vened; and*

8 *(II) cases resolved.*

9 *(C) APPROPRIATE COMMITTEES OF CON-*
10 *GRESS DEFINED.—In this paragraph, the term*
11 *“appropriate committees of Congress” means—*

12 *(i) the Committee on Armed Services,*
13 *the Committee on Foreign Relations, and*
14 *the Committee on Appropriations of the*
15 *Senate; and*

16 *(ii) the Committee on Armed Services,*
17 *the Committee on Foreign Affairs, and the*
18 *Committee on Appropriations of the House*
19 *of Representatives.*

20 **SEC. 1210. INDEPENDENT ASSESSMENT OF UNITED STATES**
21 **EFFORTS TO TRAIN, ADVISE, ASSIST, AND**
22 **EQUIP THE MILITARY FORCES OF SOMALIA.**

23 *(a) IN GENERAL.—The Secretary of Defense shall pro-*
24 *vide for an independent assessment of Department of De-*

1 *fense efforts to train, advise, assist, and equip the military*
2 *forces of Somalia.*

3 (b) *CONDUCT OF ASSESSMENT.*—*To conduct the assess-*
4 *ment required by subsection (a), the Secretary shall select—*

5 (1) *a federally funded research and development*
6 *center; or*

7 (2) *an independent, nongovernmental institute*
8 *described in section 501(c)(3) of the Internal Revenue*
9 *Code of 1986 and exempt from tax under section*
10 *501(a) of such Code that has recognized credentials*
11 *and expertise in national security and military af-*
12 *fairs appropriate for the assessment.*

13 (c) *ELEMENTS.*—*The assessment required by sub-*
14 *section (a) shall include an assessment of the following:*

15 (1) *The evolution of United States approaches to*
16 *training, advising, assisting, and equipping the mili-*
17 *tary forces of Somalia.*

18 (2) *The extent to which—*

19 (A) *the Department has an established plan,*
20 *with objectives and milestones, for the effort to*
21 *train, advise, assist, and equip such forces;*

22 (B) *advisory efforts are meeting objectives,*
23 *including whether and the manner in which—*

24 (i) *advisors track the operational effec-*
25 *tiveness of such forces; and*

1 (ii) any such data informs future
2 training and advisory efforts;

3 (C) the Department sufficiently engages,
4 collaborates, and deconflicts with—

5 (i) other Federal departments and
6 agencies that conduct assistance and advi-
7 sory engagements with such forces; and

8 (ii) international and multilateral en-
9 tities that conduct assistance and advisory
10 engagements with such forces; and

11 (D) the Department has established and en-
12 forced a policy, processes, and procedures for ac-
13 countability relating to equipment provided by
14 the United States to such forces.

15 (3) Factors that have hindered, or may in the fu-
16 ture hinder, the development of professional, sustain-
17 able, and capable such forces.

18 (4) With respect to the effort to train, advise, as-
19 sist, and equip such forces, the extent to which the De-
20 cember 2020 decision to reduce and reposition outside
21 Somalia the majority of the members of the United
22 States Armed Forces assigned to carry out the effort
23 has impacted the effectiveness of the effort.

24 (d) REPORT.—Not later than December 31, 2023, the
25 entity selected to conduct the assessment required by sub-

1 *section (a) shall submit to the Secretary and the congres-*
2 *sional defense committees a report containing the findings*
3 *of the assessment.*

4 *(e) FUNDING.—Of the amounts authorized to be appro-*
5 *priated for fiscal year 2023 and available for operation and*
6 *maintenance for Defense-wide activities, up to \$1,000,000*
7 *shall be made available for the assessment required by sub-*
8 *section (a).*

9 **SEC. 1211. SECURITY COOPERATION ACTIVITIES AT**
10 **COUNTER-UAS UNIVERSITY.**

11 *Not later than 90 days after the date of the enactment*
12 *of this Act, the Secretary of Defense shall brief the Com-*
13 *mittee on Armed Services of the Senate and the Committee*
14 *on Armed Services of the House of Representatives on how*
15 *the Department of Defense intends to bolster security co-*
16 *operation activities with allies and partners at the C-UAS*
17 *University, including an identification of any shortfalls in*
18 *resourcing or gaps in authorities that could inhibit these*
19 *security cooperation efforts.*

20 **SEC. 1212. DEFENSE OPERATIONAL RESILIENCE INTER-**
21 **NATIONAL COOPERATION PILOT PROGRAM.**

22 *(a) ESTABLISHMENT.—The Secretary of Defense, in*
23 *consultation with the Secretary of State and in coordina-*
24 *tion with the commanders of the geographic combatant com-*
25 *mands, may establish a pilot program, to be known as the*

1 “Defense Operational Resilience International Cooperation
2 Pilot Program” (in this section referred to as the “pilot pro-
3 gram”) to support engagement with military forces of part-
4 ner countries on defense-related environmental and oper-
5 ational energy issues in support of the theater campaign
6 plans of the geographic combatant commands.

7 (b) *DURATION.*—The Secretary of Defense may carry
8 out the pilot program during the period beginning on the
9 date of the enactment of this Act and ending on December
10 31, 2025.

11 (c) *LIMITATIONS.*—

12 (1) *PURPOSES.*—The pilot program shall be lim-
13 ited to the following purposes:

14 (A) To build military-to-military relation-
15 ships in support of the efforts of the Department
16 of Defense to engage in long-term strategic com-
17 petition.

18 (B) To sustain the mission capability and
19 forward posture of the Armed Forces of the
20 United States.

21 (C) To enhance the capability, capacity,
22 and resilience of the military forces of partner
23 countries.

24 (2) *PROHIBITED ASSISTANCE.*—The Secretary
25 may not use the pilot program to provide assistance

1 *that is in violation of section 362 of title 10, United*
2 *States Code, or otherwise prohibited by law.*

3 (3) *SECURITY COOPERATION.—The Secretary*
4 *shall plan and prioritize assistance, training, and ex-*
5 *ercises with partner countries pursuant to the pilot*
6 *program in a manner that is consistent with applica-*
7 *ble guidance relating to security cooperation program*
8 *and activities of the Department of Defense.*

9 (d) *FUNDING.—Of amounts authorized to be appro-*
10 *priated by this Act for each of fiscal years 2023 through*
11 *2025 and available for operation and maintenance, the Sec-*
12 *retary may make available \$10,000,000 to support the pilot*
13 *program, which shall be allocated in accordance with the*
14 *priorities of the commanders of the geographic combatant*
15 *commands.*

16 (e) *ANNUAL REPORT.—*

17 (1) *IN GENERAL.—With respect to each year the*
18 *Secretary carries out the pilot program, the Secretary*
19 *shall submit to the congressional defense committees a*
20 *report on obligations and expenditures made to carry*
21 *out the pilot program during the fiscal year that pre-*
22 *cedes the year during which each such report is sub-*
23 *mitted.*

24 (2) *DEADLINE.—The Secretary shall submit each*
25 *such report not later than March 1 of each year dur-*

1 *ing which the Secretary has authority to carry out*
2 *the pilot program.*

3 (3) *ELEMENTS.—Each such report shall include*
4 *the following:*

5 (A) *An accounting of each obligation and*
6 *expenditure made to carry out the pilot pro-*
7 *gram, disaggregated, where applicable, by part-*
8 *ner country and military force of a partner*
9 *country.*

10 (B) *An explanation of the manner in which*
11 *each such obligation or expenditure—*

12 (i) *supports the national defense of the*
13 *United States; and*

14 (ii) *is in accordance with limitations*
15 *described in subsection (c).*

16 (C) *Any other matter the Secretary deter-*
17 *mines to be relevant.*

18 (f) *TEMPORARY CESSATION OF AUTHORIZATION.—No*
19 *funds authorized to be appropriated or otherwise made*
20 *available for any of fiscal years 2023 through 2025 for the*
21 *Department of Defense may be made available for the “De-*
22 *fense Environmental International Cooperation Program”.*
23 *During the period specified in subsection (b), all activities*
24 *and functions of the “Defense Environmental International*

1 *Cooperation Program” may only be carried out under the*
2 *pilot program.*

3 ***Subtitle B—Matters Relating to***
4 ***Afghanistan and Pakistan***

5 ***SEC. 1221. EXTENSION OF AUTHORITY FOR CERTAIN PAY-***
6 ***MENTS TO REDRESS INJURY AND LOSS.***

7 *Section 1213(a) of the National Defense Authorization*
8 *Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is amended*
9 *by striking “December 31, 2023” and inserting “December*
10 *31, 2033”.*

11 ***SEC. 1222. ADDITIONAL MATTERS FOR INCLUSION IN RE-***
12 ***PORTS ON OVERSIGHT IN AFGHANISTAN.***

13 *Section 1069(a) of the National Defense Authorization*
14 *Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.*
15 *1912) is amended—*

16 (1) *by redesignating paragraphs (9) through (16)*
17 *as paragraphs (14) through (21), respectively;*

18 (2) *by inserting after paragraph (8) the fol-*
19 *lowing new paragraphs:*

20 “(9) *An assessment of the status of—*

21 “(A) *defense intelligence assets dedicated to*
22 *Afghanistan and used by the Department of De-*
23 *fense, including the types and amounts of intel-*
24 *ligence, surveillance, and reconnaissance cov-*

1 *erage over Afghanistan during the period covered*
2 *by the report; and*

3 *“(B) the ability of the United States to de-*
4 *tect emerging threats emanating from Afghani-*
5 *stan against the United States, its allies, and its*
6 *partners.*

7 *“(10) An assessment of local or indigenous*
8 *counterterrorism partners of the Department of De-*
9 *fense.*

10 *“(11) An assessment of risks to the mission and*
11 *risks to United States military personnel involved in*
12 *over-the-horizon counterterrorism operations.*

13 *“(12) An update on Department of Defense ef-*
14 *forts to secure new basing or access agreements with*
15 *countries in Central Asia.*

16 *“(13) An update on the policy guidance for*
17 *counterterrorism operations of the Department of De-*
18 *fense in Afghanistan.”; and*

19 *(3) in paragraph (18), as so redesignated, by*
20 *striking “Afganistan” and inserting “Afghanistan”.*

21 **SEC. 1223. PROHIBITION ON TRANSPORTING CURRENCY TO**
22 **THE TALIBAN AND THE ISLAMIC EMIRATE OF**
23 **AFGHANISTAN.**

24 *None of the amounts authorized to be appropriated by*
25 *this Act or otherwise made available to the Department of*

1 *Defense may be made available for the operation of any*
2 *aircraft of the Department of Defense to transport currency*
3 *or other items of value to the Taliban, the Islamic Emirate*
4 *of Afghanistan, or any subsidiary, agent, or instrumen-*
5 *tality of either the Taliban or the Islamic Emirate of Af-*
6 *ghanistan.*

7 ***Subtitle C—Matters Relating to***
8 ***Syria, Iraq, and Iran***

9 ***SEC. 1231. MODIFICATION OF ANNUAL REPORT ON THE***
10 ***MILITARY CAPABILITIES OF IRAN AND RE-***
11 ***LATED ACTIVITIES.***

12 *Section 1245(b)(3) of the National Defense Authoriza-*
13 *tion Act for Fiscal Year 2010 (Public Law 111–84) is*
14 *amended—*

15 (1) *in subparagraph (B), by striking “and re-*
16 *gional militant groups” and all that follows and in-*
17 *serting “, regional militant groups, and Iranian-*
18 *linked proxy groups, in particular those forces as hav-*
19 *ing been assessed as to be willing to carry out ter-*
20 *rorist operations on behalf of Iran or in response to*
21 *a military attack by another country on Iran;”;*

22 (2) *by redesignating subparagraphs (C) through*
23 *(G) as subparagraphs (E) through (I), respectively;*

24 (3) *by inserting after subparagraph (B) the fol-*
25 *lowing:*

1 “(C) the types and amount of support to be
2 assessed under subparagraph (B) shall include
3 support provided to Lebanese Hezbollah, Hamas,
4 Palestinian Islamic Jihad, the Popular Front for
5 the Liberation of Palestine, Asa’ib ahl al-Haq,
6 Harakat Hezbollah al-Nujaba, Kata’ib Sayyid
7 al-Shuhada, Kata’ib al-Imam Ali, Kata’ib
8 Hezbollah, the Badr Organization, the
9 Fatemiyoun, the Zainabiyoun, and Ansar Allah
10 (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 forces
14 located in Iraq and Syria;”;

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 U.S.C.
7 113 note) is amended by striking “fiscal year 2022” and
8 inserting “fiscal year 2023”.

9 (b) *LIMITATION ON AVAILABILITY OF FUNDS.*—Of the
10 amounts authorized to be appropriated by this Act or other-
11 wise made available for fiscal year 2023 for the Office of
12 the Secretary of the Air Force for travel expenses, not more
13 than 90 percent may be obligated or expended until the date
14 on which a staffing plan for the Office of Security Coopera-
15 tion in Iraq is implemented.

16 (c) *WAIVER.*—The Secretary of Defense may waive the
17 restriction on the obligation or expenditure of funds im-
18 posed by subsection (b) if the Secretary of Defense deter-
19 mines that implementation of such a staffing plan is not
20 feasible and submits to the congressional defense commit-
21 tees, at the time the waiver is invoked, a notification of
22 the waiver that includes a justification detailing the reasons
23 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 the
5 *Carl Levin and Howard P. “Buck” McKeon National De-*
6 *fense Authorization Act for Fiscal Year 2015 (Public Law*
7 *113–291; 128 Stat. 3541)* is amended, in the matter pre-
8 *ceding paragraph (1), by striking “December 31, 2022” and*
9 *inserting “December 31, 2023”.*

10 (b) *LIMITATION ON COST OF CONSTRUCTION AND RE-*
11 *PAIR PROJECTS.*—Subsection (l)(3)(D) of such section is
12 *amended by striking “December 31, 2022” and inserting*
13 *“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, 2022”*
22 *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 RE-*
4 *PAIR 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 by*
9 *this Act or otherwise made available to the Department of*
10 *Defense may be made available to transfer or facilitate a*
11 *transfer of pallets of currency, currency, or other items of*
12 *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 *cial 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 de-*
6 *fense 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 Re-*
13 *gion.*

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 air*
19 *defense capabilities of partner armed forces in Iraq,*
20 *including the Iraqi Security Forces and Kurdish*
21 *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 and*
2 *equipment and available level of equipment to maxi-*
3 *mize air defense capabilities of partner armed forces*
4 *in Iraq, including the Iraqi Security Forces and*
5 *Kurdish Peshmerga Forces.*

6 (8) *Such other matters as the Secretary considers*
7 *appropriate.*

8 **SEC. 1238. INTERAGENCY STRATEGY TO DISRUPT AND DIS-**
9 **MANTLE NARCOTICS PRODUCTION AND TRAF-**
10 **FICKING 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 Congress*
14 *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 traf-*
21 *ficking networks.*

22 (b) *DEFINED TERM.—In this section, the term “appro-*
23 *priate congressional committees” means—*

24 (1) *the Committee on Armed Services of the Sen-*
25 *ate;*

1 (2) *the Committee on Appropriations of the Sen-*
2 *ate;*

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 House*
16 *of Representatives;*

17 (10) *the Committee on Foreign Affairs of the*
18 *House of Representatives;*

19 (11) *the Committee on Financial Services of the*
20 *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 after*
25 *the date of the enactment of this Act, the Secretary of*

1 *State, in consultation with the Secretary of Defense,*
2 *the Secretary of the Treasury, the Administrator of*
3 *the Drug Enforcement Administration, the Director of*
4 *National Intelligence, the Director of the Office of Na-*
5 *tional Drug Control Policy, and the heads of other*
6 *appropriate Federal agencies, shall provide a written*
7 *strategy (with a classified annex, if necessary), to the*
8 *appropriate congressional committees for disrupting*
9 *and dismantling narcotics production and trafficking*
10 *and affiliated networks linked to the regime of Bashar*
11 *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 degrading*
16 *networks that directly and indirectly sup-*
17 *port 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 and*
23 *training to law enforcement services in*
24 *countries (other than Syria) that are receiv-*

1 *ing 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 disrupt*
8 *the smuggling of Captagon; and*

9 *(iii) an assessment of current United States*
10 *assistance and training programs to build such*
11 *capacity in such countries;*

12 *(C) the use of sanctions, including sanctions*
13 *authorized under section the Caesar Syria Civil-*
14 *ian Protection Act of 2019 (22 U.S.C. 8791 note;*
15 *title LXXIV of division F of Public Law 116-*
16 *92), and associated actions to target individuals*
17 *and entities directly or indirectly associated with*
18 *the narcotics infrastructure of the Assad regime;*

19 *(D) the use of global diplomatic engage-*
20 *ments associated with the economic pressure*
21 *campaign against the Assad regime to target its*
22 *narcotics infrastructure;*

23 *(E) leveraging multilateral institutions and*
24 *cooperation with international partners to dis-*

1 *rupt the narcotics infrastructure of the Assad re-*
2 *gime; 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 by*
10 *this Act or otherwise made available to the Department of*
11 *Defense may be made available, directly or indirectly, to*
12 *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 enactment*
16 *of this Act, the Secretary of State, in consultation with the*
17 *Secretary of Defense, shall submit to the Committees on*
18 *Armed Services of the Senate and the House of Representa-*
19 *tives, the Committee on Foreign Relations of the Senate,*
20 *and the Committee on Foreign Affairs of the House of Rep-*
21 *resentatives an unclassified report, which may include a*
22 *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 October*
2 *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 Author-*
15 *ization Act for Fiscal Year 2016 (Public Law 114–92; 129*
16 *Stat. 1608) is amended to read as follows:*

17 *“(a) AUTHORITY TO PROVIDE ASSISTANCE.—*

18 *“(1) IN GENERAL.—Amounts available for a fis-*
19 *cal year under subsection (f) shall be available to the*
20 *Secretary of Defense, with the concurrence of the Sec-*
21 *retary of State, to provide, for the purposes described*
22 *in paragraph (2), appropriate security assistance and*
23 *intelligence support, including training, equipment,*
24 *and logistics support, supplies and services, salaries*
25 *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 mili-*
11 *tary and other security forces of the Government*
12 *of Ukraine to defend against further aggression.*

13 “(B) *To assist Ukraine in developing the*
14 *combat capability to defend its sovereignty and*
15 *territorial integrity.*

16 “(C) *To support the Government of Ukraine*
17 *in defending itself against actions by Russia and*
18 *Russian-backed separatists.”.*

19 “(b) *APPROPRIATE SECURITY ASSISTANCE AND INTEL-*
20 *LIGENCE SUPPORT.—Subsection (b) of such section is*
21 *amended in paragraph (4) to read as follows:*

22 “(4) *Manned and unmanned aerial capabilities,*
23 *including tactical surveillance systems and fixed and*
24 *rotary-wing aircraft, such as attack, strike, airlift,*
25 *and surveillance aircraft.”.*

1 (c) *AVAILABILITY OF FUNDS.*—Subsection (c) of such
2 section is amended—

3 (1) in paragraph (1), by striking “funds avail-
4 able for fiscal year 2022 pursuant to subsection
5 (f)(7)” and inserting “funds available for fiscal year
6 2023 pursuant to subsection (f)(8)”;

7 (2) in paragraph (3), by striking “fiscal year
8 2022” and inserting “fiscal year 2023”;

9 (3) by striking paragraph (5); and

10 (4) by adding at the end the following:

11 “(6) *WAIVER OF CERTIFICATION REQUIRE-*
12 *MENT.*—The Secretary of Defense, with the concur-
13 *rence of the Secretary of the State, may waive the cer-*
14 *tification requirement in paragraph (2) if the Sec-*
15 *retary submits to the congressional defense commit-*
16 *tees, the Committee on Foreign Relations of the Sen-*
17 *ate, and the Committee on Foreign Affairs of the*
18 *House of Representatives a written certification, not*
19 *later than 5 days after exercising the waiver, that*
20 *doing so is in the national interest of the United*
21 *States due to exigent circumstances caused by the*
22 *Russian invasion of Ukraine.”.*

23 (d) *UNITED STATES INVENTORY AND OTHER*
24 *SOURCES.*—Subsection (d) of such section is amended—

1 (1) *in paragraph (1), by inserting “, and to re-*
2 *cover or dispose of such weapons or other defense arti-*
3 *cles, or to make available such weapons or articles to*
4 *ally and partner governments to replenish comparable*
5 *stocks which ally or partner governments have pro-*
6 *vided to the Government of Ukraine,” after “and de-*
7 *fense services”; and*

8 (2) *by adding at the end the following:*

9 “(3) *CONGRESSIONAL NOTIFICATION.—Not later*
10 *than 10 days before providing replenishment to an*
11 *ally or partner government pursuant to paragraph*
12 *(1), the Secretary of Defense shall transmit to the con-*
13 *gressional defense committees, the Committee on For-*
14 *ign Relations of the Senate, and the Committee on*
15 *Foreign Affairs of the House of Representatives a no-*
16 *tification containing the following:*

17 “(A) *An identification of the recipient for-*
18 *eign country.*

19 “(B) *A detailed description of the articles to*
20 *be provided, including the dollar value, origin,*
21 *and capabilities associated with the articles.*

22 “(C) *A detailed description of the articles*
23 *provided to Ukraine to be replenished, including*
24 *the dollar value, origin, and capabilities associ-*
25 *ated with the articles.*

1 “(D) *The impact on United States stocks*
2 *and readiness of transferring the articles.*”

3 “(E) *An assessment of any security, intel-*
4 *lectual property, or end use monitoring issues*
5 *associated with transferring the articles.”.*

6 (e) *FUNDING.—Subsection (f) of such section is amend-*
7 *ed by adding at the end the following:*

8 “(8) *For fiscal year 2023, \$800,000,000.”.*

9 (f) *TERMINATION OF AUTHORITY.—Subsection (h) of*
10 *such section is amended by striking “December 31, 2023”*
11 *and inserting “December 31, 2024”.*

12 (g) *WAIVER OF CERTIFICATION REQUIREMENT.—Such*
13 *section is amended—*

14 (1) *by redesignating the second subsection (g) as*
15 *subsection (i); and*

16 (2) *by adding at the end the following:*

17 “(j) *EXPEDITED NOTIFICATION REQUIREMENT.—Not*
18 *later than 15 days before providing assistance or support*
19 *under subsection (a), or as far in advance as is practicable*
20 *if the Secretary of Defense determines, on a case-by-case*
21 *basis, that extraordinary circumstances exist that impact*
22 *the national security of the United States, the Secretary*
23 *shall transmit to the congressional defense committees, the*
24 *Committee on Foreign Relations of the Senate, and the*
25 *Committee on Foreign Affairs of the House of Representa-*

1 *tives a notification containing a detailed description of the*
2 *assistance or support to be provided, including—*

3 *“(1) the objectives of such assistance or support;*

4 *“(2) the budget for such assistance or support;*

5 *and*

6 *“(3) the expected or estimated timeline for deliv-*
7 *ery of such assistance or support.”.*

8 **SEC. 1242. EXTENSION OF LIMITATION ON MILITARY CO-**
9 **OPERATION BETWEEN THE UNITED STATES**
10 **AND RUSSIA.**

11 *Section 1232(a) of the National Defense Authorization*
12 *Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.*
13 *2488), is amended by striking “2021, or 2022” and insert-*
14 *ing “2021, 2022, 2023, 2024, 2025, 2026, or 2027”.*

15 **SEC. 1243. MODIFICATION TO ANNUAL REPORT ON MILI-**
16 **TARY AND SECURITY DEVELOPMENTS IN-**
17 **VOLVING THE RUSSIAN FEDERATION.**

18 *Section 1234 of the National Defense Authorization*
19 *Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat.*
20 *3936) is amended—*

21 *(1) in subsection (b)—*

22 *(A) by redesignating paragraph (24) as*
23 *paragraph (26); and*

24 *(B) by inserting after paragraph (23) the*
25 *following:*

1 “(24) *The impacts of United States sanctions on*
2 *improvements to the Russian military and its prox-*
3 *ies, including an assessment of the impacts of the*
4 *maintenance or revocation of such sanctions.*

5 “(25) *A detailed description of—*

6 “(A) *how Russian private military compa-*
7 *nies are being utilized to advance the political,*
8 *economic, and military interests of the Russian*
9 *Federation;*

10 “(B) *the direct or indirect threats Russian*
11 *private military companies present to United*
12 *States security interests; and*

13 “(C) *how sanctions that are currently in*
14 *place to impede or deter Russian private mili-*
15 *tary companies from continuing their malign ac-*
16 *tivities have impacted the Russian private mili-*
17 *tary companies’ behavior.”; and*

18 (2) *in subsection (e)—*

19 (A) *in paragraph (1), by inserting “, the*
20 *Permanent Select Committee on Intelligence,”*
21 *after “the Committee on Armed Services”; and*

22 (B) *in paragraph (2), by inserting “, the*
23 *Select Committee on Intelligence,” after “the*
24 *Committee on Armed Services”.*

1 **SEC. 1244. TEMPORARY AUTHORIZATIONS RELATED TO**
2 **UKRAINE AND OTHER MATTERS.**

3 (a) *TEMPORARY AUTHORIZATIONS FOR COVERED*
4 *AGREEMENTS RELATED TO UKRAINE.*—

5 (1) *COVERED AGREEMENT DEFINED.*—*In this*
6 *subsection, the term “covered agreement” includes a*
7 *contract, subcontract, transaction, or modification of*
8 *a contract, subcontract, or transaction awarded by*
9 *the Department of Defense—*

10 (A) *to build the stocks of critical munitions*
11 *and other defense articles of the Department;*

12 (B) *to provide materiel and related services*
13 *to foreign allies and partners that have provided*
14 *support to the Government of Ukraine; and*

15 (C) *to provide materiel and related services*
16 *to the Government of Ukraine.*

17 (2) *PUBLIC INTEREST.*—

18 (A) *IN GENERAL.*—*A covered agreement*
19 *may be presumed to be in the public interest for*
20 *purposes of meeting the requirements of sub-*
21 *section (a)(7) of section 3204 of title 10, United*
22 *States Code.*

23 (B) *PROCEDURES.*—*Notwithstanding the*
24 *provisions of subsection (a)(7) of section 3204 of*
25 *title 10, United States Code, with respect to a*
26 *covered agreement—*

1 *(i) the head of an agency may delegate*
2 *the authority under that subsection to an of-*
3 *ficer or employee who—*

4 *(I) in the case of an officer or em-*
5 *ployee who is a member of the Armed*
6 *Forces, is serving in a grade at or*
7 *above brigadier general or rear admiral*
8 *(lower half); or*

9 *(II) in the case of a civilian offi-*
10 *cer or employee, is serving in a posi-*
11 *tion with a grade under the General*
12 *Schedule (or any other schedule for ci-*
13 *vilian officers or employees) that is*
14 *comparable to or higher than the grade*
15 *of brigadier general or rear admiral*
16 *(lower half); and*

17 *(ii) not later than 7 days before using*
18 *the applicable procedures under section*
19 *3204 of title 10, United States Code, the*
20 *head of an agency, or a designee of the head*
21 *of an agency, shall submit to the congress-*
22 *sional defense committees a written notifi-*
23 *cation of the use of such procedures.*

24 *(C) DOCUMENTATION.—Consistent with*
25 *paragraph (4)(C) of subsection (e) of section*

1 3204 of title 10, United States Code, the docu-
2 mentation otherwise required by paragraph (1)
3 of such subsection is not required in the case of
4 a covered agreement.

5 (3) *PROCUREMENT AUTHORITIES.*—The special
6 emergency procurement authorities provided under
7 subsections (b) and (c) of section 1903 of title 41,
8 United States Code, may be used by the Department
9 of Defense for a covered agreement.

10 (4) *UNDEFINITIZED CONTRACTUAL ACTIONS.*—
11 The head of an agency may waive the provisions of
12 subsections (a) and (c) of section 3372 of title 10,
13 United States Code, for a covered agreement.

14 (5) *TECHNICAL DATA PACKAGES FOR LARGE-CAL-*
15 *IBER CANNON.*—The requirements of section 7542 of
16 title 10, United States Code, do not apply to the
17 transfer of technical data to an international partner
18 for the production of large-caliber cannons produced
19 for—

20 (A) the replacement of defense articles from
21 stocks of the Department of Defense provided to
22 the Government of Ukraine or to foreign coun-
23 tries that have provided support to Ukraine at
24 the request of the United States, or

1 (B) *contracts awarded by the Department of*
2 *Defense to provide materiel directly to the Gov-*
3 *ernment of Ukraine.*

4 (6) *TEMPORARY EXEMPTION FROM CERTIFIED*
5 *COST AND PRICING DATA REQUIREMENTS.—*

6 (A) *IN GENERAL.—At the Federal Govern-*
7 *ment’s discretion, the requirements under section*
8 *3702 of title 10, United States Code, shall not*
9 *apply to a covered agreement awarded on a*
10 *fixed-price incentive firm target basis, where tar-*
11 *get price equals ceiling price, and the Govern-*
12 *ment underrun share ratio is a minimum of 60*
13 *percent with a cap for the negotiated profit dol-*
14 *lars of 15 percent of target cost.*

15 (B) *USE OF EXEMPTION.—The following*
16 *shall apply to an exemption under subparagraph*
17 (A):

18 (i) *Awarded profit dollars shall be*
19 *fixed, but the contractor may ultimately re-*
20 *alize a profit rate of higher than 15 percent*
21 *by underrunning target costs.*

22 (ii) *The target prices negotiated by the*
23 *Federal Government shall not exceed the*
24 *most recent negotiated prices for the same*
25 *items while allowing for appropriate adjust-*

1 ments, including those for quantity dif-
2 ferences or relevant, applicable economic in-
3 dices.

4 (C) *APPLICATION.*—An exemption under
5 subparagraph (A) shall apply to subcontracts
6 under prime contracts that are exempt under
7 this paragraph.

8 (7) *TERMINATION OF TEMPORARY AUTHORIZA-*
9 *TIONS.*—The provisions of this subsection shall termi-
10 nate on September 30, 2024.

11 (b) *MODIFICATION OF COOPERATIVE LOGISTIC SUP-*
12 *PORT AGREEMENTS: NATO COUNTRIES.*—Section 2350d of
13 title 10, United States Code, is amended—

14 (1) in the section heading, by striking “**logistic**
15 **support**” and inserting “**acquisition and lo-**
16 **gistics support**”;

17 (2) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “logistics support”
21 and inserting “acquisition and logistics
22 support”; and

23 (ii) in subparagraph (B), by striking
24 “logistic support” and inserting “acqusi-
25 tion and logistics support”; and

1 (B) in paragraph (2)(B), by striking “logis-
2 tics support” and inserting “armaments and lo-
3 gistics support”; and

4 (3) in subsection (b)—

5 (A) in the matter preceding paragraph (1),
6 by striking “Partnership Agreement” and insert-
7 ing “Partnership Agreement or Arrangement”;

8 (B) in paragraph (1)—

9 (i) by striking “supply and acquisition
10 of logistics support in Europe for require-
11 ments” and inserting “supply, services, sup-
12 port, and acquisition, including armaments
13 for requirements”; and

14 (ii) by striking “supply and acquisi-
15 tion are appropriate” and inserting “sup-
16 ply, services, support, and acquisition are
17 appropriate”; and

18 (C) in paragraph (2), by striking “logistics
19 support” each place it appears and inserting
20 “acquisition and logistics support”.

21 (c) *MULTIYEAR PROCUREMENT AUTHORITY FOR CER-*
22 *TAIN MUNITIONS.—*

23 (1) *AUTHORITY FOR MULTIYEAR PROCURE-*
24 *MENT.—Subject to the provisions of section 3501 of*
25 *title 10, United States Code, set forth in paragraph*

1 (3), the head of an agency may enter into one or more
2 multiyear contracts, beginning in fiscal year 2023,
3 for the procurement of up to—

4 (A) 864,000 XM1128, XM1113, M107, and
5 M795 (155mm rounds);

6 (B) 12,000 AGM-179 Joint Air-to-Ground
7 Missiles (JAGM);

8 (C) 700 M142 High Mobility Artillery
9 Rocket Systems (HIMARS);

10 (D) 1,700 MGM-140 Army Tactical Missile
11 Systems (ATACMS);

12 (E) 2,600 Harpoons;

13 (F) 1,250 Naval Strike Missiles;

14 (G) 106,000 Guided Multiple Launch Rock-
15 et Systems (GMLRS);

16 (H) 3,850 PATRIOT Advanced Capability-
17 3 (PAC-3) Missile Segment Enhancement
18 (MSE);

19 (I) 5,600 FIM-92 Stinger;

20 (J) 28,300 FGM-148 Javelin;

21 (K) 5,100 AIM-120 Advanced Medium-
22 Range Air-to-Air Missile (AMRAAM);

23 (L) 2,250,000 Modular Artillery Charge
24 System (MACS);

25 (M) 12,050 155m Excalibur M982A1;

1 (N) 950 Long Range Anti-Ship Missiles
2 (LRASM);

3 (O) 3,100 Joint Air-to-Surface Standoff
4 Missiles (JASSM);

5 (P) 1,500 Standard Missile-6 Missiles (SM-
6 6); and

7 (Q) 5,100 Sidewinder Missiles (AIM-9X).

8 (2) *PROCUREMENT IN CONJUNCTION WITH EXIST-*
9 *ING CONTRACTS.*—*The systems authorized to be pro-*
10 *cured under paragraph (1) may be procured as addi-*
11 *tions to existing contracts covering such programs.*

12 (3) *LIMITED APPLICABILITY OF OTHER LAW.*—*In*
13 *applying section 3501 of title 10, United States Code,*
14 *to paragraph (1), only the following provisions of that*
15 *section shall apply:*

16 (A) *Subsection (f).*

17 (B) *Subsection (g), in which the term “con-*
18 *tract described in subsection (a)” shall mean a*
19 *contract awarded pursuant to the authority of*
20 *this subsection.*

21 (C) *Subsection (i)(1).*

22 (D) *Subsection (l)(3).*

23 (4) *AUTHORITY FOR ADVANCE PROCUREMENT.*—
24 *To the extent and in such amounts as specifically*
25 *provided in advance in appropriations Acts for the*

1 *purposes described in paragraph (1), the head of an*
2 *agency may enter into one or more contracts for ad-*
3 *vance procurement associated with a program for*
4 *which authorization to enter into a contract is pro-*
5 *vided under paragraph (1) and for systems and sub-*
6 *systems associated with such program in economic*
7 *order quantities when cost savings are achievable.*

8 (5) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
9 *MENTS.—A contract entered into under paragraph (1)*
10 *shall provide that any obligation of the United States*
11 *to make a payment under the contract for a fiscal*
12 *year after fiscal year 2023 is subject to the avail-*
13 *ability of appropriations for that purpose for such*
14 *later fiscal year.*

15 (d) *DEFINITION.—In this section, the term “head of*
16 *an agency” means—*

- 17 (1) *the Secretary of Defense;*
18 (2) *the Secretary of the Army;*
19 (3) *the Secretary of the Navy; or*
20 (4) *the Secretary of the Air Force.*

1 **SEC. 1245. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
2 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
3 **FEDERATION OVER INTERNATIONALLY REC-**
4 **OGNIZED TERRITORY OF UKRAINE.**

5 (a) *PROHIBITION.*—None of the funds authorized to be
6 appropriated by this Act or otherwise made available for
7 fiscal year 2023 for the Department of Defense may be obli-
8 gated or expended to implement any activity that recognizes
9 the sovereignty of the Russian Federation over territory
10 internationally recognized to be the sovereign territory of
11 Ukraine, including Crimea and the territory Russia claims
12 to have annexed in Kherson Oblast, Zaporizhzia Oblast,
13 Donetsk Oblast, and Luhansk Oblast.

14 (b) *WAIVER.*—The Secretary of Defense, with the con-
15 currence of the Secretary of State, may waive the prohibi-
16 tion under subsection (a) if the Secretary of Defense—

17 (1) determines that the waiver is in the national
18 security interest of the United States; and

19 (2) on the date on which the waiver is invoked,
20 submits a notification of the waiver and a justifica-
21 tion of the reason for seeking the waiver to—

22 (A) the Committee on Armed Services and
23 the Committee on Foreign Relations of the Sen-
24 ate; and

1 (B) *the Committee on Armed Services and*
2 *the Committee on Foreign Affairs of the House*
3 *of Representatives.*

4 **SEC. 1246. REPORT ON DEPARTMENT OF DEFENSE PLAN**
5 **FOR THE PROVISION OF SHORT AND MEDIUM-**
6 **TERM SECURITY ASSISTANCE TO UKRAINE.**

7 (a) *IN GENERAL.*—*Not later than 90 days after the*
8 *date of the enactment of this Act, the Secretary of Defense,*
9 *in consultation with the heads of other relevant Federal*
10 *agencies, shall submit to the congressional defense commit-*
11 *tees a report outlining in detail the plan of the Department*
12 *of Defense for the provision of security assistance to the*
13 *armed forces of Ukraine.*

14 (b) *MATTERS TO BE INCLUDED.*—*The report required*
15 *by subsection (a) shall include—*

16 (1) *primary focus areas for the provision of secu-*
17 *rity assistance to the armed forces of Ukraine by the*
18 *Department of Defense, including priority capabili-*
19 *ties, the funding streams used, and a plan to fulfill*
20 *training, maintenance, and sustainment requirements*
21 *associated with such assistance—*

22 (A) *over the next 3 to 6 months; and*

23 (B) *over the next 12 to 24 months; and*

24 (2) *any other matters the Secretary determines*
25 *appropriate.*

1 **SEC. 1247. OVERSIGHT OF UNITED STATES ASSISTANCE TO**
2 **UKRAINE.**

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

5 (1) *continued assistance to Ukraine as it fights*
6 *against the unjust and unprovoked attack by Russia*
7 *is of critical importance to United States national se-*
8 *curity interests, and oversight and transparency for*
9 *such assistance is essential to ensure effective and sus-*
10 *tained support;*

11 (2) *the executive branch has established the inter-*
12 *agency Ukraine Oversight Working Group, which fo-*
13 *cus on conducting comprehensive oversight, and*
14 *issued the interagency U.S. Plan to Counter Illicit*
15 *Diversion of Certain Advanced Conventional Weapons*
16 *in Eastern Europe, a whole-of-government effort to*
17 *advance accountability and end-use monitoring of*
18 *weapons provided in response to the Ukraine crisis,*
19 *and continued attention and regular briefings to rel-*
20 *evant congressional oversight committees on such ef-*
21 *forts is imperative;*

22 (3) *each United States department and agency*
23 *providing or facilitating assistance to Ukraine should*
24 *continue to implement and institutionalize appro-*
25 *priate transparency, accountability, and end-use*
26 *monitoring measures, including exploring creative*

1 *approaches to overcoming the challenges associated*
2 *with delivering assistance during an active armed*
3 *conflict, as is detailed in the interagency Plan to*
4 *Counter Illicit Diversion;*

5 *(4) Inspectors General must continue to carry*
6 *out comprehensive oversight and conduct reviews, au-*
7 *ditions, investigations, and inspections of United States*
8 *support and activities carried out in response to Rus-*
9 *sia's further invasion of Ukraine, and provide regular*
10 *briefings to the appropriate congressional committees*
11 *on their findings;*

12 *(5) the United States and its allies and partners*
13 *should continue to support Ukrainian anti-corruption*
14 *institutions and e-platforms, including the National*
15 *Agency for Corruption Prevention, the National Anti-*
16 *Corruption Bureau of Ukraine, and the Specialized*
17 *Anti-Corruption Prosecutor's Office, in their work to*
18 *ensure effective assistance delivery and prevent inci-*
19 *dents of waste, fraud, and abuse; and*

20 *(6) Ukrainian authorities should also continue to*
21 *establish new transparency, accountability, and end-*
22 *use monitoring initiatives both independently and in*
23 *partnership with relevant United States departments*
24 *and agencies and other international partners, and*
25 *the United States should continue to work with coun-*

1 *terparts in Ukraine and other countries supporting*
2 *their efforts to further mutual efforts to strengthen*
3 *and institutionalize accountability measures and*
4 *mechanisms.*

5 *(b) REPORT.—*

6 *(1) IN GENERAL.—Not later than April 1, 2023,*
7 *the Inspector General of the Department of Defense,*
8 *in conjunction with the Inspector General of the De-*
9 *partment of State and the Inspector General of the*
10 *United States Agency for International Development*
11 *and in consultation with other Inspectors General as*
12 *appropriate, shall submit to the appropriate congres-*
13 *sional committees a report on the oversight framework*
14 *established with respect to United States assistance to*
15 *Ukraine.*

16 *(2) MATTERS TO BE INCLUDED.—The report re-*
17 *quired by this subsection shall include the following:*

18 *(A) The framework the relevant Inspectors*
19 *General are currently using or plan to adopt to*
20 *oversee assistance to Ukraine in the immediate*
21 *and longer term, including an identification of*
22 *the United States departments and agencies pro-*
23 *viding or facilitating such assistance.*

1 (B) *Whether there are any gaps in oversight*
2 *over the activities and funds for assistance to*
3 *Ukraine.*

4 (C) *An assessment of any failures by United*
5 *States, bilateral, or multilateral organizations to*
6 *work with such Inspectors General in a timely*
7 *and transparent manner.*

8 (D) *A description of the footprint in Europe*
9 *of such Inspectors General for purposes of over-*
10 *sight of assistance to Ukraine, including presence*
11 *and access in Ukraine.*

12 (E) *To the extent practicable and appro-*
13 *priate, a description of any known incidents of*
14 *the misuse of assistance to Ukraine, including*
15 *incidents of waste, fraud, abuse, diversion, or*
16 *corruption.*

17 (F) *Any lessons learned from the manner in*
18 *which oversight over assistance to Ukraine has*
19 *been conducted.*

20 (G) *Any findings or recommendations with*
21 *respect to assistance to Ukraine.*

22 (c) *DEFINITION.—In this section, the term “appro-*
23 *priate congressional committees” means—*

24 (1) *the congressional defense committees; and*

1 (2) *the Committee on Foreign Affairs of the*
2 *House of Representatives and the Committee on For-*
3 *ign Relations of the Senate.*

4 ***Subtitle E—Matters Relating to the***
5 ***Indo-Pacific Region***

6 ***SEC. 1251. MODIFICATION TO ANNUAL REPORT ON MILI-***
7 ***TARY AND SECURITY DEVELOPMENTS IN-***
8 ***VOLVING THE PEOPLE’S REPUBLIC OF CHINA.***

9 *Section 1202(b) of the National Defense Authorization*
10 *Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended*
11 *as follows:*

12 (1) *In paragraph (5)—*

13 (A) *in subparagraph (A), by inserting “spe-*
14 *cial operations,” after “theater-level commands,”;*
15 *and*

16 (B) *in subparagraph (B), by striking “A*
17 *summary” and inserting “a summary”.*

18 (2) *In paragraph (7)(B)—*

19 (A) *in clause (ii), by striking “and” at the*
20 *end;*

21 (B) *in clause (iii), by striking the period at*
22 *the end and inserting “; and”; and*

23 (C) *by adding at the end the following:*

24 *“(iv) the Middle East.”.*

1 (3) *In paragraph (8), by adding at the end the*
2 *following:*

3 “(F) *Special operations capabilities.*”.

4 **SEC. 1252. MODIFICATION OF INDO-PACIFIC MARITIME SE-**
5 **CURITY INITIATIVE TO AUTHORIZE USE OF**
6 **FUNDS FOR THE COAST GUARD.**

7 *Section 1263 of the National Defense Authorization*
8 *Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended*
9 *by striking subsection (f) and inserting the following new*
10 *subsection (f):*

11 “(f) *AVAILABILITY OF FUNDS FOR COAST GUARD PER-*
12 *SONNEL AND CAPABILITIES.—The Secretary of Defense may*
13 *use funds made available under this section to facilitate the*
14 *participation of Coast Guard personnel in, and the use of*
15 *Coast Guard capabilities for, training, exercises, and other*
16 *activities with foreign countries under this section.*”.

17 **SEC. 1253. MODIFICATION OF PROHIBITION ON PARTICIPA-**
18 **TION OF THE PEOPLE’S REPUBLIC OF CHINA**
19 **IN RIM OF THE PACIFIC (RIMPAC) NAVAL EX-**
20 **ERCISES TO INCLUDE CESSATION OF GENO-**
21 **CIDE BY CHINA.**

22 *Section 1259(a)(1) of the John S. McCain National*
23 *Defense Authorization Act for Fiscal Year 2019 (10 U.S.C.*
24 *321 note) is amended—*

1 (1) *in subparagraph (B), by striking “and” at*
2 *the end;*

3 (2) *in subparagraph (C), by striking the period*
4 *at the end and inserting “; and”; and*

5 (3) *by adding at the end the following:*

6 “(D) *ceased committing genocide in China,*
7 *as articulated in the Department of State’s*
8 *Country Report on Human Rights Practices re-*
9 *leased on April 12, 2022, and engaged in a cred-*
10 *ible justice and accountability process for all vic-*
11 *tims of such genocide.”.*

12 **SEC. 1254. EXTENSION AND MODIFICATION OF PACIFIC DE-**
13 **TERRENCE INITIATIVE.**

14 (a) *EXTENSION.*—*Subsection (c) of section 1251 of the*
15 *William M. (Mac) Thornberry National Defense Authoriza-*
16 *tion Act for Fiscal Year 2021 (10 U.S.C. 113 note) is*
17 *amended—*

18 (1) *by striking “the National Defense Authoriza-*
19 *tion Act for Fiscal Year 2022” and inserting “the Na-*
20 *tional Defense Authorization Act for Fiscal Year*
21 *2023”; and*

22 (2) *by striking “fiscal year 2022” and inserting*
23 *“fiscal year 2023”.*

24 (b) *REPORT ON RESOURCING UNITED STATES DE-*
25 *FENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION*

1 *AND STUDY ON COMPETITIVE STRATEGIES.—Subsection*
2 *(d)(1) of such section is amended—*

3 *(1) in subparagraph (A), by striking “fiscal*
4 *years 2023 and 2024” and inserting “fiscal years*
5 *2024 and 2025”; and*

6 *(2) in subparagraph (B)—*

7 *(A) in clause (v), by striking “security co-*
8 *operation activities or resources” and inserting*
9 *“security cooperation authorities, activities, or*
10 *resources”;*

11 *(B) in clause (vi)(I)(aa)—*

12 *(i) in subitem (AA), by striking “to*
13 *modernize and strengthen the” and insert-*
14 *ing “to improve the posture and”; and*

15 *(ii) in subitem (FF)—*

16 *(I) by striking “to improve” and*
17 *inserting “to modernize and improve”;*
18 *and*

19 *(II) by striking the semicolon at*
20 *the end and inserting “; and”; and*

21 *(C) by adding at the end the following new*
22 *clause:*

23 *“(vii) A budget display, prepared with*
24 *the assistance of the Under Secretary of De-*
25 *fense (Comptroller), that compares the inde-*

1 *pendent assessment of the Commander of the*
2 *United States Indo-Pacific Command with*
3 *the amounts contained in the budget dis-*
4 *play for the applicable fiscal year under*
5 *subsection (f).”.*

6 **SEC. 1255. EXTENSION OF AUTHORITY TO TRANSFER**
7 **FUNDS FOR BIEN HOA DIOXIN CLEANUP.**

8 *Section 1253(b) of the William M. (Mac) Thornberry*
9 *National Defense Authorization Act for Fiscal Year 2021*
10 *(Public Law 116–283; 134 Stat. 3955) is amended by strik-*
11 *ing “fiscal year 2022” and inserting “fiscal year 2023”.*

12 **SEC. 1256. ENHANCED INDICATIONS AND WARNING FOR DE-**
13 **TERRENCE AND DISSUASION.**

14 *(a) ESTABLISHMENT OF PROGRAM FOR ENHANCED IN-*
15 *DICATIONS AND WARNING.—*

16 *(1) AUTHORITY.—The Director of the Defense In-*
17 *telligence Agency may establish a program to increase*
18 *warning time of potential aggression by adversary*
19 *nation states, focusing especially on the United States*
20 *Indo-Pacific Command and United States European*
21 *Command areas of operations.*

22 *(2) DESIGNATION.—If the Director establishes*
23 *the program under paragraph (1), the program shall*
24 *be known as the “Program for Enhanced Indications*

1 *and Warning” (in this section referred to as the “Pro-*
2 *gram”).*

3 (3) *PURPOSE.—The purpose of the Program that*
4 *may be established under paragraph (1) is to gain in-*
5 *creased warning time to provide time for the Depart-*
6 *ment of Defense to mount deterrence and dissuasion*
7 *actions to persuade adversaries to refrain from ag-*
8 *gression, including through potential revelations or*
9 *demonstrations of capabilities and actions to create*
10 *doubt in the minds of adversary leaders regarding the*
11 *prospects for military success.*

12 (b) *HEAD OF PROGRAM.—*

13 (1) *APPOINTMENT.—If the Director establishes*
14 *the Program, the Director shall appoint a defense in-*
15 *telligence officer to serve as the mission manager for*
16 *the Program.*

17 (2) *DESIGNATION.—The mission manager for the*
18 *Program shall be known as the “Program Manager*
19 *for Enhanced Indications and Warning” (in this sec-*
20 *tion referred to as the “Program Manager”).*

21 (c) *SOURCES OF INFORMATION AND ANALYSIS.—If the*
22 *Director establishes the Program, the Program Manager*
23 *shall ensure that the Program makes use of all available*
24 *sources of information, from public, commercial, and classi-*
25 *fied sources across the intelligence community and the De-*

1 *partment of Defense, and advanced analytics, including ar-*
2 *tificial intelligence, to establish a system capable of dis-*
3 *cerning deviations from normal patterns of behavior and*
4 *activity that may indicate preparations for military ac-*
5 *tions.*

6 *(d) INTEGRATION WITH OTHER PROGRAMS.—*

7 *(1) SUPPORT.—If the Director establishes the*
8 *Program, the Program shall be supported, as appro-*
9 *priate, by the Chief Digital and Artificial Intelligence*
10 *Officer, the Maven project, by capabilities sponsored*
11 *by the Office of the Under Secretary of Defense for In-*
12 *telligence and Security, and programs already under-*
13 *way within the Defense Intelligence Agency.*

14 *(2) AGREEMENTS.—If the Director establishes the*
15 *Program, the Director shall seek to engage in agree-*
16 *ments to integrate information and capabilities from*
17 *other components of the intelligence community to fa-*
18 *cilitate the purpose of the Program.*

19 *(e) BRIEFINGS.—If the Director establishes the Pro-*
20 *gram, not later than 180 days after the date of the enact-*
21 *ment of this Act and not less frequently than once each year*
22 *thereafter through 2027, the Program Manager shall pro-*
23 *vide the appropriate committees of Congress a briefing on*
24 *the status of the activities of the Program.*

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

1 (1) *The term “appropriate committees of Con-*
2 *gress” means—*

3 (A) *the congressional defense committees;*
4 *and*

5 (B) *the congressional intelligence commit-*
6 *tees (as defined in section 3 of the National Se-*
7 *curity Act of 1947 (50 U.S.C. 3003)).*

8 (2) *The term “intelligence community” has the*
9 *meaning given such term in section 3 of the National*
10 *Security Act of 1947 (50 U.S.C. 3003).*

11 **SEC. 1257. PROHIBITION ON USE OF FUNDS TO SUPPORT**
12 **ENTERTAINMENT PROJECTS WITH TIES TO**
13 **THE GOVERNMENT OF THE PEOPLE’S REPUB-**
14 **LIC OF CHINA.**

15 (a) *IN GENERAL.—None of the funds authorized to be*
16 *appropriated by this Act may be used to knowingly provide*
17 *active and direct support to any film, television, or other*
18 *entertainment project if the Secretary of Defense has de-*
19 *monstrable evidence that the project has complied or is like-*
20 *ly to comply with a demand from the Government of the*
21 *People’s Republic of China or the Chinese Communist*
22 *Party, or an entity under the direction of the People’s Re-*
23 *public of China or the Chinese Communist Party, to censor*
24 *the content of the project in a material manner to advance*
25 *the national interest of the People’s Republic of China.*

1 (b) *WAIVER.*—*The Secretary of Defense may waive the*
2 *prohibition under subsection (a) if the Secretary submits*
3 *to the Committees on Armed Services of the Senate and*
4 *House of Representatives a written certification that such*
5 *a waiver is in the national interest of the United States.*

6 (c) *POLICY REQUIRED.*—*Not later than 180 days after*
7 *the date of the enactment of this Act, the Secretary of De-*
8 *fense shall issue a policy that describes how the Department*
9 *of Defense will review requests to provide active or direct*
10 *support to any film, television, or other entertainment*
11 *project. The policy shall include ways to assess Chinese in-*
12 *fluence or potential influence over the content of a film, tele-*
13 *vision, or other entertainment project, actions the Depart-*
14 *ment can take to prevent Chinese censorship of a project,*
15 *and criteria the Department shall use when evaluating re-*
16 *quests to support a project.*

17 (d) *LIMITATION.*—*Of the amounts authorized to be ap-*
18 *propriated by this Act for the official travel expenses of the*
19 *Office of the Secretary of Defense, not more than 95 percent*
20 *may be obligated or expended until the policy required by*
21 *subsection (c) is released and transmitted to the congress-*
22 *sional defense committees.*

1 **SEC. 1258. REPORTING ON INSTITUTIONS OF HIGHER EDU-**
2 **CATION DOMICILED IN THE PEOPLE'S REPUB-**
3 **LIC OF CHINA THAT PROVIDE SUPPORT TO**
4 **THE PEOPLE'S LIBERATION ARMY.**

5 (a) *DETERMINATION.*—

6 (1) *IN GENERAL.*—*The Secretary of Defense, in*
7 *consultation with the Director of National Intel-*
8 *ligence, shall identify each entity that is an institu-*
9 *tion of higher education domiciled in the People's Re-*
10 *public of China that provides material support to the*
11 *People's Liberation Army.*

12 (2) *FACTORS.*—*In making a determination*
13 *under paragraph (1) with respect to an entity, the*
14 *Secretary shall consider the following factors:*

15 (A) *Material support to the implementation*
16 *of the military-civil fusion strategy of China.*

17 (B) *Material relationship with the Chinese*
18 *State Administration for Science, Technology,*
19 *and Industry for the National Defense.*

20 (D) *Funding received from any organiza-*
21 *tion subordinate to the Central Military Com-*
22 *mission of the Chinese Communist Party.*

23 (E) *Supporting or enabling relationship*
24 *with any security, defense, or police forces within*
25 *the Government of China or the Chinese Com-*
26 *munist Party.*

1 (F) Any other factor the Secretary deter-
2 mines is appropriate.

3 (b) REPORT.—Not later than September 30, 2023, the
4 Secretary shall submit to the appropriate congressional
5 committees a list of each entity identified pursuant to sub-
6 section (a) in unclassified form, with a classified annex,
7 if necessary.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Armed Services and
12 the Select Committee on Intelligence of the Sen-
13 ate; and

14 (B) the Committee on Armed Services and
15 the Permanent Select Committee on Intelligence
16 of the House of Representatives.

17 (2) The term “People’s Liberation Army” means
18 the land, naval, and air military services, the Peo-
19 ple’s Armed Police, the Strategic Support Force, the
20 Rocket Force, and any other related security element
21 within the Government of China or the Chinese Com-
22 munist Party that the Secretary determines is appro-
23 priate.

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 Sec-*
10 *retary of State considers necessary, shall conduct a review*
11 *of port and port-related infrastructure purchases and in-*
12 *vestments critical to the interests and national security of*
13 *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 Government*
17 *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 (a)*
23 *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 interests.*

3 *(2) An analysis of the effects the consolidation of*
4 *such investments, or the assertion of control by the*
5 *Government of the People's Republic of China over*
6 *entities described in paragraph (2) or (3) of that sub-*
7 *section, would have on Department of State and De-*
8 *partment of Defense contingency plans.*

9 *(3) A description of the integration into ports of*
10 *technologies developed and produced by the Govern-*
11 *ment of the People's Republic of China or entities de-*
12 *scribed in paragraphs (2) or (3) of that subsection,*
13 *and the data and cyber security risks posed by such*
14 *integration.*

15 *(4) A description of past and planned efforts by*
16 *the Secretary of State and the Secretary of Defense,*
17 *with the support of the Director of National Intel-*
18 *ligence, to address such purchases, investments, and*
19 *consolidation of investments or assertion of control.*

20 *(c) COORDINATION WITH OTHER FEDERAL AGEN-*
21 *CIES.—In conducting the review required by subsection (a),*
22 *the Secretary of State may coordinate with the head of any*
23 *other Federal agency, as the Secretary considers appro-*
24 *priate.*

25 *(d) REPORT.—*

1 (1) *IN GENERAL.*—Not later than one year after
2 the date of the enactment of this Act, the Secretary of
3 State shall submit to the appropriate committees of
4 Congress a report on the results of the review under
5 subsection (a).

6 (2) *FORM.*—The report required by paragraph
7 (1) shall be submitted in unclassified form, but may
8 contain a classified annex.

9 (e) *DEFINITIONS.*—In this section:

10 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
11 The term “appropriate committees of Congress”
12 means—

13 (A) the Committee on Armed Services, the
14 Committee on Foreign Relations, and the Select
15 Committee on Intelligence of the Senate; and

16 (B) the Committee on Armed Services, the
17 Committee on Foreign Affairs, and the Perma-
18 nent Select Committee on Intelligence of the
19 House of Representatives.

20 (2) *PORT.*—The term “port” means—

21 (A) any port—

22 (i) on the navigable waters of the
23 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 Defense,
20 in consultation with the Secretary of State, shall direct ap-
21 propriate personnel within the Department of Defense to
22 seek to engage appropriate counterparts within the Min-
23 istry of Defence of India for the purpose of expanding co-
24 operation on emerging technologies, readiness, and logistics.

1 (b) *TOPICS.*—At a minimum, the personnel described
2 in subsection (a) shall seek to engage their counterparts in
3 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 and*
10 *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 date
17 of the enactment of this Act, the Secretary of Defense shall
18 provide a briefing to the appropriate committees of Con-
19 gress 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 subsection*

23 *(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, in-*
10 *tellectual property, and United States-provided equip-*
11 *ment from being stolen or exploited by adversaries;*

12 (5) *an identification of opportunities for aca-*
13 *demia and private industry to participate in ex-*
14 *panded cooperation with the Ministry of Defence of*
15 *India;*

16 (6) *a discussion of opportunities and challenges*
17 *related to reducing India’s reliance on Russian-built*
18 *weapons and defense systems; and*

19 (7) *any other matter the Secretary considers rel-*
20 *evant.*

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 Armed Services, the Com-*
2 *mittee on Appropriations, and the Committee on For-*
3 *oreign Relations of the Senate; and*

4 (2) *the Committee on Armed Services, the Com-*
5 *mittee on Appropriations, and the Committee on For-*
6 *oreign 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 De-*
12 *fense, a pilot program to enhance engagement of the Depart-*
13 *ment with young civilian defense and security leaders in*
14 *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 coopera-*
22 *tion 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 promote*
3 *civilian control of the military, respect for human*
4 *rights, and adherence to the law of armed conflict.*

5 (c) *PRIORITY.*—*In carrying out the pilot program*
6 *under subsection (a), the Secretary of Defense shall*
7 *prioritize engagement with civilian defense leaders from*
8 *foreign partner ministries of defense who are 40 years of*
9 *age or younger.*

10 (d) *BRIEFINGS.*—

11 (1) *DESIGN OF PILOT PROGRAM.*—*Not later than*
12 *June 1, 2023, the Secretary of Defense, in consulta-*
13 *tion with the Secretary of State, shall provide a brief-*
14 *ing to the appropriate committees of Congress on the*
15 *design of the pilot program under subsection (a).*

16 (2) *PROGRESS BRIEFING.*—*Not later than De-*
17 *cember 31, 2023, and annually thereafter until the*
18 *date on which the pilot program terminates under*
19 *subsection (e), the Secretary of Defense, in consulta-*
20 *tion with the Secretary of State, shall provide a brief-*
21 *ing to the appropriate committees of Congress on the*
22 *pilot program that includes—*

23 (A) *a description of the activities conducted*
24 *and the results of such activities;*

1 (B) an identification of existing authorities
2 used to carry out the pilot program;

3 (C) any recommendations related to new
4 authorities or modifications to existing authori-
5 ties necessary to more effectively achieve the ob-
6 jectives of the pilot program; and

7 (D) any other matter the Secretary of De-
8 fense considers relevant.

9 (e) *TERMINATION.*—The pilot program under sub-
10 section (a) shall terminate on December 31, 2026.

11 (f) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
12 *FINED.*—In this section, the term “appropriate committees
13 of Congress” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Relations of the Senate; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Affairs of the House of Rep-
18 resentatives.

19 **SEC. 1262. REPORT ON BILATERAL AGREEMENTS SUP-**
20 **PORTING UNITED STATES MILITARY POS-**
21 **TURE IN THE INDO-PACIFIC REGION.**

22 (a) *REPORT REQUIRED.*—Not later than 180 days
23 after the date of the enactment of this Act, the Secretary
24 of Defense, in coordination with the Secretary of State, shall
25 submit to the appropriate congressional committees a report

1 *on the adequacy of existing bilateral defense and security*
2 *agreements between the United States and foreign govern-*
3 *ments that support the existing and planned military pos-*
4 *ture of the United States in the Indo-Pacific region.*

5 (b) *ELEMENTS.*—*The report required by subsection (a)*
6 *shall include the following:*

7 (1) *An accounting of existing bilateral defense*
8 *and security agreements that support the military*
9 *posture of the United States in the Indo-Pacific re-*
10 *gion, by country and type.*

11 (2) *An articulation of the need for new bilateral*
12 *defense and security agreements, by country and type,*
13 *to support a more distributed United States military*
14 *posture in the Indo-Pacific region, as outlined by the*
15 *Global Force Posture Review, including agreements*
16 *necessary—*

17 (A) *to establish new cooperative security lo-*
18 *cations, forward operating locations, and other*
19 *locations in support of distributed operations;*
20 *and*

21 (B) *to enable exercises and a more rota-*
22 *tional force presence.*

23 (3) *A description of the relative priority of the*
24 *agreements articulated under paragraph (2).*

1 (4) *Any specific request, financial or otherwise,*
2 *made by a foreign government or a Federal agency*
3 *other than the Department of Defense that complicates*
4 *the completion of such agreements.*

5 (5) *A description of Department activities*
6 *planned for the current and subsequent fiscal year*
7 *that are intended to contribute to the completion of*
8 *such agreements.*

9 (6) *A description of the manner in which the ne-*
10 *cessity for such agreements is communicated to, and*
11 *coordinated with, the Secretary of State.*

12 (7) *Any other matter the Secretary of Defense*
13 *considers relevant.*

14 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
15 *FINED.—In this section, the term “appropriate congres-*
16 *sional committees” means—*

17 (1) *the Committee on Armed Services, the Com-*
18 *mittee on Foreign Relations, and the Committee on*
19 *Appropriations of the Senate; and*

20 (2) *the Committee on Armed Services, the Com-*
21 *mittee on Foreign Affairs, and the Committee on Ap-*
22 *propriations of the House of Representatives.*

23 **SEC. 1263. STATEMENT OF POLICY ON TAIWAN.**

24 (a) *STATEMENT OF POLICY.—Consistent with the Tai-*
25 *wan Relations Act (22 U.S.C. 3301 et. seq.), it shall be the*

1 *policy of the United States to maintain the capacity of the*
2 *United States to resist a fait accompli that would jeop-*
3 *ardize the security of the people on Taiwan.*

4 (b) *FAIT ACCOMPLI DEFINED.*—*In this section, the*
5 *term “fait accompli” refers to the resort to force by the Peo-*
6 *ple’s Republic of China to invade and seize control of Tai-*
7 *wan before the United States can respond effectively.*

8 **SEC. 1264. SENSE OF CONGRESS ON JOINT EXERCISES**
9 **WITH TAIWAN.**

10 *It is the sense of Congress that—*

11 (1) *joint military exercises with Taiwan are an*
12 *important component of improving military readi-*
13 *ness;*

14 (2) *the Commander of United States Indo-Pa-*
15 *cific Command possesses the authority to carry out*
16 *such joint military exercises, including those that—*

17 (A) *involve multiple warfare domains and*
18 *exercise secure communications between the*
19 *forces of the United States, Taiwan, and other*
20 *foreign partners;*

21 (B) *incorporate the participation of mul-*
22 *tiple combatant and subordinate unified com-*
23 *mands; and*

1 (C) present complex military challenges, in-
2 cluding the multi-domain capabilities of a capa-
3 ble adversary;

4 (3) the United States should seek to use existing
5 authorities more effectively to improve the readiness
6 of the military forces of the United States and Tai-
7 wan; 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 Defense*
15 *should continue efforts that strengthen United States defense*
16 *alliances and partnerships in the Indo-Pacific region so as*
17 *to further the comparative advantage of the United States*
18 *in strategic competition with the People's Republic of*
19 *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 Mutual*
10 *Defense Treaty Between the United States and the*
11 *Republic of Korea, signed at Washington, October 1,*
12 *1953, in support of the shared objective of a peaceful*
13 *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 South-*
4 *east Asian Nations to enhance maritime domain*
5 *awareness, promote sovereignty and territorial integ-*
6 *egrity, leverage technology and promote innovation, and*
7 *support an open, inclusive, and rules-based regional*
8 *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 free*
13 *and open Indo-Pacific region through bilateral*
14 *and multilateral engagements and participation*
15 *in military exercises, expanded defense trade,*
16 *and collaboration on humanitarian aid and dis-*
17 *aster response; and*

18 (B) *to enable greater cooperation on mari-*
19 *time security and the threat of global pandemics,*
20 *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 96–8;*
24 *22 U.S.C. 3301 et seq.), and the Six Assurances, with*
25 *the goal of improving Taiwan’s defensive military ca-*

1 *pabilities and promoting peaceful cross-strait rela-*
2 *tions;*

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 de-*
6 *fense and security cooperation between the military*
7 *forces of the Republic of Singapore and the Armed*
8 *Forces of the United States, including through par-*
9 *ticipation in combined exercises and training;*

10 *(8) engaging with the Federated States of Micro-*
11 *nesia, the Republic of the Marshall Islands, the Re-*
12 *public of Palau, and other Pacific Island countries,*
13 *with the goal of strengthening regional security and*
14 *addressing issues of mutual concern, including pro-*
15 *tecting fisheries from illegal, unreported, and unregu-*
16 *lated fishing;*

17 *(9) collaborating with Canada, the United King-*
18 *dom, France, and other members of the European*
19 *Union and the North Atlantic Treaty Organization to*
20 *build connectivity and advance a shared vision for*
21 *the region that is principled, long-term, and anchored*
22 *in democratic resilience; and*

23 *(10) investing in enhanced military posture and*
24 *capabilities in the area of responsibility of the United*
25 *States Indo-Pacific Command, identified by the De-*

1 *partment of Defense as its priority theater, and*
2 *strengthening cooperation in bilateral relationships,*
3 *multilateral partnerships, and other international*
4 *fora to uphold global security and shared principles,*
5 *with the goal of ensuring the maintenance of a free*
6 *and open Indo-Pacific region.*

7 ***Subtitle F—Other Matters***

8 ***SEC. 1271. NORTH ATLANTIC TREATY ORGANIZATION SPE-*** 9 ***CIAL OPERATIONS HEADQUARTERS.***

10 *(a) IN GENERAL.—Subchapter II of chapter 138 of*
11 *title 10, United States Code, is amended by adding at the*
12 *end the following new section 2350r:*

13 ***“§2350r. North Atlantic Treaty Organization Special*** 14 ***Operations Headquarters***

15 *“(a) AUTHORIZATION.—Of the amounts authorized to*
16 *be appropriated for each fiscal year for operation and*
17 *maintenance for the Army, the Secretary of Defense is au-*
18 *thorized to use up to \$50,000,000, to be derived from*
19 *amounts made available for support of North Atlantic Trea-*
20 *ty Organization (referred to in this section as ‘NATO’) op-*
21 *erations, for each such fiscal year for the purposes set forth*
22 *in subsection (b).*

23 *“(b) PURPOSES.—The Secretary shall provide funds*
24 *for the NATO Special Operations Headquarters—*

1 “(1) to improve coordination and cooperation be-
2 tween the special operations forces of NATO countries
3 and countries approved by the North Atlantic Council
4 as NATO partners;

5 “(2) to facilitate joint operations by the special
6 operations forces of NATO countries and such NATO
7 partners;

8 “(3) to support special operations forces peculiar
9 command, control, and communications capabilities;

10 “(4) to promote special operations forces intel-
11 ligence and informational requirements within the
12 NATO structure; and

13 “(5) to promote interoperability through the de-
14 velopment of common equipment standards, tactics,
15 techniques, and procedures, and through execution of
16 a multinational education and training program.”.

17 (b) *CLERICAL AMENDMENT.*—The table of sections at
18 the beginning of subchapter II of chapter 138 of title 10,
19 United States Code, is amended by adding at the end the
20 following new item:

 “2350r. North Atlantic Treaty Organization Special Operations Headquarters.”.

21 (c) *REPEAL.*—Section 1244 of the National Defense
22 Authorization Act for Fiscal Year 2010 (Public Law 111–
23 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 of*
5 *Ukraine poses a grave threat to United States secu-*
6 *rity and interests around the globe and to the rules-*
7 *based international order, including the North Atlan-*
8 *tic Treaty Organization (NATO).*

9 *(2) The Russian Federation has demonstrated a*
10 *complete disregard for the safety of civilians during*
11 *its unlawful and unprovoked invasion of Ukraine,*
12 *which has involved indiscriminate bombing of civil-*
13 *ian areas and executions of noncombatants.*

14 *(3) The United States stands with the people of*
15 *Ukraine and condemns the heinous acts committed by*
16 *the Russian Federation against them, and Congress*
17 *strongly supports continued assistance to Ukraine to*
18 *sustain its ability to repel Russian invasion forces*
19 *and continue to retake its sovereign territory.*

20 *(4) NATO remains the strongest and most suc-*
21 *cessful military alliance in the world, founded on a*
22 *commitment by its members to uphold the principles*
23 *of democracy, individual liberty, and the rule of law.*
24 *The NATO alliance has grown more robust and more*
25 *united in response to Russia's 2022 further invasion*
26 *of Ukraine, as allies have enhanced their deterrence*

1 *and defense posture, and continued to send military*
2 *aid to bolster Ukraine's defenses.*

3 *(5) The United States—*

4 *(A) strongly supports the path of Sweden*
5 *and Finland toward NATO membership, as evi-*
6 *denced by the overwhelming bipartisan Senate*
7 *vote providing advice and consent to the ratifica-*
8 *tion of the Protocols of the North Atlantic Treaty*
9 *of 1949 on the Accession of the Republic of Fin-*
10 *land and the Kingdom of Sweden;*

11 *(B) urges all NATO allies who have not*
12 *ratified their accession to do so as soon as pos-*
13 *sible;*

14 *(C) reaffirms its ironclad commitment to*
15 *NATO as the foundation of transatlantic secu-*
16 *rity and to upholding its obligations under the*
17 *North Atlantic Treaty, including Article 5; and*

18 *(D) encourages NATO members to move*
19 *swiftly to meet their commitments made at the*
20 *June 2022 NATO Summit to expand NATO's*
21 *multinational battle groups and enhance mili-*
22 *tary posture on NATO's eastern flank, and to ur-*
23 *gently continue progress on meeting their Wales*
24 *Pledge commitments, capability targets, con-*

1 *tributions to NATO missions and operations,*
2 *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 support,*
15 *to collectively reconstitute weapons stocks, and to*
16 *maintain unified resolve to reduce threats to critical*
17 *infrastructure ranging from Russia’s weaponization*
18 *of energy to China’s predatory investments in trans-*
19 *portation and telecommunications infrastructure.*

20 (8) *The United States should develop and imple-*
21 *ment a long-term plan to adapt United States posture*
22 *in Europe to the altered threat environment. The ele-*
23 *vated United States posture currently in Europe is*
24 *crucial in the current threat environment, and the*
25 *United States posture changes announced during the*

1 *June 2022 NATO Summit are important steps, in-*
2 *cluding the establishment of the first permanently sta-*
3 *tioned headquarters in Poland, the commitment to*
4 *maintain a rotational brigade combat team and*
5 *headquarters in Romania, enhanced rotations to the*
6 *Baltic countries, and the forward-stationing of two*
7 *additional destroyers in Rota, Spain.*

8 *(9) European Deterrence Initiative (EDI) invest-*
9 *ments have proven crucial to United States and*
10 *NATO abilities to rapidly reinforce the European the-*
11 *ater leading up to and during Russia's further inva-*
12 *sion of Ukraine. The United States should continue*
13 *robust investments through EDI, including further*
14 *enhancing United States posture in Europe and*
15 *maintaining a committed schedule of exercises with*
16 *allies.*

17 *(10) The Black Sea is critical to United States*
18 *interests and to the security of NATO in the region,*
19 *given Russia's unprovoked and unjustified war in*
20 *Ukraine and Russia's attempts to directly intimidate,*
21 *coerce, and otherwise influence countries in this re-*
22 *gion. These allies' and partners' security will have*
23 *major consequences for broader European security*
24 *and collective efforts to enhance Black Sea countries'*
25 *defense and resilience capabilities are essential. In*

1 *addition, the United States and NATO should con-*
2 *sider adopting robust intergovernmental and inter-*
3 *agency strategies for the Black Sea, to facilitate fur-*
4 *ther collaboration among all countries in the region.*

5 *(11) Estonia, Latvia, and Lithuania play a crit-*
6 *ical role in strategic efforts to continue to deter Rus-*
7 *sia.*

8 *(12) The United States should continue to pur-*
9 *sue efforts consistent with the comprehensive, multi-*
10 *lateral Baltic Defense Assessment conducted by the*
11 *Department of Defense. Robust support to accomplish*
12 *United States strategic objectives, including by pro-*
13 *viding continued assistance to the Baltic countries*
14 *through security cooperation, including cooperation*
15 *referred to as the Baltic Security Initiative pursuant*
16 *to sections 332 and 333 of title 10, United States*
17 *Code, should continue to be prioritized in the years*
18 *to come. Specifically, such assistance should include*
19 *the continuation of—*

20 *(A) enhancements to critical capabilities*
21 *that will strengthen Baltic security as well as*
22 *strengthen NATO's deterrence and defense pos-*
23 *ture, including integrated air and missile de-*
24 *fense, maritime domain awareness, long-range*
25 *precision fires, and command and control;*

1 (B) efforts to enhance interoperability
2 among Estonia, Latvia, and Lithuania and with
3 NATO;

4 (C) infrastructure and other host-country
5 support improvements that will enhance United
6 States and allied military mobility across the re-
7 gion;

8 (D) efforts to improve resilience to hybrid
9 and cyber threats in Estonia, Latvia, and Lith-
10 uania; and

11 (E) support for planning and budgeting ef-
12 forts of Estonia, Latvia, and Lithuania that are
13 regionally synchronized.

14 (13) It is in the United States interest to sup-
15 port efforts to enhance security and stability in the
16 Western Balkans. The United States should continue
17 its efforts to work with Western Balkans allies and
18 partners to build interoperability and support insti-
19 tutional reforms. The United States should also sup-
20 port those countries' efforts to resist disinformation
21 campaigns, predatory investments, and other means
22 by which Russia and China may seek to influence
23 this region.

24 (14) The United States should continue to work
25 closely with European allies and partners to counter

1 *growing malign activities by the People’s Republic of*
2 *China across Europe, in the Indo-Pacific, and be-*
3 *yond.*

4 **SEC. 1273. REPORT ON FIFTH FLEET CAPABILITIES UP-**
5 **GRADES.**

6 (a) *IN GENERAL.*—*Not later than 180 days after the*
7 *date of the enactment of this Act, the Secretary of Defense*
8 *shall submit to the congressional defense committees a re-*
9 *port on—*

10 (1) *capabilities upgrades necessary to enable the*
11 *Fifth Fleet to address emerging threats in its area of*
12 *responsibility; and*

13 (2) *any costs associated with such upgrades.*

14 (b) *ELEMENTS.*—*The report required by subsection (a)*
15 *shall include the following:*

16 (1) *An assessment of seaborne threats posed by*
17 *Iran, and groups linked to Iran, to the military forces*
18 *of United States allies and partners operating in the*
19 *waters in and around the broader Middle East.*

20 (2) *A description of any capabilities upgrades*
21 *necessary to enable the Fifth Fleet to address such*
22 *threats.*

23 (3) *An estimate of the costs associated with any*
24 *such upgrades.*

1 (4) *A description of any United States plan to*
2 *deepen cooperation with other member countries of the*
3 *Combined Maritime Forces at the strategic, policy,*
4 *and functional levels for the purpose of addressing*
5 *such threats, including by—*

6 (A) *enhancing coordination on defense*
7 *planning;*

8 (B) *improving intelligence sharing; and*

9 (C) *deepening maritime interoperability.*

10 (c) *BROADER MIDDLE EAST DEFINED.—In this sec-*
11 *tion, the term “broader Middle East” means—*

12 (1) *the land around the southern and eastern*
13 *shores of the Mediterranean Sea;*

14 (2) *the Arabian Peninsula;*

15 (3) *Iran; and*

16 (4) *North Africa.*

17 **SEC. 1274. REPORT ON USE OF SOCIAL MEDIA BY FOREIGN**
18 **TERRORIST ORGANIZATIONS.**

19 (a) *REPORT.—Not later than one year after the date*
20 *of the enactment of this Act, the Director of National Intel-*
21 *ligence, in coordination with the Secretary of State and the*
22 *Secretary of Defense, shall submit to the appropriate con-*
23 *gressional committees a report on—*

24 (1) *the use of online social media platforms by*
25 *entities designated as foreign terrorist organizations*

1 *by the Secretary of State for recruitment, fundraising,*
2 *and the dissemination of information; and*

3 *(2) the threat posed to the national security of*
4 *the United States by the online radicalization of ter-*
5 *rorists and violent extremists with ties to foreign gov-*
6 *ernments or elements thereof, foreign organizations, or*
7 *foreign persons, or international terrorist activities.*

8 *(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
9 *this section, the term “appropriate congressional commit-*
10 *tees” means—*

11 *(1) the Committee on Armed Services, the Com-*
12 *mittee on Foreign Affairs, and the Permanent Select*
13 *Committee on Intelligence of the House of Representa-*
14 *tives; and*

15 *(2) the Committee on Armed Services, the Com-*
16 *mittee on Foreign Relations, and the Select Com-*
17 *mittee on Intelligence of the Senate.*

18 **SEC. 1275. REPORT AND FEASIBILITY STUDY ON COLLABO-**
19 **RATION TO MEET SHARED NATIONAL SECU-**
20 **RITY INTERESTS IN EAST AFRICA.**

21 *(a) REPORT ON FOREIGN ASSISTANCE AND OTHER AC-*
22 *TIVITIES IN SOMALILAND.—*

23 *(1) DEFINED TERM.—In this subsection, the*
24 *term “appropriate congressional committees”*
25 *means—*

1 (A) *the Committee on Foreign Relations of*
2 *the Senate; and*

3 (B) *the Committee on Foreign Affairs of the*
4 *House of Representatives.*

5 (2) *REPORT.—*

6 (A) *IN GENERAL.—Not later than Sep-*
7 *tember 30, 2023, and annually thereafter until*
8 *the date that is 5 years after the date of the en-*
9 *actment of this Act, the Secretary of State, in*
10 *consultation with the Administrator of the*
11 *United States Agency for International Develop-*
12 *ment, shall submit to the appropriate congres-*
13 *sional committees a report that, with respect to*
14 *the most recently concluded 12-month period—*

15 (i) *describes assistance provided by the*
16 *Department of State and the United States*
17 *Agency for International Development to*
18 *Somaliland, including—*

19 (I) *the value of such assistance (in*
20 *United States dollars);*

21 (II) *the source from which such*
22 *assistance was funded;*

23 (III) *the names of the programs*
24 *through which such assistance was ad-*
25 *ministered;*

1 (IV) *the implementing partners*
2 *through which such assistance was pro-*
3 *vided;*

4 (V) *the sponsoring bureau of the*
5 *Department of State or the United*
6 *States Agency for International Devel-*
7 *opment; and*

8 (VI) *if the assistance broadly tar-*
9 *geted the Federal Republic of Somalia,*
10 *the portion of such assistance that*
11 *was—*

12 (aa) *explicitly intended to*
13 *support Somaliland; and*

14 (bb) *ultimately employed in*
15 *Somaliland;*

16 (ii) *details the staffing and responsibil-*
17 *ities of the Department of State and the*
18 *United States Agency for International De-*
19 *velopment supporting foreign assistance,*
20 *diplomatic engagement, and security initia-*
21 *tives in Somaliland, including the location*
22 *of such personnel (duty station) and their*
23 *corresponding bureau;*

24 (iii) *provides—*

1 (I) a detailed account of travel to
2 Somaliland by employees of the De-
3 partment of State and the United
4 States Agency for International Devel-
5 opment, if any, including the position,
6 duty station, and trip purpose for each
7 such trip; or

8 (II) the justification for not trav-
9 eling to Somaliland if no such per-
10 sonnel traveled during the reporting
11 period; and

12 (iv) if the Department of State has
13 provided training to security forces of the
14 Federal Member States (FMS), and
15 Somaliland, including—

16 (I) where such training has oc-
17 curred;

18 (II) the extent to which FMS and
19 Somaliland security forces have dem-
20 onstrated the ability to absorb previous
21 training; and

22 (III) the ability of FMS and
23 Somaliland security forces to maintain
24 and appropriately utilize such train-
25 ing, as applicable.

1 (B) *FORM.*—*The report required under sub-*
2 *paragraph (A) shall be submitted in unclassified*
3 *form, but may contain a classified annex.*

4 (b) *FEASIBILITY STUDY.*—

5 (1) *DEFINED TERM.*—*In this subsection, the*
6 *term “appropriate congressional committees”*
7 *means—*

8 (A) *the Committee on Foreign Relations*
9 *and the Committee on Armed Services of the*
10 *Senate; and*

11 (B) *the Committee on Foreign Affairs and*
12 *the Committee on Armed Services of the House*
13 *of Representatives.*

14 (2) *FEASIBILITY STUDY.*—*The Secretary of*
15 *State, in consultation with the Secretary of Defense,*
16 *shall conduct a feasibility study that—*

17 (A) *determines whether opportunities exist*
18 *for greater collaboration in the pursuit of United*
19 *States national security interests in the Horn of*
20 *Africa, the Gulf of Aden, and the Indo-Pacific re-*
21 *gion with the Federal Government of Somalia*
22 *and Somaliland; and*

23 (B) *identifies the practicability and advis-*
24 *ability of improving the professionalization and*

1 *capacity of security sector actors within the Fed-*
2 *eral Member States (FMS) and Somaliland.*

3 (3) *REPORT TO CONGRESS.*—*Not later than June*
4 *15, 2023, the Secretary of State, in consultation with*
5 *the Secretary of Defense and the heads of other rel-*
6 *evant Federal departments and agencies, shall submit*
7 *a classified report to the appropriate congressional*
8 *committees that contains the results of the feasibility*
9 *study required under paragraph (2).*

10 (c) *RULE OF CONSTRUCTION.*—*Nothing in this Act, in-*
11 *cluding the reporting requirement under subsection (a) and*
12 *the conduct of the feasibility study under subsection (b),*
13 *may be construed to convey United States recognition of*
14 *Somalia’s FMS or Somaliland as an independent entity.*

15 **SEC. 1276. ASSESSMENT OF CHALLENGES TO IMPLEMENTA-**
16 **TION OF THE PARTNERSHIP AMONG AUS-**
17 **TRALIA, THE UNITED KINGDOM, AND THE**
18 **UNITED STATES.**

19 (a) *IN GENERAL.*—*The Secretary of Defense shall seek*
20 *to enter into an agreement with a federally funded research*
21 *and development center for the conduct of an independent*
22 *assessment of resourcing, policy, and process challenges to*
23 *implementing the partnership among Australia, the United*
24 *Kingdom, and United States (commonly known as the*
25 *“AUKUS partnership”) announced on September 21, 2021.*

1 **(b) MATTERS TO BE CONSIDERED.**—*In conducting the*
2 *assessment required by subsection (a), the federally funded*
3 *research and development center shall consider the following*
4 *with respect to each of Australia, the United Kingdom, and*
5 *the United States:*

6 (1) *Potential resourcing and personnel shortfalls.*

7 (2) *Information sharing, including foreign dis-*
8 *closure policy and processes.*

9 (3) *Statutory, regulatory, and other policies and*
10 *processes.*

11 (4) *Intellectual property, including patents.*

12 (5) *Export controls, including technology trans-*
13 *fer and protection.*

14 (6) *Security protocols and practices, including*
15 *personnel, operational, physical, facility, cybersecu-*
16 *rity, counterintelligence, marking and classifying in-*
17 *formation, and handling and transmission of classi-*
18 *fied material.*

19 (7) *Industrial base implications specifically in-*
20 *cluding options to expand the United States sub-*
21 *marine and nuclear power industrial base to meet*
22 *United States and Australia requirements.*

23 (8) *Alternatives that would significantly accel-*
24 *erate Australia's national security, including—*

1 (A) *interim submarine options to include*
2 *leasing or conveyance of legacy United States*
3 *submarines for Australia’s use; or*

4 (B) *the conveyance of B-21 bombers.*

5 (9) *Any other matter the Secretary considers ap-*
6 *propriate.*

7 (c) *RECOMMENDATIONS.—The federally funded re-*
8 *search and development center selected to conduct the assess-*
9 *ment under this section shall include, as part of such assess-*
10 *ment, recommendations for improvements to resourcing,*
11 *policy, and process challenges to implementing the AUKUS*
12 *partnership.*

13 (d) *REPORT.—*

14 (1) *IN GENERAL.—Not later than January 1,*
15 *2024, the Secretary shall submit to the congressional*
16 *defense committees, the Committee on Foreign Rela-*
17 *tions of the Senate, and the Committee on Foreign Af-*
18 *airs of the House of Representatives a report that in-*
19 *cludes an unaltered copy of such assessment, together*
20 *with the views of the Secretary on the assessment and*
21 *on the recommendations included in the assessment*
22 *pursuant to subsection (c).*

23 (2) *FORM OF REPORT.—The report required by*
24 *paragraph (1) shall be submitted in unclassified form*
25 *but may contain a classified annex.*

1 **SEC. 1277. MODIFICATION AND EXTENSION OF UNITED**
2 **STATES-ISRAEL COOPERATION TO COUNTER**
3 **UNMANNED AERIAL SYSTEMS.**

4 (a) *AUTHORITY TO ESTABLISH CAPABILITIES TO*
5 *COUNTER UNMANNED AERIAL SYSTEMS.*—Subsection
6 (a)(1) of section 1278 of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
8 1702; 22 U.S.C. 8606 note) is amended in the first sentence
9 by inserting after “to establish capabilities for countering
10 unmanned aerial systems” the following “, including di-
11 rected energy capabilities,”.

12 (b) *SUPPORT IN CONNECTION WITH THE PROGRAM.*—
13 Subsection (b) of such section is amended—

14 (1) in paragraph (3)(B), by inserting at the end
15 before the period the following: “, including directed
16 energy capabilities”; and

17 (2) in paragraph (4), by striking “\$25,000,000”
18 and inserting “\$40,000,000”.

19 (c) *SUNSET.*—Subsection (f) of such section is amend-
20 ed by striking “December 31, 2024” and inserting “Decem-
21 ber 31, 2026”.

22 **SEC. 1278. SENSE OF CONGRESS AND BRIEFING ON MULTI-**
23 **NATIONAL FORCE AND OBSERVERS.**

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

1 (1) *the Multinational Force and Observers has*
2 *helped strengthen stability and kept the peace in*
3 *Sinai Peninsula; and*

4 (2) *the United States should continue to main-*
5 *tain its strong support for the Multinational Force*
6 *and Observers.*

7 (b) *BRIEFING.*—*Not later than 60 days before the im-*
8 *plementation of any plan to move a Multinational Force*
9 *and Observer site, the Secretary of Defense shall brief the*
10 *Committee on Armed Services and the Committee on For-*
11 *ign Affairs of the House of Representatives and the Com-*
12 *mittee on Armed Services and the Committee on Foreign*
13 *Relations of the Senate on the resulting impacts of such*
14 *plan on existing security arrangements between Israel and*
15 *Egypt.*

16 **SEC. 1279. BRIEFING ON DEPARTMENT OF DEFENSE PRO-**
17 **GRAM TO PROTECT UNITED STATES STU-**
18 **DENTS AGAINST FOREIGN AGENTS.**

19 *Not later than 240 days after the date of the enactment*
20 *of this Act, the Secretary of Defense shall provide a briefing*
21 *to the Committee on Armed Services of the Senate and the*
22 *Committee on Armed Services of the House of Representa-*
23 *tives on the program described in section 1277 of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 2018 (Pub-*
25 *lic Law 115–91), including an assessment on whether the*

1 *program is beneficial to students interning, working part*
 2 *time, or in a program that will result in employment post-*
 3 *graduation with Department of Defense components and*
 4 *contractors.*

5 **TITLE XIV—OTHER**
 6 **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 Ma-
terials 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-Depart-*
ment 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.

7 ***Subtitle A—Military Programs***

8 **SEC. 1401. WORKING CAPITAL FUNDS.**

9 *Funds are hereby authorized to be appropriated for fis-*
 10 *cal year 2023 for the use of the Armed Forces and other*
 11 *activities and agencies of the Department of Defense for*
 12 *providing capital for working capital and revolving funds,*
 13 *as specified in the funding table in section 4501.*

1 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRU-**
2 **CTION, DEFENSE.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
4 hereby authorized to be appropriated for the Department
5 of Defense for fiscal year 2023 for expenses, not otherwise
6 provided for, for Chemical Agents and Munitions Destruc-
7 tion, Defense, as specified in the funding table in section
8 4501.

9 (b) *USE.*—Amounts authorized to be appropriated
10 under subsection (a) are authorized for—

11 (1) *the destruction of lethal chemical agents and*
12 *munitions in accordance with section 1412 of the De-*
13 *partment of Defense Authorization Act, 1986 (50*
14 *U.S.C. 1521); and*

15 (2) *the destruction of chemical warfare materiel*
16 *of the United States that is not covered by section*
17 *1412 of such Act.*

18 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
19 **TIVITIES, DEFENSE-WIDE.**

20 Funds are hereby authorized to be appropriated for the
21 Department of Defense for fiscal year 2023 for expenses, not
22 otherwise provided for, for Drug Interdiction and Counter-
23 Drug Activities, Defense-wide, as specified in the funding
24 table in section 4501.

1 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

2 *Funds are hereby authorized to be appropriated for the*
3 *Department of Defense for fiscal year 2023 for expenses, not*
4 *otherwise provided for, for the Office of the Inspector Gen-*
5 *eral of the Department of Defense, as specified in the fund-*
6 *ing table in section 4501.*

7 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

8 *Funds are hereby authorized to be appropriated for fis-*
9 *cal year 2023 for the Defense Health Program for use of*
10 *the Armed Forces and other activities and agencies of the*
11 *Department of Defense for providing for the health of eligi-*
12 *ble beneficiaries, as specified in the funding table in section*
13 *4501.*

14 ***Subtitle B—National Defense***
15 ***Stockpile***

16 **SEC. 1411. REFORM OF THE STRATEGIC AND CRITICAL MA-**
17 **TERIALS STOCK PILING ACT.**

18 *(a) REPEAL OF STRATEGIC MATERIALS PROTECTION*
19 *BOARD.—Section 187 of title 10, United States Code, is re-*
20 *pealed.*

21 *(b) STRATEGIC AND CRITICAL MATERIALS BOARD OF*
22 *DIRECTORS.—Section 10 of the Strategic and Critical Ma-*
23 *terials Stock Piling Act (50 U.S.C. 98h-1) is amended to*
24 *read as follows:*

1 **“SEC. 10. STRATEGIC AND CRITICAL MATERIALS BOARD OF**
2 **DIRECTORS.**

3 “(a) *ESTABLISHMENT.*—*There is established a Stra-*
4 *tegic and Critical Materials Board of Directors (in this Act*
5 *referred to as the ‘Board’).*

6 “(b) *MEMBERS.*—*The Board shall be composed, at a*
7 *minimum, of the following:*

8 “(1) *The Assistant Secretary of Defense for In-*
9 *dustrial Base Policy, who shall serve as chairman of*
10 *the Board.*

11 “(2) *One designee of each of the Secretary of*
12 *Commerce, the Secretary of State, the Secretary of*
13 *Energy, and the Secretary of the Interior.*

14 “(3) *One designee of each of the Chairman and*
15 *Ranking Member of the Readiness Subcommittee of*
16 *the House Committee on Armed Services.*

17 “(4) *One designee of each of the Chairman and*
18 *Ranking Member of the Readiness Subcommittee of*
19 *the Senate Committee on Armed Services.*

20 “(5) *Four designees of the chairman of the*
21 *Board, who shall have expertise relating to military*
22 *affairs, defense procurement, production of strategic*
23 *and critical materials, finance, or any other dis-*
24 *ciplines deemed necessary by the chairman to conduct*
25 *the business of the Board.*

1 “(c) *DUTIES OF THE BOARD.*—*In addition to other*
2 *matters assigned to it by the chairman, the Board shall con-*
3 *duct the following, without power of delegation:*

4 “(1) *Adopt by-laws that ensure sufficient over-*
5 *sight, governance, and effectiveness of the National*
6 *Defense Stockpile program.*

7 “(2) *Elect or remove Board members.*

8 “(3) *Advise the National Defense Stockpile Man-*
9 *ager.*

10 “(4) *Establish performance metrics and conduct*
11 *an annual performance review of the National De-*
12 *fense Stockpile Manager.*

13 “(5) *Set compensation for the National Defense*
14 *Stockpile Manager.*

15 “(6) *Review and approve the annual budget of*
16 *the National Defense Stockpile program and conduct*
17 *appropriate reviews of annual financial statements.*

18 “(7) *Re-allocate budget resources within the an-*
19 *annual budget of the National Defense Stockpile pro-*
20 *gram.*

21 “(8) *Review and approve the Annual Materials*
22 *and Operations Plan required by section 11(a)(2) of*
23 *this Act, including a review of the projected domestic*
24 *and foreign economic effects of proposed actions to be*

1 *taken under the Annual Materials and Operations*
2 *Plan.*

3 “(9) *Complete and submit the annual Board Re-*
4 *port, in accordance with section 11(b)(2) of this Act.*

5 “(10) *Recommend to the Secretary of Defense—*

6 “(A) *a strategy to ensure a secure supply of*
7 *materials designated as critical to national secu-*
8 *rity; and*

9 “(B) *such other strategies as the Board con-*
10 *siders appropriate to strengthen the industrial*
11 *base with respect to materials critical to na-*
12 *tional security.*

13 “(d) *BOARD MEETINGS.—The Board shall meet as de-*
14 *termined necessary by the chairman but not less frequently*
15 *than once every year to fulfill the duties described in sub-*
16 *section (c).*

17 “(e) *APPLICATION OF FEDERAL ADVISORY COMMITTEE*
18 *ACT.—Section 14 of the Federal Advisory Committee Act*
19 *(5 U.S.C. App.) shall not apply to the Board.*

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

21 “(1) *MATERIALS CRITICAL TO NATIONAL SECUR-*
22 *ITY.—The term ‘materials critical to national secu-*
23 *rity’ means materials—*

1 “(A) upon which the production or
2 sustainment of military equipment is dependent;
3 and

4 “(B) the supply of which could be restricted
5 by actions or events outside the control of the
6 Government of the United States.

7 “(2) *MILITARY EQUIPMENT.*—The term ‘military
8 equipment’ means equipment used directly by the
9 Armed Forces to carry out military operations.

10 “(3) *SECURE SUPPLY.*—The term ‘secure supply’,
11 with respect to a material, means the availability of
12 a source or sources for the material, including the full
13 supply chain for the material and components con-
14 taining the material.”.

15 “(c) *REPORTS.*—Section 11 of such Act (50 U.S.C. 98h-
16 2) is amended to read as follows:

17 “**SEC. 11. REPORTS.**

18 “(a) *REPORTS TO THE BOARD.*—The National Defense
19 Stockpile Manager shall submit to the Board the following:

20 “(1) Not later than 40 calendar days after the
21 last day of each of the first three fiscal quarters in
22 each fiscal year, unaudited financial statements and
23 a Manager’s Discussion and Analysis for the imme-
24 diately preceding fiscal quarter.

1 “(2) *Not later than 60 calendar days after the*
2 *conclusion of the fourth quarter of each fiscal year—*

3 “(A) *audited financial statements and a*
4 *Manager’s Discussion and Analysis for the im-*
5 *mediately preceding fiscal year; and*

6 “(B) *an Annual Materials and Operations*
7 *Plan for the forthcoming year.*

8 “(b) *REPORTS TO CONGRESS.—*

9 “(1) *REPORTS BY NATIONAL DEFENSE STOCK-*
10 *PILE MANAGE.—Not later than 90 days after the con-*
11 *clusion of the fourth quarter of each fiscal year, the*
12 *National Defense Stockpile Manager shall submit to*
13 *the congressional defense committees (as defined in*
14 *section 101(a) of title 10, United States Code) a re-*
15 *port that shall include—*

16 “(A) *information with respect to foreign*
17 *and domestic purchases of materials for the*
18 *stockpile during the preceding fiscal year;*

19 “(B) *information with respect to the acqui-*
20 *sition and disposal of materials under this Act*
21 *by barter, during such fiscal year;*

22 “(C) *information with respect to the activi-*
23 *ties by the National Defense Stockpile Manager*
24 *to encourage the conservation, substitution, and*
25 *development of strategic and critical materials;*

1 “(D) information with respect to the re-
2 search and development activities conducted
3 under section 8 of this Act;

4 “(E) audited annual financial statements
5 for the Strategic and Critical Materials Fund;

6 “(F) other pertinent information on the ad-
7 ministration of this Act as will enable the Con-
8 gress to evaluate the effectiveness of the program;

9 “(G) details of all planned expenditures
10 from the Strategic and Critical Materials Fund
11 over the Future Years’ Defense Program and an-
12 ticipated receipts from proposed disposals of
13 stockpile materials; and

14 “(H) the report required by paragraph (2).

15 “(2) REPORT BY THE BOARD.—The Board shall
16 prepare a written report to accompany the report re-
17 quired by paragraph (1) which shall include—

18 “(A) the activities of the Board to carry out
19 the duties listed in section 10(c) of this Act; and

20 “(B) the most recent Annual Materials and
21 Operations Plan submitted under subsection
22 (a)(2)(B).”.

23 (d) CONFORMING AMENDMENTS.—

1 (1) *STRATEGIC AND CRITICAL MATERIALS STOCK*
2 *PILING ACT.*—*The Strategic and Critical Materials*
3 *Stock Piling Act (50 U.S.C. 98 et seq.) is amended—*

4 (A) *in section 5(a)(2)—*

5 (i) *by striking “certain stockpile trans-*
6 *actions” and all that follows through “sub-*
7 *mitted the President proposes”; and*

8 (ii) *by striking “any such transaction”*
9 *and inserting the following: “any stockpile*
10 *transactions proposed in the Annual Mate-*
11 *rials and Operations Plan for such fiscal*
12 *year after the Board submits the report*
13 *under section 11(b)(2) containing such*
14 *plan”; and*

15 (B) *in section 15—*

16 (i) *in subsection (c)(1), by striking*
17 *“annual materials plan” and inserting*
18 *“Annual Materials and Operations Plan”;*
19 *and*

20 (ii) *in subsection (e)—*

21 (I) *by inserting “, acting through*
22 *the National Defense Stockpile Man-*
23 *ager,” after “The President”; and*

24 (II) *by striking “section 11(a)”*
25 *and inserting “section 11(b)(1)”.*

1 (2) *TITLE 10.*—*Title 10 of the United States*
2 *Code is amended—*

3 (A) *in section 4863(g), by striking “Stra-*
4 *tegic Materials Protection Board pursuant to*
5 *section 187 of this title” and inserting “Strategic*
6 *and Critical Materials Board of Directors pursu-*
7 *ant to section 10 of the Strategic and Critical*
8 *Materials Stock Piling Act (50 U.S.C. 98h-1)”;*
9 *and*

10 (B) *in section 4872(c)(3)(B), by striking “*
11 *Strategic Materials Protection Board pursuant*
12 *to section 187 of this title” and inserting “Stra-*
13 *tegic and Critical Materials Board of Directors*
14 *pursuant to section 10 of the Strategic and Crit-*
15 *ical Materials Stock Piling Act (50 U.S.C. 98h-*
16 *1)”.*

17 **SEC. 1412. MODIFICATION OF ACQUISITION AUTHORITY**
18 **UNDER STRATEGIC AND CRITICAL MATE-**
19 **RIALS STOCK PILING ACT.**

20 (a) *IN GENERAL.*—*Section 5 of the Strategic and Crit-*
21 *ical Materials Stock Piling Act (50 U.S.C. 98d) is amend-*
22 *ed—*

23 (1) *in subsection (a)—*

24 (A) *in paragraph (1)—*

1 (i) in the first sentence, by inserting
2 “under the authority of paragraph (3) of
3 this section or” after “Except for acquisi-
4 tions made”; and

5 (ii) in the second sentence, by striking
6 “for such acquisition” and inserting “for
7 any acquisition of materials under this
8 Act”; and

9 (B) by adding at the end the following:

10 “(3) Using funds appropriated for acquisition of mate-
11 rials under this Act, the National Defense Stockpile Man-
12 ager may acquire materials determined to be strategic and
13 critical under section 3(a) without regard to the require-
14 ment of the first sentence of paragraph (1) if the Stockpile
15 Manager determines there is a shortfall of such materials
16 in the stockpile.”; and

17 (2) in subsection (c), by striking “to carry out
18 the purposes for which appropriated for a period of
19 two fiscal years, if so provided in appropriation
20 Acts” and inserting “until expended, unless otherwise
21 provided in appropriations Acts”.

22 (b) INCREASE IN QUANTITIES OF MATERIALS TO BE
23 STOCKPILED.—Section 3(c)(2) of the Strategic and Critical
24 Materials Stock Piling Act (50 U.S.C. 98b(c)(2)) is amend-
25 ed—

1 (1) by amending the first sentence to read as fol-
2 lows: “The President shall notify Congress in writing
3 of any increase proposed to be made in the quantity
4 of any material to be stockpiled that involves the ac-
5 quisition of additional materials for the stockpile.”;

6 (2) in the second sentence, by striking “the
7 change after the end of the 45-day period” and insert-
8 ing “the increase after the end of the 30-day period”;
9 and

10 (3) in the third sentence, by striking “change”
11 and inserting “increase”.

12 **SEC. 1413. BRIEFINGS ON SHORTFALLS IN NATIONAL DE-**
13 **FENSE STOCKPILE.**

14 Section 14 of the Strategic and Critical Materials
15 Stock Piling Act (50 U.S.C. 98h–5) is amended by adding
16 at the end the following new subsection:

17 “(f)(1) Not later than March 1 each year, the National
18 Defense Stockpile Manager shall provide to the congres-
19 sional defense committees a briefing on strategic and crit-
20 ical materials that—

21 “(A) are determined to be in shortfall in the
22 most recent report on stockpile requirements sub-
23 mitted under subsection (a); and

24 “(B) the acquisition or disposal of which is in-
25 cluded in the Annual Materials and Operations Plan

1 *for the operation of the stockpile during the next fiscal*
2 *year submitted under section 11(b).*

3 “(2) *Each briefing required by paragraph (1) shall in-*
4 *clude—*

5 “(A) *a description of each material described in*
6 *that paragraph, including the objective to be achieved*
7 *if funding is provided, in whole or in part, for the*
8 *acquisition of the material to remedy the shortfall;*

9 “(B) *an estimate of additional amounts required*
10 *to provide such funding, if any; and*

11 “(C) *an assessment of the supply chain for each*
12 *such material, including any assessment of any rel-*
13 *evant risk in any such supply chain.”.*

14 **SEC. 1414. AUTHORITY TO ACQUIRE MATERIALS FOR THE**
15 **NATIONAL DEFENSE STOCKPILE.**

16 (a) *ACQUISITION AUTHORITY.—Of the funds appro-*
17 *priated into the National Defense Stockpile Transaction*
18 *Fund pursuant to the authorization of appropriations*
19 *under subsection (c), the National Defense Stockpile Man-*
20 *ager may use up to \$1,003,500,000 for acquisition of the*
21 *following materials determined to be strategic and critical*
22 *materials required to meet the defense, industrial, and es-*
23 *sential civilian needs of the United States:*

24 (1) *Neodymium oxide, praseodymium oxide, and*
25 *neodymium iron boron (NdFeB) magnet block.*

1 (2) *Titanium.*

2 (3) *Energetic materials.*

3 (4) *Iso-molded graphite.*

4 (5) *Grain-oriented electric steel.*

5 (6) *Tire cord steel.*

6 (7) *Cadmium zinc telluride.*

7 (8) *Any additional materials identified as stock-*
8 *pile requirements in the most recent report submitted*
9 *to Congress under section 14 of the Strategic and*
10 *Critical Materials Stock Piling Act (50 U.S.C. 98h-*
11 *5).*

12 (b) *FISCAL YEAR LIMITATION.*—*The authority under*
13 *subsection (a) is available for purchases during fiscal years*
14 *2023 through 2032.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
16 *authorized to be appropriated to the National Defense*
17 *Stockpile Transaction Fund \$1,003,500,000 for the acquisi-*
18 *tion of strategic and critical materials under section 6(a)*
19 *of the Strategic and Critical Materials Stock Piling Act (50*
20 *U.S.C. 98e(a)).*

21 (d) *COMPLIANCE WITH STRATEGIC AND CRITICAL MA-*
22 *TERIALS STOCK PILING ACT.*—*Any acquisition using funds*
23 *appropriated pursuant to the authorization of appropria-*
24 *tions under subsection (c) shall be carried out in accordance*

1 *with the provisions of the Strategic and Critical Materials*
2 *Stock Piling Act (50 U.S.C. 98 et seq.).*

3 **SEC. 1415. DEPARTMENT OF DEFENSE READINESS TO SUP-**
4 **PORT PROLONGED CONFLICT.**

5 *(a) STUDIES REQUIRED.—*

6 *(1) IN GENERAL.—For each report required by*
7 *section 14(a) of the Strategic and Critical Materials*
8 *Stock Piling Act (50 U.S.C. 98h-5(a)), the National*
9 *Defense Stockpile Manager shall—*

10 *(A) conduct a study on the strategic mate-*
11 *rials required by the Department of Defense to*
12 *sustain combat operations for not less than one*
13 *year against the pacing threat identified in the*
14 *National Defense Strategy; and*

15 *(B) not later than January 15, 2024, sub-*
16 *mit to the congressional defense committees a re-*
17 *port on such study in a classified form with an*
18 *unclassified summary.*

19 *(2) ENERGY STORAGE AND ELECTRONIC COMPO-*
20 *NENTS.—*

21 *(A) IN GENERAL.—The Under Secretary of*
22 *Defense for Acquisition and Sustainment shall*
23 *conduct a study of the energy storage and elec-*
24 *tronic components necessary to sustain combat*
25 *operations for not less than one year against the*

1 *acing threat identified in the National Defense*
2 *Strategy.*

3 *(B) REPORT.—*

4 *(i) IN GENERAL.—Not later than Jan-*
5 *uary 15, 2024, the Under Secretary of De-*
6 *fense for Acquisition and Sustainment shall*
7 *submit to the congressional defense commit-*
8 *tees a report on the study required under*
9 *subparagraph (A).*

10 *(ii) FORM.—The report required by*
11 *clause (i) shall be submitted in an unclassi-*
12 *fied form but may contain a classified*
13 *annex.*

14 *(iii) ELEMENTS.—The report required*
15 *by clause (i) shall include the following:*

16 *(I) A description of the specific*
17 *number and type of energy storage and*
18 *electronic components that the Depart-*
19 *ment of Defense requires for the manu-*
20 *facture of munitions, combat support*
21 *items, and weapon systems to sustain*
22 *combat operations.*

23 *(II) A description of the specific*
24 *number and type of energy storage and*
25 *electronic components that the Depart-*

1 *ment of Defense requires to replenish*
2 *or replace munitions, combat support*
3 *items, and weapon systems that are*
4 *lost or expended during the execution*
5 *and sustainment of the relevant oper-*
6 *ational plan.*

7 *(III) A description of supply*
8 *chain vulnerabilities during the*
9 *sustainment and execution period, such*
10 *as sole sources of supply, war damage,*
11 *and shipping interdiction.*

12 *(IV) A description of supply*
13 *chain vulnerabilities prior to the*
14 *sustainment and execution period and*
15 *the replenishment and replacement pe-*
16 *riod, such as reliance on sole sources of*
17 *supply, geographic proximity to stra-*
18 *tegic competitors, and diminishing*
19 *manufacturing sources.*

20 *(V) An identification of alter-*
21 *native sources of supply for energy and*
22 *electronics components that are domes-*
23 *tic or are from allies or partners of the*
24 *United States.*

1 (VI) *An assessment of the tech-*
2 *nical and economic feasibility of the*
3 *preparedness and response programs of*
4 *the Department of Defense, such as the*
5 *National Defense Stockpile, the*
6 *Warstopper program, war reserves and*
7 *pre-positioned stocks, contract options,*
8 *or other methods to mitigate postulated*
9 *shortfalls to Department of Defense re-*
10 *quirements.*

11 (VII) *Any other such elements*
12 *deemed appropriate by the Under Sec-*
13 *retary of Defense for Acquisition and*
14 *Sustainment.*

15 (C) *ENERGY STORAGE AND ELECTRONIC*
16 *COMPONENT DEFINED.—In this paragraph, the*
17 *term “energy storage and electronic component”*
18 *includes—*

19 (i) *an item that operates by controlling*
20 *the flow of electrons or other electrically*
21 *charged particles in circuits, using inter-*
22 *connections of electrical devices such as re-*
23 *sistors, inductors, capacitors, diodes, switch-*
24 *es, transistors, or integrated circuits; and*

1 (ii) battery cells, battery modules, bat-
2 tery packs, and other related components re-
3 lated to batteries.

4 (b) *ACQUISITION PRIORITY.*—Consistent with the au-
5 thority in section 5 of the Strategic and Critical Materials
6 Stock Piling Act (50 U.S.C. 98d) and subject to the avail-
7 ability of appropriations, the National Defense Stockpile
8 Manager shall acquire the highest priority strategic and
9 critical materials identified in the report submitted under
10 subsection (a)(1).

11 (c) *STRATEGIC AND CRITICAL MATERIALS DEFINED.*—
12 In this section, the term “strategic and critical materials”
13 has the meaning given such term in section 12 of the Stra-
14 tegic and Critical Materials Stock Piling Act (50 U.S.C.
15 98h-3).

16 ***Subtitle C—Other Matters***

17 ***SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT***
18 ***DEPARTMENT OF DEFENSE-DEPARTMENT OF***
19 ***VETERANS AFFAIRS MEDICAL FACILITY DEM-***
20 ***ONSTRATION FUND FOR CAPTAIN JAMES A.***
21 ***LOVELL HEALTH CARE CENTER, ILLINOIS.***

22 (a) *AUTHORITY FOR TRANSFER OF FUNDS.*—Of the
23 funds authorized to be appropriated for section 1405 and
24 available for the Defense Health Program for operation and
25 maintenance, \$168,000,000 may be transferred by the Sec-

1 *retary of Defense to the Joint Department of Defense–De-*
2 *partment of Veterans Affairs Medical Facility Demonstra-*
3 *tion Fund established by subsection (a)(1) of section 1704*
4 *of the National Defense Authorization Act for Fiscal Year*
5 *2010 (Public Law 111–84; 123 Stat. 2571). For purposes*
6 *of subsection (a)(2) of such section 1704, any funds so*
7 *transferred shall be treated as amounts authorized and ap-*
8 *propriated specifically for the purpose of such a transfer.*

9 **(b) USE OF TRANSFERRED FUNDS.**—*For the purposes*
10 *of subsection (b) of such section 1704, facility operations*
11 *for which funds transferred under subsection (a) may be*
12 *used are operations of the Captain James A. Lovell Federal*
13 *Health Care Center, consisting of the North Chicago Vet-*
14 *erans Affairs Medical Center, the Navy Ambulatory Care*
15 *Center, and supporting facilities designated as a combined*
16 *Federal medical facility under an operational agreement*
17 *covered by section 706 of the Duncan Hunter National De-*
18 *fense Authorization Act for Fiscal Year 2009 (Public Law*
19 *110–417; 122 Stat. 4500).*

20 **SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR**
21 **ARMED FORCES RETIREMENT HOME.**

22 *There is hereby authorized to be appropriated for fiscal*
23 *year 2023 from the Armed Forces Retirement Home Trust*
24 *Fund the sum of \$152,360,000 of which—*

1 (1) \$75,360,000 is for operation, maintenance,
2 construction and renovation; and

3 (2) \$77,000,000 is for major construction.

4 **TITLE XV—CYBER AND INFORMA-**
5 **TION 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.*

1 ***Subtitle A—Cyber Matters***

2 ***SEC. 1501. IMPROVEMENTS TO PRINCIPAL CYBER ADVI-***
 3 ***SORS.***

4 *(a) CERTIFICATION AUTHORITY FOR CYBERSPACE OP-*
 5 *ERATIONS.—Subsection (c) of section 932 of the National*
 6 *Defense Authorization Act for Fiscal Year 2014 (Public*
 7 *Law 113–66; 10 U.S.C. 2224 note) is amended by adding*
 8 *at the end the following:*

1 “(4) *BUDGET REVIEW.*—(A) *The Secretary of*
2 *Defense, acting through the Under Secretary of De-*
3 *fense (Comptroller), shall require the Secretaries of the*
4 *military departments and the heads of the Defense*
5 *agencies with responsibilities associated with any ac-*
6 *tivity specified in paragraph (2) to transmit the pro-*
7 *posed budget for such activities for a fiscal year and*
8 *for the period covered by the future-years defense pro-*
9 *gram submitted to Congress under section 221 of this*
10 *title for that fiscal year to the Principal Cyber Advi-*
11 *sor for review under subparagraph (B) before submit-*
12 *ting the proposed budget to the Under Secretary of*
13 *Defense (Comptroller).*

14 “(B) *The Principal Cyber Advisor shall review*
15 *each proposed budget transmitted under subpara-*
16 *graph (A) and, not later than January 31 of the year*
17 *preceding the fiscal year for which the budget is pro-*
18 *posed, shall submit to the Secretary of Defense a re-*
19 *port containing the comments of the Principal Cyber*
20 *Advisor with respect to all such proposed budgets, to-*
21 *gether with the certification of the Principal Cyber*
22 *Advisor regarding whether each proposed budget is*
23 *adequate.*

24 “(C) *Not later than March 31 of each year, the*
25 *Secretary of Defense shall submit to Congress a report*

1 *specifying each proposed budget that the Principal*
2 *Cyber Advisor did not certify to be adequate. The re-*
3 *port of the Secretary shall include the following mat-*
4 *ters:*

5 *“(i) A discussion of the actions that the Sec-*
6 *retary proposes to take, together with any rec-*
7 *ommended legislation that the Secretary con-*
8 *siders appropriate, to address the inadequacy of*
9 *the proposed budgets specified in the report.*

10 *“(ii) Any additional comments that the Sec-*
11 *retary considers appropriate regarding the inad-*
12 *equacy of the proposed budgets.”.*

13 *(b) CODIFICATION OF PRINCIPAL CYBER ADVISORS.—*

14 *(1) TITLE 10.—Chapter 19 of title 10, United*
15 *States Code, is amended by inserting after section 392*
16 *the following new section (and conforming the table of*
17 *sections at the beginning of such chapter accordingly):*

18 **“§ 392a. Principal Cyber Advisors”.**

19 *(2) PRINCIPAL CYBER ADVISOR TO SECRETARY*
20 *OF DEFENSE.—Subsection (c) of section 932 of the*
21 *National Defense Authorization Act for Fiscal Year*
22 *2014 (Public Law 113–66; 10 U.S.C. 2224 note), as*
23 *amended by subsection (a), is—*

24 *(A) transferred to section 392a of title 10,*
25 *United States Code, as added by paragraph (1);*

1 (B) redesignated as subsection (a);

2 (C) amended by striking paragraph (1) and
3 inserting the following:

4 “(1) *ESTABLISHMENT.*—*There is a Principal*
5 *Cyber Advisor in the Department of Defense.*”; and

6 (D) amended in the subsection heading by
7 inserting “*TO SECRETARY OF DEFENSE*” after
8 “*ADVISOR*”.

9 (3) *DEPUTY CYBER ADVISOR.*—*Section 905 of the*
10 *National Defense Authorization Act for Fiscal Year*
11 *2020 (Public Law 116–92; 10 U.S.C. 391 note) is—*

12 (A) transferred to chapter 19 of title 10,
13 *United States Code, designated as subsection (b)*
14 *of section 392a, as added by paragraph (1), and*
15 *amended by redesignating each subordinate pro-*
16 *vision and the margins thereof accordingly; and*

17 (B) amended—

18 (i) by striking “*this subsection*” each
19 *place it appears and inserting “this para-*
20 *graph*”; and

21 (ii) by striking “*subsection (a)*” each
22 *place it appears and inserting “paragraph*
23 *(1)*”.

24 (4) *PRINCIPAL CYBER ADVISORS TO SECRE-*
25 *TARIES OF MILITARY DEPARTMENTS.*—*Section 1657 of*

1 *the National Defense Authorization Act for Fiscal*
2 *Year 2020 (Public Law 116–92; 10 U.S.C. 391 note)*
3 *is—*

4 *(A) transferred to chapter 19 of title 10,*
5 *United States Code, designated as subsection (c)*
6 *of section 392a, as added by paragraph (1), and*
7 *amended by redesignating each subordinate pro-*
8 *vision and the margins thereof accordingly; and*

9 *(B) amended—*

10 *(i) by striking “subparagraph (B)”*
11 *and inserting “clause (ii)”;*

12 *(ii) by striking “paragraph (1)” each*
13 *place it appears and inserting “subpara-*
14 *graph (A)”;*

15 *(iii) by striking “paragraph (2)” each*
16 *place it appears and inserting “subpara-*
17 *graph (B)”;*

18 *(iv) by striking “subsection (a)(1)”*
19 *and inserting “paragraph (1)(A)”;*

20 *(v) by striking “subsection (a)” each*
21 *place it appears and inserting “paragraph*
22 *(1)”;*

23 *(vi) by striking “subsection (b)” each*
24 *place it appears and inserting “paragraph*
25 *(2)”;* *and*

1 (vii) by striking paragraph (6) (as re-
2 designated pursuant to subparagraph (A)).

3 (c) CONFORMING AMENDMENTS.—

4 (1) TITLE 10.—Section 167b(d)(2)(A) of title 10,
5 United States Code, is amended by inserting “to the
6 Secretary of Defense under section 392a(a) of this
7 title” after “Principal Cyber Advisor”.

8 (2) FY22 NDAA.—Section 1528(e)(2) of the Na-
9 tional Defense Authorization Act for Fiscal Year 2022
10 (Public Law 117–81; 10 U.S.C. 2224 note) is amend-
11 ed by striking “section 1657(d) of the National De-
12 fense Authorization Act for Fiscal Year 2020 (Public
13 Law 116–92; 10 U.S.C. 391 note)” and inserting
14 “section 392a(c)(4) of title 10, United States Code”.

15 (3) FY17 NDAA.—Section 1643(b) of the Na-
16 tional Defense Authorization Act for Fiscal Year 2017
17 (Public Law 114–328; 10 U.S.C. 2224 note) is
18 amended by striking “The Principal Cyber Advisor,
19 acting through the cross-functional team established
20 by section 932(c)(3) of the National Defense Author-
21 ization Act for Fiscal Year 2014 (Public Law 113–
22 66; 10 U.S.C. 2224 note)” and inserting “The Prin-
23 cipal Cyber Advisor to the Secretary of Defense, act-
24 ing through the cross-functional team under section
25 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, United*
5 *States Code, is amended by inserting after section 391 the*
6 *following new section (and conforming the table of sections*
7 *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 date*
12 *on which the Secretary of Defense submits to Congress the*
13 *defense budget materials (as defined in section 239 of this*
14 *title) for a fiscal year, the Commander of the United States*
15 *Cyber Command shall submit to the congressional defense*
16 *committees a report containing the following:*

17 *“(1) An evaluation of whether each military de-*
18 *partment is meeting the requirements established by*
19 *the Commander and validated by the Office of the*
20 *Secretary of Defense, and is effectively implementing*
21 *the plan required by section 1534 of the National De-*
22 *fense Authorization Act for Fiscal Year 2023, and the*
23 *requirements established pursuant to section 1533 of*
24 *such Act.*

25 *“(2) For each military department evaluated*
26 *under paragraph (1)—*

1 “(A) a certification that the military de-
2 partment is meeting such requirements; or

3 “(B) a detailed explanation regarding how
4 the military department is not meeting such re-
5 quirements.

6 “(b) *ELEMENTS OF EVALUATION.*—Each evaluation
7 under subsection (a)(1) shall include, with respect to the
8 military department being evaluated, the following:

9 “(1) The adequacy of the policies, procedures,
10 and execution of manning, training, and equipping
11 personnel for employment within the Cyber Mission
12 Force.

13 “(2) The sufficiency and robustness of training
14 curricula for personnel to be assigned to either the
15 Cyber Mission Force or units within the cyberspace
16 operations forces, and the compliance by the military
17 department with training standards.

18 “(3) The adequacy of the policies and procedures
19 relating to the assignment and assignment length of
20 members of the Army, Navy, Air Force, Marine
21 Corps, or Space Force to the Cyber Mission Force.

22 “(4) The efficacy of the military department in
23 filling key work roles within the Cyber Mission Force,
24 including the proper force mix of civilian, military,
25 and contractor personnel, and the means necessary to

1 *meet requirements established by the Commander and*
2 *validated by the Secretary of Defense.*

3 *“(5) The adequacy of the investment to advance*
4 *cyber-peculiar science and technology, particularly*
5 *with respect to capability development for the Cyber*
6 *Mission Force.*

7 *“(6) The sufficiency of the policies, procedures,*
8 *and investments relating to the establishment and*
9 *management of military occupational specialty, des-*
10 *ignator, rating, or Air Force specialty code for per-*
11 *sonnel responsible for cyberspace operations, includ-*
12 *ing an assessment of the effectiveness of the combina-*
13 *tion of policies determining availability and retention*
14 *of sufficient numbers of proficient personnel in key*
15 *work roles, including length of service commitment,*
16 *the use of bonuses and special pays, alternative com-*
17 *penensation mechanisms, and consecutive tours in pre-*
18 *ferred assignments.*

19 *“(7) In coordination with the Principal Cyber*
20 *Advisor of the Department of Defense, an evaluation*
21 *of the use by the military department of the shared*
22 *lexicon of the Department of Defense specific to cyber-*
23 *space activities.*

1 “(8) *The readiness of personnel serving in the*
 2 *Cyber Mission Force and the cyberspace operations*
 3 *forces to accomplish assigned missions.*

4 “(9) *The adequacy of actions taken during the*
 5 *period of evaluation by the military department to re-*
 6 *spond to findings from any previous years’ evalua-*
 7 *tions.*

8 “(10) *Any other element determined relevant by*
 9 *the Commander.”.*

10 **(b) FIRST REPORT.**—*The Commander of the United*
 11 *States Cyber Command shall submit to the congressional*
 12 *defense committees the first report under section 391a of*
 13 *title 10, United States Code, as added by subsection (a),*
 14 *as soon as practicable after the date of the submission of*
 15 *the defense budget materials for fiscal year 2024.*

16 **SEC. 1503. MODIFICATION OF OFFICE OF PRIMARY RESPON-**
 17 **SIBILITY FOR STRATEGIC CYBERSECURITY**
 18 **PROGRAM.**

19 *Paragraph (2) of section 1640(c) of the National De-*
 20 *fense Authorization Act for Fiscal Year 2018 (Public Law*
 21 *115–91; 10 U.S.C. 2224 note) is amended to read as follows:*

22 “(2) **OFFICE OF PRIMARY RESPONSIBILITY.**—*Not*
 23 *later than 30 days after the date of the enactment of*
 24 *the National Defense Authorization Act for Fiscal*
 25 *Year 2023, the Secretary of Defense shall designate a*

1 *principal staff assistant from within the Office of the*
 2 *Secretary of Defense whose office shall serve as the of-*
 3 *fice of primary responsibility for the Program, pro-*
 4 *viding policy, direction, and oversight regarding the*
 5 *execution of the responsibilities of the program man-*
 6 *ager described in paragraph (5).”.*

7 **SEC. 1504. TAILORED CYBERSPACE OPERATIONS ORGANIZA-**
 8 **TIONS.**

9 *Section 1723 of the William M. (Mac) Thornberry Na-*
 10 *tional Defense Authorization Act for Fiscal Year 2021 (Pub-*
 11 *lic Law 116–283; 10 U.S.C. 394 note) is amended by add-*
 12 *ing at the end the following new subsections:*

13 “(e) *IMPLEMENTATION.*—*Not later than May 1, 2023,*
 14 *the Commanding Officer of Navy Cyber Warfare Develop-*
 15 *ment Group shall submit to the congressional defense com-*
 16 *mittees an independent review of the study under subsection*
 17 *(a). The review shall include, at a minimum, evaluations*
 18 *of—*

19 “(1) *the value of the study to the Navy Cyber*
 20 *Warfare Development Group and to the Navy;*

21 “(2) *any recommendations not considered or in-*
 22 *cluded as part of the study;*

23 “(3) *the implementation of subsection (b); and*

24 “(4) *other matters as determined by the Com-*
 25 *manding Officer.*

1 “(f) *UPDATE TO CONGRESS.*—Not later than July 1,
2 2023, the Secretaries of the military departments and the
3 Assistant Secretary of Defense for Special Operations and
4 Low Intensity Conflict shall provide to the congressional
5 defense committees a briefing on activities taken during the
6 period following the date of the briefing provided under sub-
7 section (d), including an examination of establishing Tai-
8 lored Cyberspace Operations Organizations and use of the
9 authority provided pursuant to subsection (c).

10 “(g) *AIR FORCE ACTIONS.*—Not later than July 1,
11 2023, the Secretary of the Air Force shall submit to the con-
12 gressional defense committees a review of the activities of
13 the Navy Cyber Warfare Development Group, including
14 with respect to the authorities of the Group. The review
15 shall include the following:

16 “(1) An assessment of whether such authorities
17 shall be conferred on the 90th Cyberspace Operations
18 Squadron of the Air Force.

19 “(2) A consideration of whether the 90th Cyber-
20 space Operations Squadron should be designated a
21 controlled tour, as defined by the Secretary.”.

1 **SEC. 1505. ESTABLISHMENT OF SUPPORT CENTER FOR CON-**
2 **SORTIUM OF UNIVERSITIES THAT ADVISE**
3 **SECRETARY OF DEFENSE ON CYBERSECURITY**
4 **MATTERS.**

5 *Section 1659 of the National Defense Authorization*
6 *Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.*
7 *391 note) is amended by adding at the end the following*
8 *new subsection:*

9 “(f) *SUPPORT CENTER.*—

10 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
11 *tablish a center to provide support to the consortium*
12 *established under subsection (a).*

13 “(2) *COMPOSITION.*—

14 “(A) *REQUIREMENT.*—*The center estab-*
15 *lished under paragraph (1) shall be composed of*
16 *one or two universities, as the Secretary con-*
17 *siders appropriate, that—*

18 “(i) *have been designated as centers of*
19 *academic excellence by the Director of the*
20 *National Security Agency or the Secretary*
21 *of Homeland Security; and*

22 “(ii) *are eligible for access to classified*
23 *information.*

24 “(B) *PUBLICATION.*—*The Secretary shall*
25 *publish in the Federal Register the process for se-*

1 *lection of universities to serve as the center estab-*
2 *lished under paragraph (1).*

3 *“(3) FUNCTIONS.—The functions of the center es-*
4 *tablished under paragraph (1) are as follows:*

5 *“(A) To promote the consortium established*
6 *under subsection (a).*

7 *“(B) To distribute on behalf of the Depart-*
8 *ment requests for information or assistance to*
9 *members of the consortium.*

10 *“(C) To collect and assemble responses from*
11 *requests distributed under subparagraph (B).*

12 *“(D) To provide additional administrative*
13 *support for the consortium.”.*

14 **SEC. 1506. ALIGNMENT OF DEPARTMENT OF DEFENSE**
15 **CYBER INTERNATIONAL STRATEGY WITH NA-**
16 **TIONAL DEFENSE STRATEGY AND DEPART-**
17 **MENT OF DEFENSE CYBER STRATEGY.**

18 *(a) ALIGNMENT REQUIRED.—Not later than 270 days*
19 *after the date of the enactment of this Act, the Secretary*
20 *of Defense, acting through the Under Secretary of Defense*
21 *for Policy and in coordination with the commanders of the*
22 *combatant commands and the Director of the Joint Staff,*
23 *shall undertake efforts to align the cybersecurity cooperation*
24 *enterprise of the Department of Defense and the cyberspace*
25 *operational partnerships of the Department with—*

1 (1) *the national defense strategy published in*
2 *2022 pursuant to section 113(g) of title 10, United*
3 *States Code;*

4 (2) *the Cyber Strategy of the Department pub-*
5 *lished during fiscal year 2023; and*

6 (3) *the current International Cyberspace Secu-*
7 *rity Cooperation Guidance of the Department, as of*
8 *the date of the enactment of this Act.*

9 (b) *ELEMENTS.—The alignment efforts under sub-*
10 *section (a) shall include the following efforts within the De-*
11 *partment of Defense:*

12 (1) *Efforts to build the internal capacity of the*
13 *Department to support international strategy policy*
14 *engagements with allies and partners of the United*
15 *States.*

16 (2) *Efforts to coordinate and align cyberspace*
17 *operations with foreign partners of the United States,*
18 *including alignment between hunt-forward missions*
19 *and other cyber international strategy activities con-*
20 *ducted by the Department, including identification of*
21 *processes, working groups, and methods to facilitate*
22 *coordination between geographic combatant com-*
23 *mands and the United States Cyber Command.*

24 (3) *Efforts to deliberately cultivate operational*
25 *and intelligence-sharing partnerships with key allies*

1 *and partners of the United States to advance the*
2 *cyberspace operations objectives of the Department.*

3 *(4) Efforts to identify key allied and partner*
4 *networks, infrastructure, and systems that the Joint*
5 *Force will rely upon for warfighting and to—*

6 *(A) support the cybersecurity and cyber de-*
7 *fense of those networks, infrastructure, and sys-*
8 *tems;*

9 *(B) build partner capacity to actively de-*
10 *fend those networks, infrastructure, and systems;*

11 *(C) eradicate malicious cyber activity that*
12 *has compromised those networks, infrastructure,*
13 *and systems, such as when identified through*
14 *hunt-forward operations; and*

15 *(D) leverage the commercial and military*
16 *cybersecurity technology and services of the*
17 *United States to harden and defend those net-*
18 *works, infrastructure, and systems.*

19 *(5) Efforts to secure the environments and net-*
20 *works of mission partners of the United States used*
21 *to hold intelligence and information originated by the*
22 *United States.*

23 *(6) Prioritization schemas, funding require-*
24 *ments, and efficacy metrics to drive cyberspace secu-*
25 *rity investments in the tools, technologies, and capac-*

1 *ity-building efforts that will have the greatest positive*
2 *impact on the resilience and ability of the Depart-*
3 *ment to execute its operational plans and achieve in-*
4 *tegrated deterrence.*

5 *(c) ORGANIZATION.—The Under Secretary of Defense*
6 *for Policy shall lead efforts to implement this section. In*
7 *doing so, the Under Secretary shall consult with the Sec-*
8 *retary of State, the National Cyber Director, the Director*
9 *of the Cybersecurity and Infrastructure Security Agency,*
10 *and the Director of the Federal Bureau of Investigation,*
11 *to align plans and programs as appropriate.*

12 *(d) ANNUAL BRIEFINGS.—*

13 *(1) REQUIREMENT.—Not later than 180 days*
14 *after the date of the enactment of this Act, and not*
15 *less frequently than once each fiscal year until Sep-*
16 *tember 30, 2025, the Under Secretary of Defense for*
17 *Policy shall provide to the Committees on Armed*
18 *Services of the Senate and the House of Representa-*
19 *tives a briefing on the implementation of this section.*

20 *(2) CONTENTS.—Each briefing under paragraph*
21 *(1) shall include the following:*

22 *(A) An overview of efforts undertaken pur-*
23 *suant to this section.*

24 *(B) An accounting of all the security co-*
25 *operation activities of the Department germane*

1 to cyberspace and changes made pursuant to im-
2 plementation of this section.

3 (C) A detailed schedule with target mile-
4 stones and required expenditures for all planned
5 activities related to the efforts described in sub-
6 section (b).

7 (D) Interim and final metrics for building
8 the cyberspace security cooperation enterprise of
9 the Department.

10 (E) Identification of such additional fund-
11 ing, authorities, and policies, as the Under Sec-
12 retary determines may be required.

13 (F) Such recommendations as the Under
14 Secretary may have for legislative action to im-
15 prove the effectiveness of cyberspace security co-
16 operation of the Department with foreign part-
17 ners and allies.

18 (e) ANNUAL REPORT.—Not later than 90 days after
19 the date of the enactment of this Act and not less frequently
20 than once each year thereafter until January 1, 2025, the
21 Under Secretary of Defense for Policy shall submit to the
22 Committee on Armed Services of the Senate and the Com-
23 mittee on Armed Services of the House of Representatives
24 a report summarizing the cyber international strategy ac-
25 tivities of the Department, including within the cybersecu-

1 *city cooperation enterprise of the Department and the cyber*
2 *operational partnerships of the Department.*

3 **SEC. 1507. ENHANCEMENT OF CYBERSPACE TRAINING AND**
4 **SECURITY COOPERATION.**

5 (a) *ENHANCED TRAINING.*—

6 (1) *REQUIREMENT.*—*The Under Secretary of De-*
7 *fense for Intelligence and Security and the Under Sec-*
8 *retary of Defense for Policy, in coordination with the*
9 *Commander of United States Cyber Command, the*
10 *Director of the Defense Security Cooperation Agency,*
11 *and the Director of the Defense Intelligence Agency,*
12 *shall develop enhanced guidance for and implement*
13 *training on cyberspace security cooperation at the*
14 *Defense Security Cooperation University and the*
15 *Joint Military Attaché School.*

16 (2) *TIMING.*—*The Under Secretaries shall de-*
17 *velop the enhanced guidance and implement the*
18 *training under paragraph (1)—*

19 (A) *by not later than one year after the date*
20 *of the enactment of this Act with respect to the*
21 *Joint Military Attaché School; and*

22 (B) *by not later than September 30, 2025,*
23 *with respect to the Defense Security Cooperation*
24 *University.*

1 (3) *ELEMENTS.*—*The Under Secretaries shall en-*
2 *sure that the training on cyberspace security coopera-*
3 *tion under paragraph (1)—*

4 (A) *is tailored to the trainees’ anticipated*
5 *embassy role and functions; and*

6 (B) *provides familiarity with—*

7 (i) *the different purposes of cyberspace*
8 *engagements with partners and allies of the*
9 *United States, including threat awareness,*
10 *cybersecurity, mission assurance, and oper-*
11 *ations;*

12 (ii) *the types of cyberspace security co-*
13 *operation programs and activities available*
14 *for partners and allies of the United States,*
15 *including bilateral and multilateral cyber-*
16 *space engagements, information and intel-*
17 *ligence sharing, training, and exercises;*

18 (iii) *the United States Cyber Com-*
19 *mand cyberspace operations with partners,*
20 *including an overview of the Hunt Forward*
21 *mission and process;*

22 (iv) *the roles and responsibilities of the*
23 *United States Cyber Command, the geo-*
24 *graphic combatant commands, and the De-*
25 *fense Security Cooperation Agency for cy-*

1 *bersecurity cooperation within the Depart-*
2 *ment of Defense; and*

3 *(v) such other matters as the Under*
4 *Secretaries, in coordination with the Com-*
5 *mander of United States Cyber Command,*
6 *consider appropriate.*

7 *(4) REQUIREMENTS.—The baseline familiariza-*
8 *tion training developed under subsection (a) shall be*
9 *a required element for all participants in the Defense*
10 *Security Cooperation University, the Attaché Train-*
11 *ing Program, and the Attaché Staff Training Pro-*
12 *gram of the Joint Military Attaché School.*

13 *(b) REPORT.—Not later than 180 days after the date*
14 *of the enactment of this Act, the Under Secretary of Defense*
15 *for Intelligence and Security and the Under Secretary of*
16 *Defense for Policy, in coordination with the Commander*
17 *of the United States Cyber Command, the Director of the*
18 *Defense Security Cooperation Agency, and the Director of*
19 *the Defense Intelligence Agency, shall submit to the Com-*
20 *mittees on Armed Services of the Senate and the House of*
21 *Representatives a report on the requirements and consider-*
22 *ations to implement enhanced training and coordination*
23 *to advance cyberspace security cooperation with foreign*
24 *partners. The study may consider such areas as the fol-*
25 *lowing:*

1 (1) *Sufficiency of the training provided in the*
2 *Defense Security Cooperation University and the*
3 *Joint Military Attaché School.*

4 (2) *Additional training requirements, famil-*
5 *iarization requirements, or both such requirements*
6 *necessary for officers assigned to particular locations*
7 *or positions.*

8 (3) *Areas for increased cooperation.*

9 (4) *A plan for completing the activities required*
10 *by subsection (a).*

11 (5) *Additional resources required to complete*
12 *such activities.*

13 (c) *BRIEFING.—Not later than 30 days after the date*
14 *on which the Under Secretary of Defense for Intelligence*
15 *and Security and the Under Secretary of Defense for Policy*
16 *submit the report under subsection (b), the Under Secre-*
17 *taries, in coordination with the Commander of the United*
18 *States Cyber Command, the Director of the Defense Secu-*
19 *rity Cooperation Agency, and the Director of the Defense*
20 *Intelligence Agency, shall provide to the Committees on*
21 *Armed Services of the Senate and the House of Representa-*
22 *tives a briefing on the findings from the report on enhanc-*
23 *ing training and coordination to advance cyberspace secu-*
24 *rity cooperation described in such subsection. Such briefing*
25 *shall include a discussion on the enhanced training meeting*

1 *the elements under subsection (a)(3) and a plan for future*
2 *updates and sustainment of such training.*

3 **SEC. 1508. MILITARY CYBERSECURITY COOPERATION WITH**
4 **HASHEMITE KINGDOM OF JORDAN.**

5 (a) *REQUIREMENT.*—*Not later than 180 days after the*
6 *date of the enactment of this Act, the Secretary of Defense,*
7 *acting through the Under Secretary of Defense for Policy,*
8 *in concurrence with the Secretary of State and in coordina-*
9 *tion with the Commander of the United States Cyber Com-*
10 *mand and the Commander of the United States Central*
11 *Command, shall seek to engage the Ministry of Defense of*
12 *the Hashemite Kingdom of Jordan for the purpose of ex-*
13 *panding cooperation of military cybersecurity activities.*

14 (b) *COOPERATION EFFORTS.*—*In expanding the co-*
15 *operation of military cybersecurity activities between the*
16 *Department of Defense and the Ministry of Defense of the*
17 *Hashemite Kingdom of Jordan under subsection (a), the*
18 *Secretary of Defense may carry out the following efforts:*

19 (1) *Bilateral cybersecurity training activities*
20 *and exercises.*

21 (2) *Efforts to—*

22 (A) *actively defend military networks, in-*
23 *frastructure, and systems;*

1 (B) eradicate malicious cyber activity that
2 has compromised those networks, infrastructure,
3 and systems; and

4 (C) leverage United States commercial and
5 military cybersecurity technology and services to
6 harden and defend those networks, infrastruc-
7 ture, and systems.

8 (3) Establishment of a regional cybersecurity
9 center.

10 (c) BRIEFINGS.—

11 (1) REQUIREMENT.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense, in coordination with the Secretary
14 of State, shall provide to the appropriate congress-
15 sional committees a briefing on the implementation of
16 this section.

17 (2) CONTENTS.—The briefing under paragraph
18 (1) shall include the following:

19 (A) An overview of efforts undertaken pur-
20 suant to this section.

21 (B) A description of the feasibility and ad-
22 visability of expanding the cooperation of mili-
23 tary cybersecurity activities between the Depart-
24 ment of Defense and the Ministry of Defense of
25 the Hashemite Kingdom of Jordan.

1 (C) *Identification of any challenges and re-*
2 *sources that need to be addressed so as to expand*
3 *such cooperation.*

4 (D) *Any other matter the Secretary deter-*
5 *mines relevant.*

6 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
7 *FINED.—In this section, the term “appropriate congres-*
8 *sional committees” means—*

9 (1) *the Committee on Armed Services and the*
10 *Committee on Foreign Relations of the Senate; and*

11 (2) *the Committee on Armed Services and the*
12 *Committee on Foreign Affairs of the House of Rep-*
13 *resentatives.*

14 **SEC. 1509. MANAGEMENT AND OVERSIGHT OF JOINT CYBER**
15 **WARFIGHTING ARCHITECTURE.**

16 (a) *ESTABLISHMENT OF OFFICES.—*

17 (1) *REQUIREMENT.—The Secretary of Defense,*
18 *in consultation with the Commander of the United*
19 *States Cyber Command, shall establish within the*
20 *United States Cyber Command—*

21 (A) *a program executive office; and*

22 (B) *one or more subordinate program man-*
23 *agement offices under the program executive of-*
24 *fice.*

1 (2) *RESPONSIBILITIES.*—*The offices established*
2 *pursuant to paragraph (1) shall—*

3 (A) *oversee, manage, and execute the Joint*
4 *Cyber Warfighting Architecture;*

5 (B) *oversee, manage, and execute the pro-*
6 *grams designated, or to be designated, as part of*
7 *the Joint Cyber Warfighting Architecture;*

8 (C) *conduct mission engineering,*
9 *architecting, and design of the Joint Cyber*
10 *Warfighting Architecture system of systems, and*
11 *any successor effort;*

12 (D) *maintain a validated Joint Cyber*
13 *Warfighting Architecture system of systems mis-*
14 *sion architecture, updated regularly to inform*
15 *the current and future constituent programs of*
16 *the Joint Cyber Warfighting Architecture, and*
17 *the continuous delivery pipelines of such pro-*
18 *grams;*

19 (E) *ensure that the Joint Cyber Warfighting*
20 *Architecture component solution architectures*
21 *align with and support the Joint Cyber*
22 *Warfighting Architecture system of systems mis-*
23 *sion architecture;*

24 (F) *support integration of mission-specific*
25 *capabilities, including mission-specific data,*

1 *analytics, defensive tools, offensive tools, and in-*
2 *telligence systems, acquired through non-Joint*
3 *Cyber Warfighting Architecture programs; and*

4 *(G) carry out any other responsibilities de-*
5 *termined appropriate by the Secretary of De-*
6 *fense, including the acquisition of cyber oper-*
7 *ations capabilities beyond the Joint Cyber*
8 *Warfighting Architecture.*

9 (3) *APPORTIONMENT OF RESPONSIBILITIES.—*
10 *The Commander shall apportion the responsibilities*
11 *under paragraph (2) across the offices established*
12 *pursuant to paragraph (1).*

13 (4) *AUTHORITY.—The Secretary shall ensure*
14 *that the offices established pursuant to paragraph (1)*
15 *are empowered with the authority necessary to compel*
16 *and enforce compliance with decisions and directives*
17 *issued pursuant to the responsibilities under para-*
18 *graph (2).*

19 (b) *ARCHITECTURE COMPONENTS.—The Commander*
20 *shall serve as the sole sponsor and requirements manager*
21 *for the Joint Cyber Warfighting Architecture and the con-*
22 *stituent programs of such architecture, as determined by the*
23 *Commander.*

24 (c) *ORGANIZATION OF PROGRAM EXECUTIVE OF-*
25 *FICE.—*

1 (1) *HEAD.*—

2 (A) *REPORTING.*—*The head of the program*
3 *executive office established under subsection*
4 *(a)(1)(A) shall report to the Command Acquisi-*
5 *tion Executive of the United States Cyber Com-*
6 *mand.*

7 (B) *ADDITIONAL OVERSIGHT.*—*In addition*
8 *to the oversight of the head of the program execu-*
9 *tive office provided by the Command Acquisition*
10 *Executive under subparagraph (A), the Under*
11 *Secretary of Defense for Acquisition and*
12 *Sustainment, the Under Secretary of Defense for*
13 *Research and Engineering, and the Principal*
14 *Cyber Advisor of the Department of Defense shall*
15 *provide oversight of the head.*

16 (2) *RESPONSIBILITIES.*—*The head of the pro-*
17 *gram executive office shall—*

18 (A) *exercise central technical authority for*
19 *the Joint Cyber Warfighting Architecture;*

20 (B) *manage and provide oversight of the*
21 *implementation and integration of the Architec-*
22 *ture; and*

23 (C) *provide direction to subordinate pro-*
24 *gram offices, as determined appropriate by the*
25 *Commander.*

1 (d) *PERSONNEL.*—

2 (1) *NECESSARY POSITIONS.*—*The Commander of*
3 *the United States Cyber Command shall ensure that*
4 *the program executive office or any subordinate pro-*
5 *gram management office established pursuant to sub-*
6 *section (a)(1) includes in the staff of the respective of-*
7 *fice a chief architect, a systems engineer, and a chief*
8 *talent officer to—*

9 (A) *develop a mission-driven Joint Cyber*
10 *Warfighting Architecture optimized for execution*
11 *of missions of the United States Cyber Com-*
12 *mand;*

13 (B) *ensure the office is properly and effec-*
14 *tively staffed; and*

15 (C) *advise the head of the office with respect*
16 *to the execution of—*

17 (i) *the central technical authority for*
18 *the Joint Cyber Warfighting Architecture;*

19 (ii) *the management of the implemen-*
20 *tation and integration of the Joint Cyber*
21 *Warfighting Architecture; and*

22 (iii) *technical direction provided to*
23 *subordinates responsible for individual*
24 *Joint Cyber Warfighting Architecture pro-*
25 *grams.*

1 (2) *STAFFING.*—

2 (A) *IN GENERAL.*—*The Secretary of De-*
3 *fense, in coordination with the Commander of*
4 *the United States Cyber Command, shall ensure*
5 *that the offices established pursuant to subsection*
6 *(a)(1) are appropriately staffed with expert tal-*
7 *ent, including from the following organizations,*
8 *as appropriate:*

9 (i) *The headquarters staff of the United*
10 *States Cyber Command, the Cyber National*
11 *Mission Force, the Joint Force Head-*
12 *quarters-Cyber, and the Cyber Mission*
13 *Force.*

14 (ii) *The Capabilities Directorate of the*
15 *National Security Agency.*

16 (iii) *The military departments.*

17 (iv) *The Cyber Capabilities Support*
18 *Office of the Air Force.*

19 (v) *The Defense Advanced Research*
20 *Projects Agency.*

21 (vi) *The Strategic Capabilities Office.*

22 (vii) *Research laboratories of the mili-*
23 *tary departments.*

24 (viii) *The Defense Information Sys-*
25 *tems Agency.*

1 (B) *TECHNICAL TALENT.*—*In addition to*
2 *the requirement under subparagraph (A), to sup-*
3 *port the permanent staffing of the offices estab-*
4 *lished pursuant to subsection (a)(1), the Com-*
5 *mander of the United States Cyber Command*
6 *shall ensure that the offices deliberately hire and*
7 *use technical talent resident in the defense indus-*
8 *trial base, commercial technology industry, feder-*
9 *ally funded research and development centers,*
10 *university affiliated research centers, and the*
11 *rest of the Federal Government.*

12 (e) *BUDGET EXECUTION CONTROL.*—*The Secretary*
13 *shall provide to the United States Cyber Command the re-*
14 *sources necessary to support the program executive office*
15 *established under subsection (a)(1)(A) and the Commander*
16 *of the United States Cyber Command shall exercise budget*
17 *execution control over component programs of the Joint*
18 *Cyber Warfighting Architecture that are subject to the re-*
19 *sponsibilities assigned to the Commander by section 1507*
20 *of the National Defense Authorization Act for Fiscal Year*
21 *2022 (Public Law 117–81; 10 U.S.C. 167b note).*

22 (f) *CONSTELLATION PROGRAM.*—*The Director of the*
23 *Defense Advanced Research Projects Agency and the head*
24 *of the program executive office established under subsection*
25 *(a)(1)(A) shall plan and carry out the Constellation pro-*

1 *gram by entering into transactions under section 4021 of*
2 *title 10, United States Code. In carrying out the preceding*
3 *sentence, the Secretary shall establish an effective frame-*
4 *work and pipeline system for maturing cyber operations-*
5 *relevant technologies developed by the Agency, integrating*
6 *the technologies into Joint Cyber Warfighting Architecture*
7 *capabilities, and transitioning the technologies into oper-*
8 *ational use by the United States Cyber Command.*

9 *(g) TRANSITION.—The Secretary of Defense, in coordi-*
10 *nation with the Commander of the United States Cyber*
11 *Command, shall transition responsibilities for the manage-*
12 *ment and execution of Joint Cyber Warfighting Architec-*
13 *ture programs from the military departments to the offices*
14 *established pursuant to subsection (a)(1) by the earlier of*
15 *the following:*

16 *(1) The date on which—*

17 *(A) the offices are appropriately staffed and*
18 *resourced; and*

19 *(B) the Commander determines that the*
20 *transition is appropriate.*

21 *(2) The date that is five years after the date of*
22 *the enactment of this Act.*

23 *(h) REVIEW.—Not later than one year after the date*
24 *of the enactment of this Act, the Under Secretary of Defense*
25 *for Acquisition and Sustainment and the Commander of*

1 *the United States Cyber Command, in coordination with*
2 *the Under Secretary of Defense for Research and Engineer-*
3 *ing, the Principal Cyber Advisor of the Department of De-*
4 *fense, the Secretaries of the military departments, the Direc-*
5 *tor of the Defense Advanced Research Projects Agency, and*
6 *the Director of the National Security Agency, shall submit*
7 *to the congressional defense committees an integrated review*
8 *of the Joint Cyber Warfighting Architecture and all other*
9 *capabilities required for the execution of the missions of the*
10 *United States Cyber Command to determine the following:*

11 (1) *The extent to which capabilities of the United*
12 *States Cyber Command and the National Security*
13 *Agency should be joint, mutually available, inte-*
14 *grated, or interoperable.*

15 (2) *Whether each of the Joint Cyber Warfighting*
16 *Architecture capabilities has been effectively designed*
17 *and architected to enable each of the missions of the*
18 *United States Cyber Command.*

19 (3) *How the Joint Cyber Warfighting Architec-*
20 *ture will support defense of the Department of Defense*
21 *Information Network and its relation to existing*
22 *datasets, sensors, tools, firewalls, and capabilities de-*
23 *ployed at each echelon of the Department of Defense*
24 *Information Network.*

1 (4) *What data, capabilities, and technologies ex-*
2 *ternal to the current Joint Cyber Warfighting Archi-*
3 *itecture programs, as of the date of the review, should*
4 *be acquired as part of the Joint Cyber Warfighting*
5 *Architecture and under the control of the offices estab-*
6 *lished pursuant to subsection (a)(1).*

7 (5) *What mission-specific data, capabilities, and*
8 *technologies external to the current Joint Cyber*
9 *Warfighting Architecture programs should integrate*
10 *with or be interoperable with the Joint Cyber*
11 *Warfighting Architecture system of systems.*

12 (6) *The organization and staffing of such offices,*
13 *including—*

14 (A) *whether the program executive office*
15 *should be responsible for overseeing the acquisi-*
16 *tion of the cyber operations capabilities of the*
17 *United States Cyber Command generally or the*
18 *Joint Cyber Warfighting Architecture specifi-*
19 *cally;*

20 (B) *what subordinate program management*
21 *offices should be established under the program*
22 *executive office;*

23 (C) *whether the Joint Cyber Warfighting*
24 *Architecture programs should be consolidated*
25 *within a single program management office; and*

1 (D) which personnel should be appointed to
2 such offices pursuant to subsection (d)(1).

3 (7) The timeline for the execution of the transi-
4 tion under subsection (g).

5 (8) The acquisition strategy of the Department
6 for procuring the Joint Cyber Warfighting Architec-
7 ture and related capabilities, including relevant en-
8 terprise strategic initiatives and contracting strate-
9 gies.

10 (9) The responsibilities of the United States
11 Cyber Command J2, J3, J5, J6, J8, and J9 in ac-
12 quiring, authorizing, and managing cyber capabili-
13 ties.

14 (10) The physical locations of the offices estab-
15 lished pursuant to subsection (a)(1).

16 (i) *BRIEFING REQUIRED.*—Not later than 540 days
17 after the date of the enactment of this Act, the Under Sec-
18 retary of Defense for Acquisition and Sustainment and the
19 Commander of the United States Cyber Command shall
20 jointly provide to the congressional defense committees a
21 briefing on the status of the implementation of this section.

22 (j) *REPEAL.*—Section 1645 of the National Defense
23 Authorization Act for Fiscal Year 2016 (Public Law 114–
24 92; 10 U.S.C. 4571 note prec.) is repealed.

1 (k) *JOINT CYBER WARFIGHTING ARCHITECTURE DE-*
2 *FINED.*—*In this section, the term “Joint Cyber Warfighting*
3 *Architecture” means the range of joint cyber warfighting*
4 *systems and capabilities that support the full spectrum of*
5 *military cyber operations, as designated by the Commander*
6 *of the United States Cyber Command, and includes any*
7 *such successor effort.*

8 **SEC. 1510. INTEGRATED NON-KINETIC FORCE DEVELOP-**
9 **MENT.**

10 (a) *FORCE DEVELOPMENT.*—

11 (1) *IN GENERAL.*—*The Secretary of Defense shall*
12 *establish forces, capabilities, and information support*
13 *to enable the delivery of non-kinetic effects that pro-*
14 *vide increased survivability and effectiveness of mili-*
15 *tary forces within a defense planning scenario.*

16 (2) *FORCE PLANNING.*—*To support the develop-*
17 *ment of the forces, capabilities, and information sup-*
18 *port under paragraph (1), the Secretary shall estab-*
19 *lish a force planning activity to identify and define*
20 *the relevant forces, capabilities, and information sup-*
21 *port required to develop and deliver non-kinetic effects*
22 *within a defense planning scenario. The Secretary*
23 *shall ensure that the force planning activity identi-*
24 *fies—*

1 (A) *desired operational effects within such*
2 *scenario;*

3 (B) *the gaps that limit the ability to access*
4 *important targets, the development of capabili-*
5 *ties, the conduct of mission planning, and the*
6 *execution of operations to deliver such effects;*

7 (C) *the collection systems, analytic expertise*
8 *and capacity, analytic tools and processes, for-*
9 *ign materiel, and product lines required to sup-*
10 *port development and delivery of such effects;*

11 (D) *the forces required to deliver such ef-*
12 *fects, including associated doctrine, training, ex-*
13 *pertise, organization, authorities, and command*
14 *and control arrangements; and*

15 (E) *the cyber, electronic warfare, sensing,*
16 *and communications capabilities, and delivery*
17 *platforms and mechanisms, required to achieve*
18 *such effects and the extent to which such capa-*
19 *bilities, platforms, and mechanisms should be in-*
20 *tegrated with each other.*

21 (3) *INITIAL ORGANIZATION STRUCTURE.—Dur-*
22 *ing an initial period of not less than 24 months, the*
23 *Under Secretary of Defense for Research and Engi-*
24 *neering shall organize the force planning activity es-*
25 *tablished under paragraph (2). The Under Secretary*

1 *shall designate a planning official from the Office of*
2 *the Under Secretary for Research and Engineering to*
3 *lead development and execution of the force planning*
4 *activity, in coordination with staff designated by the*
5 *Director of the Joint Staff of the Joint Chiefs of Staff.*
6 *The designated planning official shall select a lead*
7 *technical director. After such initial period, the Sec-*
8 *retary may re-assign the force planning activity to*
9 *another organization under different leadership.*

10 (4) *PLAN FOR FOLLOW-ON ACTIVITIES.*—*Not*
11 *later than 270 days after the date of the enactment*
12 *of this Act, the Secretary shall submit to the congres-*
13 *sional defense committees a plan for follow-on activi-*
14 *ties regarding the delivery of non-kinetic effects de-*
15 *scribed in paragraph (1). The Secretary shall ensure*
16 *the plan—*

17 (A) *includes the identification of dedicated*
18 *resources to be controlled by the designated plan-*
19 *ning official described in paragraph (3) and an*
20 *approach under which the planning official ap-*
21 *portions such resources across the Department of*
22 *Defense to establish, augment, and accelerate new*
23 *and ongoing activities described in paragraph*
24 *(1) and subsections (b), (c), and (d); and*

25 (B) *identifies—*

1 (i) a dedicated program element for
2 non-kinetic force development;

3 (ii) the suitability of the mission man-
4 agement authorities established through the
5 pilot program under section 871 of the Na-
6 tional Defense Authorization Act for Fiscal
7 Year 2022 (Public Law 117–81; 10 U.S.C.
8 191 note);

9 (iii) the utility of using joint capa-
10 bility technology demonstrations to drive
11 prototyping, experimentation, and technical
12 integration of non-kinetic capabilities;

13 (iv) how the Rapid Defense Experi-
14 mentation Reserve might drive prototyping,
15 experimentation, and technical integration
16 of non-kinetic capabilities; and

17 (v) alignment with other experimen-
18 tation activities with the appropriate com-
19 batant commands.

20 (5) *IMPLEMENTATION.*—During the initial pe-
21 riod specified in paragraph (3), the designated plan-
22 ning official described in such paragraph shall report
23 directly to the Deputy Secretary of Defense, to whom
24 the official shall provide updates and recommenda-
25 tions not less frequently than quarterly. The Secretary

1 *shall ensure that the force planning activity estab-*
2 *lished under paragraph (2) is supported by represent-*
3 *atives from the military services, relevant combatant*
4 *commands, the Strategic Capabilities Office, the De-*
5 *fense Advanced Research Projects Agency, and other*
6 *elements within the Department of Defense, as appro-*
7 *priate.*

8 **(b) FORCES.**—*In order to generate the forces identified*
9 *in subsection (a)(2)(D), the Secretary of Defense shall—*

10 *(1) through the Secretaries of the military de-*
11 *partments and the heads of other Department of De-*
12 *fense components, as appropriate, establish appro-*
13 *priate forces and accompanying doctrine, training,*
14 *and tradecraft;*

15 *(2) acting through the Vice Chairman of the*
16 *Joint Chiefs of Staff, serving as the Chairman of the*
17 *Joint Requirements Oversight Council, ensure that*
18 *appropriate requirements exist to guide the develop-*
19 *ment and fielding of forces and means to deliver non-*
20 *kinetic effects within a defense planning scenario;*

21 *(3) through the Under Secretary of Defense for*
22 *Policy, in coordination with the Chairman of the*
23 *Joint Chiefs of Staff and the combatant commands,*
24 *establish appropriate command and control structures*
25 *and relationships governing such forces; and*

1 (4) *determine the appropriate responsibilities*
2 *of—*

3 (A) *Cyber Mission Force of the United*
4 *States Cyber Command;*

5 (B) *cyber, electronic warfare, and space*
6 *forces provided to other combatant commands;*
7 *and*

8 (C) *other operational entities within the De-*
9 *partment of Defense in delivering non-kinetic ef-*
10 *fects.*

11 (c) *CAPABILITIES.—In order to develop the capabilities*
12 *identified in subsection (a)(2)(E), the Secretary of Defense,*
13 *acting through the Director of the Defense Advanced Re-*
14 *search Projects Agency, the Director of the Strategic Capa-*
15 *bilities Office, the Secretaries of the military departments,*
16 *and the heads of other elements of the Department of De-*
17 *fense, shall develop the capabilities required for the delivery*
18 *of non-kinetic effects within a defense planning scenario.*

19 (d) *POLICY.—The Secretary of Defense, acting through*
20 *the Under Secretary of Defense for Policy and in coordina-*
21 *tion with the Chairman of the Joint Chiefs of Staff, shall*
22 *develop policy governing the delivery of non-kinetic effects*
23 *within a defense planning scenario.*

24 (e) *BRIEFING.—Not later than one year after the date*
25 *of the enactment of this Act, the Secretary of Defense shall*

1 *provide to the congressional defense committees a briefing*
2 *on the status of the implementation of this section.*

3 *(f) NON-KINETIC EFFECTS DEFINED.—In this section,*
4 *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 de-*
10 *termines 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 the*
13 *United States, the President may authorize the Secretary*
14 *of Defense, acting through the Commander of the United*
15 *States Cyber Command, to conduct military cyber activities*
16 *or operations pursuant to section 394 of title 10, United*
17 *States Code, in foreign cyberspace to deter, safeguard, or*
18 *defend against such attacks.*

19 *(b) AFFIRMATION OF SCOPE OF CYBER ACTIVITIES OR*
20 *OPERATIONS.—Congress affirms that the cyber activities or*
21 *operations referred to in subsection (a), when appropriately*
22 *authorized, shall be conducted consistent with section 394*
23 *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. 5195c(e)).*

3 **SEC. 1512. BUDGET DISPLAY FOR CRYPTOGRAPHIC MOD-**
4 **ERNIZATION ACTIVITIES FOR CERTAIN SYS-**
5 **TEMS OF THE DEPARTMENT OF DEFENSE.**

6 (a) *DISPLAY REQUIRED.*—Beginning with fiscal year
7 2024, and for each fiscal year thereafter, the Secretary of
8 Defense shall include with the budget justification materials
9 submitted to Congress in support of the budget of the De-
10 partment of Defense for that fiscal year (as submitted with
11 the budget of the President under section 1105(a) of title
12 31, United States Code) a consolidated cryptographic mod-
13 ernization budget justification display for each Department
14 of Defense system or asset that is protected by cryptography
15 and subject to certification by the National Security Agency
16 (in this section, referred to as “covered items”).

17 (b) *ELEMENTS.*—Each display included under sub-
18 section (a) for a fiscal year shall include the following:

19 (1) *CRYPTOGRAPHIC MODERNIZATION ACTIVI-*
20 *TIES.*—(A) *Whether, in accordance with the schedule*
21 *established under section 153(a) of the William M.*
22 *(Mac) Thornberry National Defense Authorization Act*
23 *for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.*
24 *142 note), the cryptographic modernization for each*

1 *covered item is pending, in progress, complete, or,*
2 *pursuant to paragraph (2) of such section, extended.*

3 *(B) The funding required for the covered fiscal*
4 *year and for each subsequent fiscal year of the Future*
5 *Years Defense Program to complete the pending or in*
6 *progress cryptographic modernization by the required*
7 *replacement date of each covered item.*

8 *(C)(i) A description of deviations between the*
9 *funding annually required to complete the moderniza-*
10 *tion prior to the required replacement date and the*
11 *funding requested and planned within the Future*
12 *Years Defense Program.*

13 *(ii) An explanation—*

14 *(I) justifying the deviations; and*

15 *(II) of whether or how any delays resulting*
16 *from a deviation shall be overcome to meet the*
17 *required replacement date.*

18 *(D) A description of operational or security risks*
19 *resulting from each deviation from the modernization*
20 *schedule required to meet replacement dates, includ-*
21 *ing a current intelligence assessment of adversary*
22 *progress on exploiting the covered item.*

23 *(E) For any covered item that remains in service*
24 *past its required replacement date, a description of*
25 *the number of times the covered item has been ex-*

1 *tended and the circumstances attending each such ex-*
2 *ension.*

3 (2) *MITIGATION ACTIVITIES FOR COVERED*
4 *ITEMS.—(A) Whether activities to mitigate the risks*
5 *associated with projected failure to replace a covered*
6 *item by the required replacement date are planned, in*
7 *progress, or complete.*

8 (B) *The funding required for the covered fiscal*
9 *year and for each subsequent fiscal year for required*
10 *mitigation activities to complete any planned, pend-*
11 *ing, or in progress mitigation activities for a covered*
12 *item.*

13 (C) *A description of the activities planned in the*
14 *covered fiscal year and each subsequent fiscal year to*
15 *complete mitigation activities and an explanation of*
16 *the efficacy of the mitigations.*

17 (c) *FORM.—The display required by subsection (a)*
18 *shall be included in unclassified form, but may include a*
19 *classified annex.*

20 **SEC. 1513. ESTABLISHING PROJECTS FOR DATA MANAGE-**
21 **MENT, ARTIFICIAL INTELLIGENCE, AND DIG-**
22 **ITAL SOLUTIONS.**

23 (a) *ESTABLISHMENT OF PRIORITY PROJECTS.—The*
24 *Deputy Secretary of Defense shall—*

1 (1) *establish priority enterprise projects for data*
2 *management, artificial intelligence, and digital solu-*
3 *tions for both business efficiency and warfighting ca-*
4 *pabilities intended to accelerate decision advantage;*
5 *and*

6 (2) *assign responsibilities for execution and*
7 *funding of the projects established under paragraph*
8 (1).

9 (b) *ACTIONS REQUIRED.—To ensure implementation*
10 *of the priority projects of the Deputy Secretary of Defense*
11 *under subsection (a), and to instill data science and tech-*
12 *nology as a core discipline in the Department of Defense,*
13 *the Deputy Secretary shall—*

14 (1) *hold the heads of components accountable*
15 *for—*

16 (A) *making their component’s data avail-*
17 *able for use pursuant to the memorandum of the*
18 *Deputy Secretary of Defense dated May 5, 2021,*
19 *and titled “Creating Data Advantage”, in ac-*
20 *cordance with plans developed and approved by*
21 *the head of the component and the Deputy Sec-*
22 *retary;*

23 (B) *developing, implementing, and report-*
24 *ing measurable actions to acquire, preserve, and*
25 *grow the population of government and con-*

1 tractor personnel with expertise in data manage-
2 ment, artificial intelligence, and digital solu-
3 tions;

4 (C) making their components use data man-
5 agement practices, analytics processes, enterprise
6 cloud computing environments, and operational
7 test environments that are made available and
8 specifically approved by the head of the compo-
9 nent and the Deputy Secretary;

10 (D) identifying and reporting on an annual
11 basis for Deputy Secretary approval those ongo-
12 ing programs and activities and new initiatives
13 within their components to which the component
14 head determines should be applied advanced
15 analytics, digital technology, and artificial intel-
16 ligence; and

17 (E) developing and implementing cybersecu-
18 rity and artificial intelligence security solutions,
19 including preventative and mitigative technical
20 solutions, red team assessments, to protect artifi-
21 cial intelligence systems, data, development proc-
22 esses, and applications from adversary actions;

23 (2) require the Chief Digital and Artificial Intel-
24 ligence Officer, in coordination with the heads of com-
25 ponents, to develop and report on an actionable plan

1 *for the Deputy Secretary to reform the technologies,*
2 *policies, and processes used to support accreditation*
3 *and authority to operate decisions to enable rapid de-*
4 *ployment into operational environments of newly de-*
5 *veloped government, contractor, and commercial data*
6 *management, artificial intelligence, and digital solu-*
7 *tions software;*

8 *(3) require the Under Secretary of Defense for*
9 *Personnel and Readiness, in coordination with the*
10 *Chief Digital and Artificial Intelligence Officer and*
11 *heads of components to define and establish career*
12 *paths, work roles, and occupational specialties for ci-*
13 *vilian and military personnel in the fields of data*
14 *management, artificial intelligence, and digital solu-*
15 *tions for the Deputy Secretary's approval; and*

16 *(4) establish a Departmental management re-*
17 *form goal for adoption and integration artificial in-*
18 *telligence or machine learning into business and*
19 *warfighting processes, including the tracking of*
20 *metrics, milestones, and initiatives to measure the*
21 *progress of the Department in meeting that goal.*

22 *(c) BRIEFINGS REQUIRED.—Not later than 180 days*
23 *after the date of the enactment of this Act, and annually*
24 *thereafter until December 31, 2025, the Deputy Secretary*
25 *shall provide to the congressional defense committees a*

1 *briefing on directives issued by the Deputy Secretary to im-*
2 *plement the requirements of this section and the status of*
3 *implementation actions.*

4 (d) *COMPONENT DEFINED.*—*In this section, the term*
5 *“component” means a military department, a combatant*
6 *command, or a Defense Agency of the Department of De-*
7 *fense.*

8 **SEC. 1514. OPERATIONAL TESTING FOR COMMERCIAL CY-**
9 **BERSECURITY CAPABILITIES.**

10 (a) *DEVELOPMENT AND SUBMISSION OF PLANS.*—*Not*
11 *later than February 1, 2024, the Chief Information Officer*
12 *of the Department of Defense and the Chief Information Of-*
13 *ficers of the military departments shall develop and submit*
14 *plans described in subsection (b) to the Director of Oper-*
15 *ational Test and Evaluation who may approve the imple-*
16 *mentation of the plans pursuant to subsection (c).*

17 (b) *PLANS DESCRIBED.*—*The plans described in this*
18 *subsection are plans that—*

19 (1) *ensure covered cybersecurity capabilities are*
20 *appropriately tested, evaluated, and proven oper-*
21 *ationally effective, suitable, and survivable prior to*
22 *operation on a Department of Defense network; and*

23 (2) *specify how test results will be expeditiously*
24 *provided to the Director of Operational Test and*
25 *Evaluation.*

1 (c) *ASSESSMENT.*—*In reviewing the plans submitted*
2 *under subsection (a), the Director of Operational Test and*
3 *Evaluation shall conduct an assessment that includes con-*
4 *sideration of the following:*

5 (1) *Threat-realistic operational testing, includ-*
6 *ing representative environments, variation of oper-*
7 *ational conditions, and inclusion of a realistic oppos-*
8 *ing force.*

9 (2) *The use of Department of Defense cyber red*
10 *teams, as well as any enabling contract language re-*
11 *quired to permit threat-representative red team as-*
12 *sessments.*

13 (3) *Collaboration with the personnel using the*
14 *commercial cybersecurity capability regarding the re-*
15 *sults of the testing to improve operators' ability to*
16 *recognize and defend against cyberattacks.*

17 (4) *The extent to which additional resources may*
18 *be needed to remediate any shortfalls in capability to*
19 *make the commercial cybersecurity capability effec-*
20 *tive, suitable, and cyber survivable in an operational*
21 *environment of the Department.*

22 (5) *Identification of training requirements, and*
23 *changes to training, sustainment practices, or con-*
24 *cepts of operation or employment that may be needed*

1 to ensure the effectiveness, suitability, and cyber sur-
2 vivability of the commercial cybersecurity capability.

3 (d) *POLICIES AND REGULATIONS.*—Not later than Feb-
4 ruary 1, 2024, the Secretary of Defense shall issue such poli-
5 cies and guidance and prescribe such regulations as the Sec-
6 retary determines necessary to carry out this section.

7 (e) *REPORTS.*—Not later than January 31, 2025, and
8 not less frequently than annually thereafter until January
9 31, 2030, the Director shall include in each annual report
10 required by section 139(h) of title 10, United States Code,
11 the following:

12 (1) *The status of the plans developed under sub-*
13 *section (a).*

14 (2) *The number and type of test and evaluation*
15 *events completed in the past year for such plans,*
16 *disaggregated by component of the Department, and*
17 *including resources devoted to each event.*

18 (3) *The results from such test and evaluation*
19 *events, including any resource shortfalls affecting the*
20 *number of commercial cybersecurity capabilities that*
21 *could be assessed.*

22 (4) *A summary of identified categories of com-*
23 *mon gaps and shortfalls found during testing.*

24 (5) *The extent to which entities responsible for*
25 *developing and testing commercial cybersecurity ca-*

1 *pabilities have responded to recommendations made*
2 *by the Director in an effort to gain favorable deter-*
3 *minations.*

4 *(6) Any identified lessons learned that would im-*
5 *act training, sustainment, or concepts of operation*
6 *or employment decisions relating to the assessed com-*
7 *mercial cybersecurity capabilities.*

8 *(f) DEFINITION.—In this section, the term “covered cy-*
9 *bersecurity capabilities” means any of the following:*

10 *(1) Commercial products (as defined in section*
11 *103 of title 41, United States Code) acquired and de-*
12 *ployed by the Department of Defense to satisfy the cy-*
13 *bersecurity requirements of one or more Department*
14 *components.*

15 *(2) Commercially available off-the-shelf items (as*
16 *defined in section 104 of title 41, United States Code)*
17 *acquired and deployed by the Department of Defense*
18 *to satisfy the cybersecurity requirements of one or*
19 *more Department components.*

20 *(3) Noncommercial items acquired through the*
21 *Adaptive Acquisition Framework and deployed by the*
22 *Department of Defense to satisfy the cybersecurity re-*
23 *quirements of one or more Department components.*

1 ***Subtitle B—Information Operations***

2 ***SEC. 1521. REQUIREMENT TO NOTIFY CHIEF OF MISSION OF***
3 ***MILITARY OPERATION IN THE INFORMATION***
4 ***ENVIRONMENT.***

5 *Chapter 19 of title 10, United States Code, as amended*
6 *by section 1551, is further amended by adding at the end*
7 *the following new section (and conforming the table of sec-*
8 *tions at the beginning of such chapter accordingly):*

9 ***“§ 399. Notifications relating to military operations in***
10 ***the information environment: requirement***
11 ***to notify Chief of Mission***

12 *“The Secretary may not authorize a military oper-*
13 *ation in the information environment under this title in-*
14 *tended to cause an effect in a country unless the Secretary*
15 *fully informs the chief of mission for that country under*
16 *section 207 of the Foreign Service Act of 1980 (22 U.S.C.*
17 *3927) of the planned operation.”.*

18 ***SEC. 1522. ASSESSMENT AND OPTIMIZATION OF DEPART-***
19 ***MENT OF DEFENSE INFORMATION AND IN-***
20 ***FLUENCE OPERATIONS CONDUCTED***
21 ***THROUGH CYBERSPACE.***

22 *(a) ASSESSMENT AND PLAN.—Not later than 90 days*
23 *after the date of the enactment of this Act, the Principal*
24 *Information Operations Advisor and the Principal Cyber*
25 *Advisor to the Secretary of Defense shall complete both an*

1 *assessment and an optimization plan for information and*
2 *influence operations conducted through cyberspace.*

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

5 (1) *An inventory of the components of the De-*
6 *partment of Defense conducting information and in-*
7 *fluence operations conducted through cyberspace.*

8 (2) *An examination of sufficiency of resources al-*
9 *located for information and influence operations con-*
10 *ducted through cyberspace.*

11 (3) *An evaluation of the command and control,*
12 *oversight, and management of matters related to in-*
13 *formation and influence operations conducted through*
14 *cyberspace across the Office of the Secretary of De-*
15 *fense and the Joint Staff.*

16 (4) *An evaluation of the existing execution, co-*
17 *ordination, synchronization, deconfliction, and con-*
18 *sultative procedures and mechanisms for information*
19 *and influence operations conducted through cyber-*
20 *space.*

21 (5) *Any other matters determined relevant by the*
22 *Principal Information Operations Advisor and the*
23 *Principal Cyber Advisor to the Secretary of Defense.*

24 (c) *OPTIMIZATION PLAN.*—*The optimization plan*
25 *under subsection (a) shall include the following:*

1 (1) *Actions that the Department will implement*
2 *to improve the execution, coordination, synchroni-*
3 *zation, deconfliction, and consultative procedures and*
4 *mechanisms for information and influence operations*
5 *conducted through cyberspace.*

6 (2) *An evaluation of potential organizational*
7 *changes required to optimize information and influ-*
8 *ence operations conducted through cyberspace.*

9 (3) *Any other matters determined relevant by the*
10 *Principal Information Operations Advisor and the*
11 *Principal Cyber Advisor to the Secretary of Defense.*

12 (d) *BRIEFINGS.*—*Not later than 30 days after com-*
13 *pleting the assessment and optimization plan under sub-*
14 *section (a), the Principal Information Operations Advisor*
15 *and the Principal Cyber Advisor to the Secretary of Defense*
16 *shall provide to the congressional defense committees a*
17 *briefing on the assessment and plan.*

18 (e) *IMPLEMENTATION.*—*Not later than 180 days after*
19 *the date on which the briefing is provided under subsection*
20 *(d), the Secretary of Defense shall implement the optimiza-*
21 *tion plan under subsection (a).*

22 **SEC. 1523. JOINT INFORMATION OPERATIONS COURSE.**

23 (a) *JOINT INFORMATION OPERATIONS COURSE.*—*The*
24 *Secretary of Defense shall develop and provide to members*
25 *of the Army, Navy, Air Force, Marine Corps, and Space*

1 *Force a course to prepare the members to plan and conduct*
2 *information operations in a joint environment pursuant to*
3 *title 10, United States Code. Such course shall include—*

4 (1) *standardized qualifications and procedures to*
5 *enable the joint and synchronized employment of in-*
6 *formation-related capabilities in the information en-*
7 *vironment;*

8 (2) *joint methods to implement information op-*
9 *erations in a battlefield environment under any*
10 *ground force chain of command; and*

11 (3) *a curriculum covering applicable assets, core*
12 *information operations concepts, integration of effects*
13 *with a specific focus on information-related effects,*
14 *operational methodology, multi-dimensional targeting*
15 *space, other information-related capabilities defined*
16 *by governing policy, instruction, publications, and*
17 *doctrine, and any other topics or areas determined*
18 *necessary by the Secretary.*

19 (b) *CONSIDERATION OF ONGOING EFFORTS.—The Sec-*
20 *retary shall ensure that the course under subsection (a) is*
21 *developed in light of the information operations posture re-*
22 *view, gap analysis, strategy update, and designation of a*
23 *Joint Force Trainer, occurring as of the date of the enact-*
24 *ment of this Act.*

1 (c) *SEMIANNUAL REPORTS.*—Subsequent to the devel-
2 *opment of the course under subsection (a), on a semiannual*
3 *basis through January 1, 2028, the Secretary shall submit*
4 *to the congressional defense committees a report on the*
5 *course. Each report shall include, with respect to the period*
6 *covered by the report—*

7 (1) *the number of members described in sub-*
8 *section (a) who attended the course; and*

9 (2) *an assessment of the value of the course in—*

10 (A) *conducting joint operations in the infor-*
11 *mation environment; and*

12 (B) *the synchronized employment of infor-*
13 *mation-related capabilities in the information*
14 *environment.*

15 **SEC. 1524. LIMITATION ON AVAILABILITY OF CERTAIN**
16 **FUNDS UNTIL SUBMISSION OF JOINT LEXI-**
17 **CON FOR TERMS RELATED TO INFORMATION**
18 **OPERATIONS.**

19 *Of the funds authorized to be appropriated by this Act*
20 *or otherwise made available for fiscal year 2023 for oper-*
21 *ation and maintenance, Defense-wide, and available for the*
22 *Office of the Secretary of Defense for the travel of persons,*
23 *not more than 75 percent may be obligated or expended*
24 *until the date on which the Secretary submits to the Com-*
25 *mittees on Armed Services of the House of Representatives*

1 *and the Senate the joint lexicon for terms related to infor-*
2 *mation operations required by section 1631(g)(1)(D) of the*
3 *National Defense Authorization Act for Fiscal Year 2020*
4 *(Public Law 116–92; 10 U.S.C. 397 note).*

5 **SEC. 1525. LIMITATION ON AVAILABILITY OF FUNDS PEND-**
6 **ING SUBMITTAL OF INFORMATION OPER-**
7 **ATIONS STRATEGY AND POSTURE REVIEW.**

8 *Of the funds authorized to be appropriated by this Act*
9 *or otherwise made available for fiscal year 2023 for oper-*
10 *ation and maintenance, Defense-wide, for the Office of the*
11 *Secretary of Defense for the travel of persons, not more than*
12 *75 percent may be obligated or expended until the date that*
13 *is 15 days after the date on which the Secretary of Defense*
14 *submits to the Committees on Armed Services of the Senate*
15 *and the House of Representatives the information oper-*
16 *ations strategy and posture review, including the designa-*
17 *tion of Information Operations Force Providers and Infor-*
18 *mation Operations Joint Force Trainers for the Depart-*
19 *ment of Defense, as required by section 1631(g) of the Na-*
20 *tional Defense Authorization Act for Fiscal Year 2020 (Pub-*
21 *lic Law 116–92; 10 U.S.C. 397 note).*

1 **SEC. 1526. LIMITATION ON AVAILABILITY OF CERTAIN**
2 **FUNDS UNTIL SUBMISSION OF ASSESSMENTS**
3 **RELATING TO CYBERSECURITY OF THE DE-**
4 **FENSE INDUSTRIAL BASE.**

5 (a) *LIMITATION.*—*Of the funds authorized to be appro-*
6 *priated by this Act or otherwise made available for fiscal*
7 *year 2023 for operation and maintenance, Defense-wide,*
8 *and available for the Office of the Secretary of Defense, not*
9 *more than 75 percent may be obligated or expended until*
10 *the Deputy Secretary of Defense—*

11 (1) *conducts the assessments under subsection*
12 *(b); and*

13 (2) *provides to the congressional defense commit-*
14 *tees the briefing under subsection (c).*

15 (b) *ASSESSMENTS.*—*The Deputy Secretary shall con-*
16 *duct the following assessments:*

17 (1) *An assessment of the framework for cyberse-*
18 *curity of the defense industrial base required by sec-*
19 *tion 1648 of the National Defense Authorization Act*
20 *for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C.*
21 *2224 note) to determine whether—*

22 (A) *the current framework and plans for de-*
23 *fense industrial base cybersecurity are sufficient;*
24 *and*

1 (B) *alternative or additional courses of ac-*
2 *tion should be considered or adopted, includ-*
3 *ing—*

4 (i) *establishing a secure software devel-*
5 *opment environment in a cloud environ-*
6 *ment inside the cybersecurity perimeter of*
7 *the Department for contractors to perform*
8 *their development work;*

9 (ii) *establishing a secure cloud envi-*
10 *ronment through which contractors may ac-*
11 *cess the data of the Department needed for*
12 *their contract work;*

13 (iii) *enabling contractors to access cy-*
14 *bersecurity-as-a-service offerings, including*
15 *cybersecurity services provided by the De-*
16 *partment;*

17 (iv) *limiting the amount of program*
18 *information held at tiers of subcontractors*
19 *to that which is necessary for contract per-*
20 *formance; and*

21 (v) *mechanisms and processes to ra-*
22 *tionalize and integrate the many separately*
23 *managed defense industrial base cybersecu-*
24 *rity programs and activities conducted*
25 *across the Department of Defense.*

1 (2) *An assessment of past and future planned ac-*
2 *tivities of the Department of Defense in furtherance of*
3 *section 1724 of the William M. (Mac) Thornberry Na-*
4 *tional Defense Authorization Act for Fiscal Year 2021*
5 *(Public Law 116–283; 10 U.S.C. 2224), including a*
6 *detailed review of roles and responsibilities, and sup-*
7 *porting instructions and policy documents, for the*
8 *Principal Cyber Advisor of the Department of De-*
9 *fense, the Chief Information Officer of the Department*
10 *of Defense, the Under Secretary of Defense for Acqui-*
11 *sition and Sustainment, the Under Secretary of De-*
12 *fense for Policy, and the Under Secretary of Defense*
13 *for Intelligence and Security, and the Under Sec-*
14 *retary of Defense (Comptroller).*

15 (c) *BRIEFING.*—*The Deputy Secretary shall provide to*
16 *the congressional defense committees a briefing on the as-*
17 *sessments conducted under subsection (b) and any decisions*
18 *of and directions by the Deputy Secretary for improving*
19 *the cybersecurity of the defense industrial base.*

Subtitle C—Personnel**SEC. 1531. CYBER OPERATIONS-PECULIAR AWARDS.**

Chapter 57 of title 10, United States Code, is amended by inserting after section 1124 the following new section:

“§ 1124a. Cyber operations-peculiar awards

“(a) *AUTHORITY.*—The Secretary of Defense and the Secretaries of the military departments may authorize the payment of a cash award to, and incur necessary expense for the honorary recognition of, a member of the covered armed forces whose novel actions, invention, or technical achievement enables or ensures operational outcomes in or through cyberspace against threats to national security.

“(b) *ACTIONS DURING SERVICE.*—An award under this section may be paid notwithstanding the member’s death, separation, or retirement from the covered armed forces. However, the novel action, invention, or technical achievement forming the basis for the award must have been made while the member was on active duty or in an active reserve status and not otherwise eligible for an award under chapter 45 of title 5.

“(c) *PAYMENT.*—Awards to, and expenses for the honorary recognition of, members of the covered armed forces under this section may be paid from—

1 *base, functions, and training pipeline), which shall be*
2 *a separate designator from the cryptologic warfare of-*
3 *ficer designator.*

4 (2) *ENLISTED.*—*Not later than 90 days after the*
5 *date of the enactment of this Act, the Secretary, in co-*
6 *ordination with the Chief, shall establish a cyber war-*
7 *fare rating for enlisted personnel (including an in-*
8 *tended billet base, functions, and training pipeline),*
9 *which shall be a separate rating from the cryptologic*
10 *technician enlisted rating.*

11 (3) *PLAN.*—*Not later than 90 days after the date*
12 *of the enactment of this Act, the Secretary, in coordi-*
13 *nation with the Chief, shall submit to the Committees*
14 *on Armed Services of the House of Representatives*
15 *and the Senate an implementation plan to carry out*
16 *paragraphs (1) and (2).*

17 (b) *REQUIREMENT.*—

18 (1) *DEADLINE.*—*Except as provided by para-*
19 *graphs (2) and (3), the Secretary shall ensure that,*
20 *beginning October 1, 2025, members of the Navy as-*
21 *signed to the cyber mission force shall be qualified*
22 *with either the designator or rating established under*
23 *subsection (a), as the case may be.*

24 (2) *EXCEPTION.*—*The requirement under para-*
25 *graph (1) shall not apply to—*

1 (A) a member of the Navy who is assigned
2 to the cyber mission force under orders issued be-
3 fore October 1, 2025; or

4 (B) a position whose primary function is
5 the provision of intelligence, foreign language, or
6 administrative support to the cyber mission
7 force.

8 (3) *WAIVER.*—The Secretary may waive, on a
9 case-by-case basis, the requirement under paragraph
10 (1), except that the total number of such waivers
11 made during a fiscal year may not exceed 10 percent
12 of the total number of members of the Navy assigned
13 to the cyber mission force (not counting members as-
14 signed to a position described in paragraph (2)(B)).

15 (c) *RESERVE MATTERS.*—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary,
17 in coordination with the Chief, shall direct the Chief of
18 Navy Reserve to establish, and retain, a cadre of members
19 of the Navy Reserve with the designator and rating estab-
20 lished under subsection (a).

21 (d) *OFFICER QUALIFICATIONS AND TRAINING.*—The
22 Secretary, in coordination with the Chief of Naval Oper-
23 ations and in consultation with the Commander of the
24 United States Cyber Command, shall ensure that the desig-
25 nator established under subsection (a)(1) includes the devel-

1 *opment and execution of a training curriculum and quali-*
2 *fication standards commensurate with those of the cyber of-*
3 *ficers of the Army and the Air Force.*

4 (e) *COMMUNITY MANAGEMENT.*—Not later than 270
5 *days after the date of the enactment of this Act, the Sec-*
6 *retary, acting through the Principal Cyber Advisor of the*
7 *Navy, shall submit to the congressional defense committees,*
8 *and provide to such committees a briefing on, the findings*
9 *of a study on whether the designator and rating established*
10 *under subsection (a), along with the Maritime Space Officer*
11 *and the Cyberspace Warfare Engineer, should continue to*
12 *be considered part of the information warfare community.*

13 (f) *REPORT.*—Not later than one year after the date
14 *of the enactment of this Act, the Secretary shall submit to*
15 *the Committees on Armed Services of the House of Rep-*
16 *resentatives and Senate a report certifying that the fol-*
17 *lowing actions have been carried out or are in the process*
18 *of being completed (including detailed explanations):*

19 (1) *An identification by the Chief of Naval Oper-*
20 *ations of the resource manager within the Office of the*
21 *Chief of Naval Operations for the designator and rat-*
22 *ing established under subsection (a).*

23 (2) *An identification by the Chief of the type*
24 *command at United States Fleet Forces Command re-*

1 *sponsible for manning and training the designator*
2 *and rating established under subsection (a).*

3 *(3) An inventory of those billets within the Cyber*
4 *Mission Force, or any other service or joint assign-*
5 *ment that requires personnel (both officer and en-*
6 *listed) to conduct operations through cyberspace.*

7 *(4) An inventory and position description of the*
8 *those positions within the Cyber Mission Force that*
9 *have been identified under subsection (b)(2)(B).*

10 *(5) A funding profile detailing the complete costs*
11 *associated with the designator and rating established*
12 *under subsection (a), including costs associated with*
13 *meeting the training requirements of the United*
14 *States Cyber Command for the period covered by the*
15 *most recent future-years defense program submitted to*
16 *Congress under section 221 of title 10, United States*
17 *Code.*

18 *(6) An inventory of all flag officer positions at*
19 *joint and naval components and commands con-*
20 *ducting or managing cyberspace operations and ac-*
21 *tivities, including with respect to—*

22 *(A) the United States Cyber Command;*

23 *(B) the Fleet Cyber Command;*

24 *(C) Joint Forces Headquarters-Cyber, Navy;*

25 *(D) 10th Fleet;*

1 *(E) the Deputy Chief of Naval Operations*
2 *for Information Warfare and the Director of*
3 *Naval Intelligence; and*

4 *(F) Naval Information Forces.*

5 *(7) An update to the plan required under sub-*
6 *section (a)(3), including timelines and procedures, for*
7 *filling the positions within the cyber mission force for*
8 *which the Secretary is responsible.*

9 *(8) Any anticipated changes to the end-strength*
10 *of the Navy by reason of establishing the designator*
11 *and rating under subsection (a).*

12 *(9) The implementation of the designator and*
13 *rating established under subsection (a) within the*
14 *Navy Reserve.*

15 *(10) The development and execution of the train-*
16 *ing curriculum and qualification standards under*
17 *subsection (d).*

18 *(g) LEADERSHIP QUALIFICATIONS.—The Secretary*
19 *shall ensure that flag officers with the cyber warfare oper-*
20 *ations designator established under subsection (a) are pri-*
21 *marily employed in billets identified under subsection*
22 *(f)(6).*

23 *(h) DETERMINATION BY CYBER COMMAND.—Not later*
24 *than 60 days after the date on which the Secretary submits*
25 *the report under subsection (f), the Commander of the*

1 *United States Cyber Command shall submit to the Commit-*
2 *tees on Armed Services of the House of Representatives and*
3 *Senate a determination with respect to whether the matters*
4 *contained in the report satisfy the requirements of the*
5 *United States Cyber Command.*

6 **SEC. 1533. TOTAL FORCE GENERATION FOR THE CYBER-**
7 **SPACE OPERATIONS FORCES.**

8 (a) *STUDY.—*

9 (1) *REQUIREMENT.—Not later than June 1,*
10 *2024, the Secretary of Defense shall complete a study*
11 *on the responsibilities of the military services for or-*
12 *ganizing, training, and presenting the total force to*
13 *United States Cyber Command.*

14 (2) *ELEMENTS.—The study under paragraph (1)*
15 *shall assess the following:*

16 (A) *Which military services should man,*
17 *train, equip, and organize the forces necessary to*
18 *execute the functions and missions of the Cyber*
19 *Mission Force and the Cyberspace Operations*
20 *Forces for assignment, allocation, and appor-*
21 *tionment to, or under the directive authority of,*
22 *the United States Cyber Command.*

23 (B) *The sufficiency of the military service*
24 *accession and training model to provide forces to*
25 *the Cyberspace Operations Forces and the suffi-*

1 *ciency of the accessions and personnel resourcing*
2 *of the supporting command and control staffs*
3 *necessary as a component to the United States*
4 *Cyber Command.*

5 *(C) The organization of the Cyber Mission*
6 *Forces and whether the total forces or elements of*
7 *the forces function best as a collection of inde-*
8 *pendent teams or through a different model.*

9 *(D) How to correct chronic shortages of pro-*
10 *ficient personnel in key work roles.*

11 *(E) The need for additional work roles or*
12 *skills to enable effective infrastructure manage-*
13 *ment and generate access to targets.*

14 *(F) What unique or training-intensive ex-*
15 *pertise is required for each of the work roles*
16 *identified in subparagraph (E) and whether na-*
17 *tive talents to master unique and training-inten-*
18 *sive work roles can be identified and how per-*
19 *sonnel with those talents can be developed, re-*
20 *tained, and employed across the active and re-*
21 *serve components.*

22 *(G) The appropriate pay scales, rotation or*
23 *force management policies, career paths and pro-*
24 *gression, expertise-based grading, talent manage-*
25 *ment practices, and training for each of those*

1 *work roles, given expected operational require-*
2 *ments.*

3 *(H) Whether a single military service*
4 *should be responsible for basic, intermediate, and*
5 *advanced training for the Cyber Mission Force.*

6 *(I) The level of training required before an*
7 *individual should be assigned, allocated, or ap-*
8 *portioned to the United States Cyber Command.*

9 *(J) Whether or how the duties of the Direc-*
10 *tor of the National Security Agency and the du-*
11 *ties of the Commander of United States Cyber*
12 *Command, resting with a single individual, en-*
13 *able each respective organization, and whether*
14 *technical directors and intelligence experts of the*
15 *National Security Agency should serve rotations*
16 *in the Cyber Mission Force.*

17 *(K) How nonmilitary personnel, such as ci-*
18 *vilian government employees, contracted experts,*
19 *commercial partners, and domain or technology-*
20 *specific experts in industry or the intelligence*
21 *community can serve in, augment, or support*
22 *Cyber Mission Force teams.*

23 *(L) What work roles in the Cyberspace Op-*
24 *erations Forces can only be filled by military*
25 *personnel, which work roles can be filled by civil-*

1 *ian employees or contractors, and which work*
2 *roles should be filled partially or fully by civil-*
3 *ians due to the need for longevity of service to*
4 *achieve required skill levels or retention rates.*

5 *(M) How specialized cyber experience, devel-*
6 *oped and maintained in the reserve component,*
7 *can be more effectively leveraged to support the*
8 *Cyberspace Operations Forces through innovative*
9 *force generation models.*

10 *(N) Whether the Department of Defense*
11 *should create a separate service to perform the*
12 *functions and missions currently performed by*
13 *Cyber Mission Force units generated by multiple*
14 *military services.*

15 *(O) Whether the Department of Defense is*
16 *maximizing partnerships with industry and*
17 *other nontraditional sources of expertise and ca-*
18 *capacity in the areas of critical infrastructure pro-*
19 *tection and information sharing.*

20 *(P) Whether the Defense Readiness Report-*
21 *ing System of the Department of Defense is suffi-*
22 *cient to capture Cyber Mission Force readiness*
23 *metrics.*

24 *(3) CONSIDERATIONS.—The study required by*
25 *paragraph (1) shall consider existing models for total*

1 *force generation practices and programs, as well as*
2 *nontraditional and creative alternatives.*

3 *(b) RECOMMENDATIONS.—*

4 *(1) IN GENERAL.—Not later than June 1, 2024,*
5 *the Principal Cyber Advisor of the Department of De-*
6 *fense and the Commander of the United States Cyber*
7 *Command shall submit to the Secretary of Defense*
8 *one or more recommendations, respectively, as to the*
9 *future total force generation model for both the Cyber*
10 *Mission Force and the Cyberspace Operations Forces.*

11 *(2) MATTERS ADDRESSED.—The recommenda-*
12 *tions under paragraph (1) shall address, at a min-*
13 *imum, each of the elements identified in subsection*
14 *(a)(2).*

15 *(c) ESTABLISHMENT OF A REVISED MODEL RE-*
16 *QUIRED.—*

17 *(1) IN GENERAL.—Not later than December 31,*
18 *2024, the Secretary of Defense shall establish a revised*
19 *total force generation model for the Cyberspace Oper-*
20 *ations Forces.*

21 *(2) ELEMENTS.—In establishing a revised total*
22 *force generation model under paragraph (1), the Sec-*
23 *retary shall explicitly determine the following:*

24 *(A) Whether the Navy should no longer be*
25 *responsible for developing and presenting forces*

1 to the United States Cyber Command as part of
2 the Cyber Mission Force or Cyberspace Oper-
3 ations Forces, including recommendations for
4 corresponding transfer of responsibilities and as-
5 sociated resources and personnel for the existing
6 and future year programmed Cyberspace Oper-
7 ations Forces or Cyber Mission Force resources.

8 (B) Whether a single military service should
9 be responsible for organizing, training, and
10 equipping the Cyberspace Operations Forces, or
11 if different services should be responsible for dif-
12 ferent components of the Cyberspace Operations
13 Forces.

14 (C) Whether modification of United States
15 Cyber Command enhanced budget control au-
16 thorities are necessary to further improve total
17 force generation for Cyberspace Operations
18 Forces.

19 (D) Implications of low service retention
20 rates for critical roles within the Cyber Mission
21 Force, and the mix of actions necessary to correct
22 them, including multiple rotations in critical
23 work roles, length of service commitments, repeat
24 tours within the Cyber Mission Force, retention
25 incentives across the entire Cyberspace Oper-

1 *ations Forces, and best practices for generating*
2 *the future force.*

3 *(d) IMPLEMENTATION PLAN.—Not later than June 1,*
4 *2025, the Secretary shall submit to the congressional defense*
5 *committees an implementation plan for effecting the revised*
6 *total force generation model required under subsection (c).*

7 *(e) PROGRESS BRIEFING.—Not later than 90 days*
8 *after the date of the enactment of this Act, and not less fre-*
9 *quently than once every 180 days thereafter until receipt*
10 *of the plan required by subsection (d), the Secretary shall*
11 *provide the congressional defense committees with a briefing*
12 *on the progress made in carrying out this section.*

13 *(f) ADDITIONAL CONSIDERATIONS.—The Secretary*
14 *shall ensure that subsections (a) through (c) are carried out*
15 *with consideration to matters relating to the following:*

16 *(1) The cybersecurity service providers, local de-*
17 *fenders, and information technology personnel who*
18 *own, operate, and defend the information networks of*
19 *the Department of Defense.*

20 *(2) Equipping the Cyberspace Operations Forces*
21 *to include infrastructure management.*

22 *(3) Providing intelligence support to the Cyber-*
23 *space Operations Forces.*

24 *(4) The resources, including billets, needed to ac-*
25 *count for any recommended changes.*

1 **SEC. 1534. CORRECTING CYBER MISSION FORCE READINESS**

2 **SHORTFALLS.**

3 (a) *PLAN AND BRIEFING REQUIRED.*—Not later than
4 180 days after the date of the enactment of this Act, the
5 Secretary of Defense, the Chairman of the Joint Chiefs of
6 Staff, and the Secretaries of the military departments shall
7 jointly—

8 (1) *develop a near-term plan to correct readiness*
9 *shortfalls in the Cyber Mission Forces over the period*
10 *covered by the most recent future-years defense pro-*
11 *gram submitted to Congress under section 221 of title*
12 *10, United States Code;*

13 (2) *develop recommendations for such legislative*
14 *action as the Secretary of Defense, the Chairman, and*
15 *the Secretaries of the military departments jointly*
16 *consider appropriate to correct the readiness shortfalls*
17 *described in paragraph (1); and*

18 (3) *provide to the congressional defense commit-*
19 *tees a briefing on the plan under paragraph (1) and*
20 *the recommendations under paragraph (2).*

21 (b) *IMPLEMENTATION.*—Not later than 30 days after
22 the date of the briefing provided under paragraph (3) of
23 subsection (a), the Secretary of Defense and the Chairman
24 shall commence implementation of the aspects of the plan
25 developed under paragraph (1) of such subsection that are
26 not dependent upon legislative action.

1 (c) *MATTERS TO BE ADDRESSED.*—*In developing the*
2 *plan under paragraph (1) of subsection (a), the Secretary*
3 *of Defense, the Chairman, and the Secretaries of the mili-*
4 *tary departments shall consider and explicitly address*
5 *through analysis the following potential courses of action,*
6 *singly and in combination, to increase the availability of*
7 *personnel in key work roles:*

8 (1) *Determining the correct number of personnel*
9 *necessary to fill key work roles, including the proper*
10 *force mix of civilian, military, and contractor per-*
11 *sonnel, and the means necessary to meet those require-*
12 *ments.*

13 (2) *Employing civilians rather than military*
14 *personnel in key work roles.*

15 (3) *Expanding training capacity.*

16 (4) *Modifying or creating new training models.*

17 (5) *Maximizing use of compensation and incen-*
18 *tive authorities, including increasing bonuses and*
19 *special pays, and alternative compensation mecha-*
20 *nisms.*

21 (6) *Modifying career paths and service policies*
22 *to permit consecutive assignments in key work roles*
23 *without jeopardizing promotion opportunities.*

1 (7) *Increasing service commitments following*
2 *training commensurate with the value of the key work*
3 *role training.*

4 (8) *Standardizing compensation models across*
5 *the services.*

6 (9) *Requiring multiple rotations within the*
7 *Cyber Mission Forces for key work roles.*

8 (10) *Adopting and implementing what are*
9 *known as “rank in person” policies that enable civil-*
10 *ian personnel to be promoted on the basis of skills*
11 *and abilities demonstrated in a given position.*

12 (11) *A review of departmental guidance and*
13 *processes consistent with section 167b(d)(2)(A)(x) of*
14 *title 10, United States Code, with respect to the au-*
15 *thority of the Commander of United States Cyber*
16 *Command to monitor the promotions of certain cyber*
17 *operations forces and coordinate with the Secretaries*
18 *regarding the assignment, retention, training, profes-*
19 *sional military education, and special and incentive*
20 *pays of certain cyber operations forces, including—*

21 (A) *the recruiting, retention, professional*
22 *military education, and promotion of certain*
23 *cyber operations personnel;*

1 (B) *the sharing of personnel data between*
2 *the military departments and the United States*
3 *Cyber Command; and*

4 (C) *structures, departmental guidance, and*
5 *processes developed between the military depart-*
6 *ments and the United States Special Operations*
7 *Command with respect to the authority of the*
8 *Commander of the United States Special Oper-*
9 *ations Command described in section*
10 *167(e)(2)(J) of title 10, United States Code, that*
11 *could be used as a model for the United States*
12 *Cyber Command.*

13 (d) *KEY WORK ROLES DEFINED.—In this section, the*
14 *term “key work roles” means work roles that consist of ac-*
15 *cess development, tool development, and exploitation anal-*
16 *ysis.*

17 **SEC. 1535. DEPARTMENT OF DEFENSE CYBER AND DIGITAL**
18 **SERVICE ACADEMY.**

19 (a) *ESTABLISHMENT.—*

20 (1) *IN GENERAL.—The Secretary of Defense, in*
21 *consultation with the Secretary of Homeland Security*
22 *and the Director of the Office of Personnel and Man-*
23 *agement, shall establish a program to provide finan-*
24 *cial support for pursuit of programs of education at*
25 *institutions of high education in covered disciplines.*

1 (2) *COVERED DISCIPLINES.*—*For purposes of the*
2 *Program, a covered discipline is a discipline that the*
3 *Secretary of Defense determines is critically needed*
4 *and is cyber- or digital technology-related, including*
5 *the following:*

6 (A) *Computer-related arts and sciences.*

7 (B) *Cyber-related engineering.*

8 (C) *Cyber-related law and policy.*

9 (D) *Applied analytics related sciences, data*
10 *management, and digital engineering, including*
11 *artificial intelligence and machine learning.*

12 (E) *Such other disciplines relating to cyber,*
13 *cybersecurity, digital technology, or supporting*
14 *functions as the Secretary of Defense considers*
15 *appropriate.*

16 (3) *DESIGNATION.*—*The program established*
17 *under paragraph (1) shall be known as the “Depart-*
18 *ment of Defense Cyber and Digital Service Academy”*
19 *(in this section referred to as the “Program”).*

20 (b) *PROGRAM DESCRIPTION AND COMPONENTS.*—*The*
21 *Program shall—*

22 (1) *provide scholarships through institutions of*
23 *higher education to students who are enrolled in pro-*
24 *grams of education at such institutions leading to de-*

1 *grees or specialized program certifications in covered*
2 *disciplines; and*

3 *(2) prioritize the placement of scholarship recipi-*
4 *ents fulfilling the post-award employment obligation*
5 *under this section.*

6 *(c) SCHOLARSHIP AMOUNTS.—*

7 *(1) AMOUNT OF ASSISTANCE.—(A) Each scholar-*
8 *ship under the Program shall be in such amount as*
9 *the Secretary determines necessary—*

10 *(i) to pay all educational expenses incurred*
11 *by that person, including tuition, fees, cost of*
12 *books, and laboratory expenses, for the pursuit of*
13 *the program of education for which the assist-*
14 *ance is provided under the Program; and*

15 *(ii) to provide a stipend for room and*
16 *board.*

17 *(B) The Secretary shall ensure that expenses*
18 *paid are limited to those educational expenses nor-*
19 *mally incurred by students at the institution of high-*
20 *er education involved.*

21 *(2) SUPPORT FOR INTERNSHIP ACTIVITIES.—The*
22 *financial assistance for a person under this section*
23 *may also be provided to support internship activities*
24 *of the person in the Department of Defense and com-*
25 *bat support agencies in periods between the academic*

1 *years leading to the degree or specialized program*
2 *certification for which assistance is provided the per-*
3 *son under the Program.*

4 (3) *PERIOD OF SUPPORT.—Each scholarship*
5 *under the Program shall be for not more than 5 years.*

6 (4) *ADDITIONAL STIPEND.—Students dem-*
7 *onstrating financial need, as determined by the Sec-*
8 *retary, may be provided with an additional stipend*
9 *under the Program.*

10 (d) *POST-AWARD EMPLOYMENT OBLIGATIONS.—Each*
11 *scholarship recipient, as a condition of receiving a scholar-*
12 *ship under the Program, shall enter into an agreement*
13 *under which the recipient agrees to work for a period equal*
14 *to the length of the scholarship, following receipt of the stu-*
15 *dent's degree or specialized program certification, in the*
16 *cyber- and digital technology-related missions of the De-*
17 *partment, in accordance with the terms and conditions*
18 *specified by the Secretary in regulations the Secretary shall*
19 *promulgate to carry out this subsection.*

20 (e) *HIRING AUTHORITY.—In carrying out this section,*
21 *specifically with respect to enforcing the obligations and*
22 *conditions of employment under subsection (d), the Sec-*
23 *retary may use any authority otherwise available to the*
24 *Secretary for the recruitment, employment, and retention*

1 *of civilian personnel within the Department, including au-*
2 *thority under section 1599f of title 10, United States Code.*

3 (f) *ELIGIBILITY.—To be eligible to receive a scholar-*
4 *ship under the Program, an individual shall—*

5 (1) *be a citizen or lawful permanent resident of*
6 *the United States;*

7 (2) *demonstrate a commitment to a career in*
8 *improving the security of information technology or*
9 *advancing the development and application of digital*
10 *technology;*

11 (3) *have demonstrated a high level of competency*
12 *in relevant knowledge, skills, and abilities, as defined*
13 *by the national cybersecurity awareness and edu-*
14 *cation program under section 303 of the Cybersecu-*
15 *rity Enhancement Act of 2014 (15 U.S.C. 7443);*

16 (4) *be a full-time student, or have been accepted*
17 *as a full-time student, in a program leading to a de-*
18 *gree or specialized program certification in a covered*
19 *discipline at an institution of higher education;*

20 (5) *enter into an agreement accepting and ac-*
21 *knowledging the post award employment obligations,*
22 *pursuant to section (d);*

23 (6) *accept and acknowledge the conditions of*
24 *support under section (g); and*

1 (7) *meet such other requirements for a scholar-*
2 *ship as determined appropriate by the Secretary.*

3 (g) *CONDITIONS OF SUPPORT.—*

4 (1) *IN GENERAL.—As a condition of receiving a*
5 *scholarship under this section, a recipient shall agree*
6 *to provide the Office of Personnel Management (in co-*
7 *ordination with the Department of Defense) and the*
8 *institutions of higher education described in sub-*
9 *section (a)(1) with annual verifiable documentation*
10 *of post-award employment and up-to-date contact in-*
11 *formation.*

12 (2) *TERMS.—A scholarship recipient under the*
13 *Program shall be liable to the United States as pro-*
14 *vided in subsection (i) if the individual—*

15 (A) *fails to maintain an acceptable level of*
16 *academic standing at the applicable institution*
17 *of higher education, as determined by the Sec-*
18 *retary;*

19 (B) *is dismissed from the applicable institu-*
20 *tion of higher education for disciplinary reasons;*

21 (C) *withdraws from the eligible degree pro-*
22 *gram before completing the Program;*

23 (D) *declares that the individual does not in-*
24 *tend to fulfill the post-award employment obliga-*
25 *tion 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 before
22 the completion of 1 year of a post-award employment
23 obligation under the Program, the total amount of
24 scholarship awards received by the individual under

1 *the Program shall be considered a debt to the Govern-*
2 *ment 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 Program,*
9 *reduced by the ratio of the number of years of service*
10 *completed divided by the number of years of service*
11 *required, shall be considered a debt to the Government*
12 *and repaid in accordance with subsection (j).*

13 (j) *REPAYMENTS.—A debt described subsection (i) shall*
14 *be subject to repayment, together with interest thereon ac-*
15 *cruing from the date of the scholarship award, in accord-*
16 *ance with terms and conditions specified by the Secretary*
17 *in regulations promulgated to carry out this subsection.*

18 (k) *COLLECTION OF REPAYMENT.—*

19 (1) *IN GENERAL.—In the event that a scholar-*
20 *ship recipient is required to repay the scholarship*
21 *award under the Program, the institution of higher*
22 *education providing the scholarship shall—*

23 (A) *determine the repayment amounts and*
24 *notify the recipient, the Secretary, and the Di-*

1 *rector of the Office of Personnel Management of*
2 *the amounts owed; and*

3 *(B) collect the repayment amounts within a*
4 *period of time as determined by the Secretary.*

5 *(2) RETURNED TO TREASURY.—Except as pro-*
6 *vided in paragraph (3), any repayment under this*
7 *subsection shall be returned to the Treasury of the*
8 *United States.*

9 *(3) RETAIN PERCENTAGE.—An institution of*
10 *higher education may retain a percentage of any re-*
11 *payment the institution collects under this subsection*
12 *to defray administrative costs associated with the col-*
13 *lection. The Secretary shall establish a single, fixed*
14 *percentage that will apply to all eligible entities.*

15 *(l) PUBLIC INFORMATION.—*

16 *(1) EVALUATION.—The Secretary, in coordina-*
17 *tion with the Director of the Office of Personnel Man-*
18 *agement, shall periodically evaluate and make public,*
19 *in a manner that protects the personally identifiable*
20 *information of scholarship recipients, information on*
21 *the success of recruiting individuals for scholarships*
22 *under the Program and on hiring and retaining those*
23 *individuals in the Department of Defense workforce,*
24 *including information on—*

25 *(A) placement rates;*

1 (B) where students are placed, including job
2 titles and descriptions;

3 (C) salary ranges for students not released
4 from obligations under this section;

5 (D) how long after graduation students are
6 placed;

7 (E) how long students stay in the positions
8 they enter upon graduation;

9 (F) how many students are released from
10 obligations; and

11 (G) what, if any, remedial training is re-
12 quired.

13 (2) *REPORTS.*—The Secretary, in consultation
14 with the Office of Personnel Management, shall sub-
15 mit, not less frequently than once every two years, to
16 Congress a report, including—

17 (A) the results of the evaluation under para-
18 graph (1);

19 (B) the disparity in any reporting between
20 scholarship recipients and their respective insti-
21 tutions of higher education; and

22 (C) any recent statistics regarding the size,
23 composition, and educational requirements of the
24 relevant Department of Defense workforce.

1 (3) *RESOURCES.*—*The Secretary, in coordina-*
2 *tion with the Director of the Office of Personnel Man-*
3 *agement, shall provide consolidated and user-friendly*
4 *online resources for prospective scholarship recipients,*
5 *including, to the extent practicable—*

6 (A) *searchable, up-to-date, and accurate in-*
7 *formation about participating institutions of*
8 *higher education and job opportunities relating*
9 *to covered disciplines; and*

10 (B) *a modernized description of careers in*
11 *covered disciplines.*

12 (m) *ALLOCATION OF FUNDING.*—

13 (1) *IN GENERAL.*—*Not less than 50 percent of the*
14 *amount available for financial assistance under this*
15 *section for a fiscal year shall be available only for*
16 *providing financial assistance for the pursuit of pro-*
17 *grams of education referred to in subsection (b)(1) at*
18 *institutions of higher education that have established,*
19 *improved, or are administering programs of edu-*
20 *cation in disciplines under the grant program estab-*
21 *lished in section 2200b of title 10, United States*
22 *Code, as determined by the Secretary.*

23 (2) *ASSOCIATE DEGREES.*—*Not less than five*
24 *percent of the amount available for financial assist-*
25 *ance under this section for a fiscal year shall be*

1 *available for providing financial assistance for the*
2 *pursuit of an associate degree at an institution de-*
3 *scribed in paragraph (1).*

4 *(n) BOARD OF DIRECTORS.—In order to help identify*
5 *workforce needs and trends relevant to the Program, the*
6 *Secretary may establish a board of directors for the Pro-*
7 *gram that consists of representatives of Federal departments*
8 *and agencies.*

9 *(o) COMMENCEMENT OF PROGRAM.—The Secretary*
10 *shall commence the Program as early as practicable, with*
11 *the first scholarships awarded under the Program for the*
12 *academic year beginning no later than the fall semester of*
13 *2024.*

14 **SEC. 1536. REPORT ON RECOMMENDATIONS FROM NAVY CI-**
15 **VILIAN CAREER PATH STUDY.**

16 *(a) REPORT.—*

17 *(1) REQUIREMENT.—Not later than 90 days*
18 *after the date of the enactment of this Act, the Sec-*
19 *retary of the Navy shall submit to the congressional*
20 *defense committees a report on the recommendations*
21 *made in the report submitted to the congressional de-*
22 *fense committees under section 1653(a)(2) of the Na-*
23 *tional Defense Authorization Act for Fiscal Year 2020*
24 *(Public Law 116–92; 133 Stat. 1763) relating to im-*
25 *proving cyber career paths in the Navy.*

1 (2) *CONTENTS.*—*The report under paragraph (1)*
2 *shall include the following:*

3 (A) *A description of each recommendation*
4 *described in such paragraph that has already*
5 *been implemented.*

6 (B) *A description of each recommendation*
7 *described in such paragraph that the Secretary*
8 *has commenced implementing, including a jus-*
9 *tification for determining to commence imple-*
10 *menting the recommendation.*

11 (C) *A description of each recommendation*
12 *described in such paragraph that the Secretary*
13 *has not implemented or commenced imple-*
14 *menting and a determination as to whether or*
15 *not to implement the recommendation.*

16 (D) *For each recommendation under sub-*
17 *paragraph (C) that the Secretary determines to*
18 *implement—*

19 (i) *a timeline for implementation;*

20 (ii) *a description of any additional re-*
21 *sources or authorities required for imple-*
22 *mentation; and*

23 (iii) *the plan for implementation.*

24 (E) *For each recommendation under sub-*
25 *paragraph (C) that the Secretary determines not*

1 to implement, a justification for the determina-
2 tion not to implement.

3 (3) *FORMAT.*—The report under paragraph (1)
4 shall be submitted in unclassified form, but may in-
5 clude a classified annex.

6 (b) *REVIEW BY COMPTROLLER GENERAL OF THE*
7 *UNITED STATES.*—

8 (1) *REVIEW.*—Not later than 180 days after the
9 date on which the Secretary submits the report under
10 subsection (a), the Comptroller General of the United
11 States shall conduct a review of such report.

12 (2) *ELEMENTS.*—The review under paragraph
13 (1) shall include an assessment of the following:

14 (A) The extent to which the Secretary has
15 implemented the recommendations described in
16 subsection (a)(1).

17 (B) Additional recommended actions for the
18 Secretary to take to improve the readiness and
19 retention of the cyber workforce of the Navy.

20 (3) *INTERIM BRIEFING.*—Not later than 90 days
21 after the date on which the Secretary submits the re-
22 port under subsection (a), the Comptroller General
23 shall provide to the congressional defense committees
24 a briefing on the preliminary findings of the Comp-

1 *troller General with respect to the review conducted*
2 *under paragraph (1).*

3 (4) *FINAL REPORT.*—*The Comptroller General*
4 *shall submit to the congressional defense committees a*
5 *report on the findings of the Comptroller General*
6 *with respect to the review under paragraph (1) at*
7 *such time and in such format as is mutually agreed*
8 *upon by the committees and the Comptroller General*
9 *at the time of the briefing under paragraph (3).*

10 **SEC. 1537. STUDY TO DETERMINE OPTIMAL STRATEGY FOR**
11 **STRUCTURING AND MANNING ELEMENTS OF**
12 **JOINT FORCE HEADQUARTERS-CYBER ORGA-**
13 **NIZATIONS, JOINT MISSION OPERATIONS**
14 **CENTERS, AND CYBER OPERATIONS-INTE-**
15 **GRATED PLANNING ELEMENTS.**

16 (a) *STUDY.*—

17 (1) *REQUIREMENT.*—*The Principal Cyber Advi-*
18 *sor of the Department of Defense, in coordination*
19 *with the commanders of the combatant commands,*
20 *shall conduct a study to determine the optimal strat-*
21 *egy for structuring and manning elements of the fol-*
22 *lowing:*

23 (A) *Joint Force Headquarters Cyber Orga-*
24 *nizations.*

25 (B) *Joint Mission Operations Centers.*

1 (C) *Cyber Operations—Integrated Planning*
2 *Elements.*

3 (D) *Joint Cyber Centers.*

4 (2) *ELEMENTS.—The study under paragraph (1)*
5 *shall include an assessment of each of the following:*

6 (A) *Operational effects on the military serv-*
7 *ices if each of the entities listed in subpara-*
8 *graphs (A) through (C) of paragraph (1) are re-*
9 *structured from organizations that are compo-*
10 *nents of the military services to joint organiza-*
11 *tions.*

12 (B) *Existing barriers or impediments to*
13 *designate positions within each of the entities*
14 *listed in such subparagraphs (A), (B), and (C)*
15 *as joint billets for joint qualification purposes.*

16 (C) *Operational and organizational effects*
17 *on the military services, the United States Cyber*
18 *Command, other combatant commands, and the*
19 *Joint Staff if the entities listed in subparagraphs*
20 *(A) through (D) of paragraph (1) are realigned,*
21 *restructured, or consolidated.*

22 (D) *Operational and organizational effects*
23 *and advisement of standardizing a minimum set*
24 *of roles and responsibilities of the Joint Cyber*

1 Centers, or the equivalent entity, of the combat-
2 ant commands.

3 (E) Clarification of the relationship and
4 differentiation between Cyber Operations–Inte-
5 grated Planning Elements and Joint Cyber Cen-
6 ters of the combatant commands.

7 (F) A complete inventory of mission essen-
8 tial tasks for the entities listed in such subpara-
9 graphs (A) through (D).

10 (G) A description of cyber activities in geo-
11 graphic and functional combatant command
12 campaign plans and resources aligned to those
13 activities.

14 (b) BRIEFINGS.—Not later than 180 days after the
15 date of the enactment of this Act, and not less frequently
16 than once every 120 days until March 31, 2024, the Prin-
17 cipal Cyber Advisor of the Department shall provide to the
18 Committees on Armed Services of the Senate and the House
19 of Representatives a briefing on the status of the study
20 under subsection (a).

21 (c) REPORT.—

22 (1) REQUIREMENT.—Not later than March 31,
23 2024, the Principal Cyber Advisor of the Department
24 shall submit to the Committees on Armed Services of

1 *the Senate and the House of Representatives a report*
2 *on the study under subsection (a).*

3 (2) *CONTENTS.—The report under paragraph (1)*
4 *shall contain the following:*

5 (A) *The findings of the Principal Cyber Ad-*
6 *visor with respect to the study under subsection*
7 *(a).*

8 (B) *Details of the operational and organiza-*
9 *tional effects assessed under paragraph (2) of*
10 *such subsection.*

11 (C) *A plan to carry out the transfer de-*
12 *scribed in subparagraph (B) of such paragraph*
13 *and the associated costs, as appropriate.*

14 (D) *A plan to realign, restructure, or con-*
15 *solidate the entities listed in subparagraphs (A)*
16 *through (D) of subsection (a)(1).*

17 (E) *Such other matters as the Principal*
18 *Cyber Advisor considers appropriate.*

19 **SEC. 1538. MANNING REVIEW OF SPACE FORCE CYBER**
20 **SQUADRONS.**

21 (a) *REQUIREMENT.—Not later than 210 days after the*
22 *date of the enactment of this Act, the Secretary of the Air*
23 *Force, in coordination with the Chief of Space Operations,*
24 *shall submit to the congressional defense committees a re-*

1 *view of the manning required to fully staff the current and*
2 *planned cyber squadrons of the Space Force.*

3 *(b) MATTERS INCLUDED.—*

4 *(1) ELEMENTS.—The review under subsection*
5 *(a) shall include considerations of the following:*

6 *(A) The specific sourcing of existing billets*
7 *of the Space Force optimally postured for trans-*
8 *fer to cyber squadrons.*

9 *(B) The administrative processes required*
10 *to shift billets and existing funding to cyber*
11 *squadrons.*

12 *(C) The responsibilities and functions per-*
13 *formed by military personnel and civilian per-*
14 *sonnel.*

15 *(D) The benefits and risks to the Space*
16 *Force approach of transferring billets to cyber*
17 *squadrons.*

18 *(2) ROADMAP.—The review under subsection (a)*
19 *shall include a transition roadmap that outlines a*
20 *comprehensive transition for the transfer of billets de-*
21 *scribed in paragraph (1) by not later than September*
22 *30, 2024.*

1 **SEC. 1539. INDEPENDENT REVIEW OF POSTURE AND STAFF-**
2 **ING LEVELS OF OFFICE OF THE CHIEF INFOR-**
3 **MATION 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 com-
8 prehensive review of the posture and adequacy of the staff-
9 ing levels of the Office of the Chief Information Officer of
10 the Department of Defense, as of the date of the enactment
11 of this Act.

12 (b) *MATTERS FOR CONSIDERATION.*—An agreement
13 under subsection (a) shall specify that the review conducted
14 under the agreement shall include the evaluation of each
15 of the following:

16 (1) *Any limitations or constraints of the Office*
17 *of the Chief Information Officer in performing the en-*
18 *tirety of the responsibilities specified in section 142(b)*
19 *of title 10, United States Code, and responsibilities*
20 *assigned by the Secretary of Defense, based on the*
21 *staffing levels of the Office as of the date of the enact-*
22 *ment of this Act.*

23 (2) *The composition of civilian, military, and*
24 *contractor personnel assigned to the Office of the Chief*
25 *Information Officer, as of such date, including the oc-*
26 *cupational series and military occupational special-*

1 *ties of such personnel, relative to the responsibilities*
2 *specified in paragraph (1).*

3 *(3) The organizational construct of the Office of*
4 *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 Chief*
8 *Information Officer and the congressional defense commit-*
9 *tees, including recommendations derived from the matters*
10 *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 shall*
20 *seek to enter into an agreement with a nonprofit entity or*
21 *a federally funded research and development center with ex-*
22 *pertise in cybersecurity and workforce management to con-*
23 *duct an assessment of the feasibility and advisability of cre-*
24 *ating and maintaining a civilian cybersecurity reserve*
25 *corps to enable the Department of Defense and military*

1 *services to provide qualified civilian manpower to the De-*
2 *partment of Defense to effectively respond to significant*
3 *cyber incidents or to assist in solving other exceptionally*
4 *difficult cyber workforce-related challenges.*

5 (b) *CONSIDERATION OF PRIOR REPORT.—*

6 (1) *IN GENERAL.—In conducting the assessment*
7 *required by subsection (a), the entity or center shall*
8 *take into consideration the results of the evaluation of*
9 *nontraditional cyber support to the Department of*
10 *Defense required by section 1730 of the William M.*
11 *(Mac) Thornberry National Defense Authorization Act*
12 *for Fiscal Year 2021 (Public Law 116–283).*

13 (2) *LIMITATION ON AVAILABILITY OF FUNDS*
14 *PENDING SUBMISSION OF REPORT.—Of the funds au-*
15 *thorized to be appropriated by this Act or otherwise*
16 *made available for fiscal year 2023 for the Under*
17 *Secretary of Defense for Policy, not more than 75 per-*
18 *cent may be obligated or expended until the date on*
19 *which the Principal Cyber Advisor submits the report*
20 *referenced in paragraph (1).*

21 (c) *ELEMENTS.—The assessment conducted under sub-*
22 *section (a) shall include analysis of the following matters:*

23 (1) *The feasibility of the concept of a civilian cy-*
24 *bersecurity reserve program, including an analysis of*

1 *the available talent pool, potential impact on employ-*
2 *ers, and propensity to serve.*

3 *(2) The likelihood of utilizing civilian cybersecu-*
4 *rity reservists to augment the existing Department of*
5 *Defense workforce, including an assessment of the du-*
6 *ration of periods of activation.*

7 *(3) The result of outreach conducted with indus-*
8 *try and State and Federal Government agencies em-*
9 *ploying individuals likely to meet qualification cri-*
10 *teria for service in such a program.*

11 *(4) The necessity for participants to access clas-*
12 *sified information, and the need to maintain appro-*
13 *prate security clearances as a participant in the pro-*
14 *gram, including while not in Federal service.*

15 *(5) Appropriate compensation and benefits for*
16 *members of such a program.*

17 *(6) Activities that members may undertake as*
18 *part of their duties.*

19 *(7) Methods for identifying and recruiting mem-*
20 *bers, including alternative methods to traditional*
21 *qualifications requirements.*

22 *(8) Methods for preventing conflicts of interest or*
23 *other ethical concerns as a result of participation in*
24 *such a program.*

1 (9) *Resources, including funding levels, necessary*
2 *to carry out such a program.*

3 (10) *Potential penalties or other adverse action*
4 *taken against individuals who do not respond to acti-*
5 *vation when called.*

6 (11) *Any other matters the Secretary considers*
7 *relevant for the purpose of this assessment.*

8 (d) *REPORTS.—*

9 (1) *IN GENERAL.—Not later than 270 days after*
10 *the date on which the Secretary enters into the agree-*
11 *ment described in subsection (a), such entity or center*
12 *shall submit to the Secretary a report on the results*
13 *of the research and analysis under such subsection.*

14 (2) *SUBMISSION TO CONGRESS.—Not later than*
15 *one year after the date of enactment of this Act, the*
16 *Secretary of Defense shall submit to the Committees*
17 *on Armed Services of the Senate and House of Rep-*
18 *resentatives each of the following:*

19 (A) *A copy of the report submitted under*
20 *paragraph (1) without change.*

21 (B) *Any comments, changes, recommenda-*
22 *tions, or other information provided by the Sec-*
23 *retary of Defense relating to the research and*
24 *analysis conducted under subsection (a) and con-*
25 *tained in such report, including a specific rec-*

1 *ommendation on whether a civilian cybersecurity*
2 *reserve should be established, as described in such*
3 *subsection, or with modification.*

4 **SEC. 1541. COMPREHENSIVE REVIEW OF CYBER EXCEPTED**
5 **SERVICE.**

6 *(a) IN GENERAL.—Not later than 180 days after the*
7 *date of enactment of this Act, the Chief Information Officer*
8 *of the Department of Defense and the Under Secretary of*
9 *Defense for Personnel and Readiness, in coordination with*
10 *the Chief Digital and Artificial Intelligence Officer and the*
11 *Principal Cyber Advisor of the Department, shall conduct*
12 *a comprehensive review of the Cyber Excepted Service estab-*
13 *lished pursuant to section 1599f of title 10, United States*
14 *Code.*

15 *(b) ELEMENTS.—The review required under subsection*
16 *(a) shall include the following:*

17 *(1) An assessment of barriers to participation in*
18 *Cyber Excepted Service positions, including—*

19 *(A) criteria for eligibility of potential De-*
20 *partment of Defense components and entities for*
21 *participation in the Cyber Excepted Service;*

22 *(B) potential and structural limitations of*
23 *the Cyber Excepted Service, including impedi-*
24 *ments to mobility or advancement by civilian*

1 *employees currently in billets coded for Cyber*
2 *Excepted Service;*

3 *(C) challenges to transition between com-*
4 *petitive and excepted service;*

5 *(D) matters relating to pay disparity and*
6 *challenges with compensation relative to the skill*
7 *sets and value of such civilian employees in the*
8 *private sector;*

9 *(E) differences between compensation, in-*
10 *centives, benefits, and access to career-broadening*
11 *experiences;*

12 *(F) the eligibility for participation in the*
13 *Cyber Excepted Service of civilian employees*
14 *who are assigned to the Office of the Chief Dig-*
15 *ital and Artificial Intelligence Officer;*

16 *(G) the current and necessary mechanisms*
17 *to deconflict occasions when individuals can be*
18 *considered eligible for two or more excepted serv-*
19 *ice systems; and*

20 *(H) any other barriers as determined by the*
21 *Secretary.*

22 *(2) An evaluation of the process used in accept-*
23 *ing applications, assessing candidates, and the proc-*
24 *ess for and effect of adhering to provisions of law es-*
25 *tablishing preferences for hiring eligible veterans, and*

1 *selecting applicants for vacancies to be filled by an*
2 *individual for a Cyber Excepted Service position.*

3 (3) *An evaluation of current efforts to recruit*
4 *and retain employees in Cyber Excepted Service posi-*
5 *tions.*

6 (4) *A description of current performance metrics*
7 *used in evaluating the Cyber Excepted Service.*

8 (5) *An assessment of how current efforts to de-*
9 *velop, sustain, and improve the Cyber Excepted Serv-*
10 *ice are integrated into the strategic workforce plan-*
11 *ning of the Department.*

12 (6) *Current metrics for—*

13 (A) *the number of employees in Cyber Ex-*
14 *cepted Service positions, disaggregated by occu-*
15 *vation, grade, and level or pay band;*

16 (B) *the placement of employees in Cyber*
17 *Excepted Service positions, disaggregated by*
18 *military department, Defense agency, or other*
19 *component within the Department;*

20 (C) *the total number of veterans hired;*

21 (D) *the number of separations of employees*
22 *in Cyber Excepted Service positions,*
23 *disaggregated by occupation, grade, and level or*
24 *pay band;*

1 (E) the number of retirements of employees
2 in Cyber Excepted Service positions,
3 disaggregated by occupation, grade, and level or
4 pay band;

5 (F) the number and amounts of recruit-
6 ment, relocation, and retention incentives paid
7 to employees in Cyber Excepted Service posi-
8 tions, disaggregated by occupation, grade, and
9 level or pay band; and

10 (G) the number of employees who declined
11 transition to qualified Cyber Excepted Service
12 positions.

13 (7) An assessment of the training provided to su-
14 pervisors of employees in Cyber Excepted Service po-
15 sitions on the use of the new authorities.

16 (8) An assessment of the implementation of sec-
17 tion 1599f(a)(1)(A) of title 10, United States Code,
18 including—

19 (A) how each military department, Defense
20 agency, or other component within the Depart-
21 ment is incorporating or intends to incorporate
22 Cyber Excepted Service personnel in their cyber
23 mission workforce; and

24 (B) how the Cyber Excepted Service has al-
25 lowed each military department, Defense agency,

1 *or other component within the Department to es-*
2 *tablish, recruit and retain personnel to fill cyber*
3 *mission workforce needs.*

4 *(9) Recommendations for the Secretary of De-*
5 *fense and the congressional defense committees with*
6 *respect to the improvement of the Cyber Excepted*
7 *Service, including recommendations derived from the*
8 *consideration of the elements specified in paragraphs*
9 *(1) through (8).*

10 *(c) SUBMISSION.—Not later than 30 days after the*
11 *completion of the review under subsection (a), the Chief In-*
12 *formation Officer shall submit to the congressional defense*
13 *committees a copy of the review.*

14 *(d) ANNUAL UPDATE.—Not later than one year after*
15 *the submission of the review under subsection (c), and not*
16 *less frequently than once each year thereafter until Sep-*
17 *tember 30, 2028, the Secretary of Defense shall submit to*
18 *the Committee on Armed Services of the Senate and the*
19 *Committee on Armed Services of the House of Representa-*
20 *tives an update on progress made in enacting recommenda-*
21 *tions identified pursuant to paragraph (9) of subsection (b)*
22 *and a detailed report on Cyber Excepted Service positions*
23 *during the most recent one-year period, including—*

24 *(1) the metrics described in paragraph (6) of*
25 *such subsection;*

1 (2) *an updated assessment under paragraph (8)*
2 *of such subsection from the current reporting period;*

3 (3) *an updated assessment on the effect of section*
4 *1599f of title 10, United States Code, on the ability*
5 *of the Department to recruit, retain, and develop*
6 *cyber professionals in the Department over the cur-*
7 *rent reporting period;*

8 (4) *an updated assessment on the barriers to*
9 *participation described in paragraph (1) of subsection*
10 *(b) from the current reporting period;*

11 (5) *proposed modifications to the Cyber Excepted*
12 *Service; and*

13 (6) *such other matters as the Secretary considers*
14 *appropriate.*

15 (e) *DEFINITIONS.—In this section:*

16 (1) *The term “Cyber Excepted Service” consists*
17 *of those positions established under section*
18 *1599f(a)(1)(A) of title 10, United States Code.*

19 (2) *The term “Cyber Excepted Service position”*
20 *means a position in the Cyber Excepted Service.*

1 ***Subtitle D—Reports and Other***
2 ***Matters***

3 ***SEC. 1551. PILOT PROGRAM FOR SHARING CYBER CAPABILI-***
4 ***TIES AND RELATED INFORMATION WITH FOR-***
5 ***EIGN OPERATIONAL PARTNERS.***

6 (a) *AUTHORIZATION.*—Chapter 19 of title 10, United
7 States Code, is amended by adding at the end the following
8 new section:

9 ***“§ 398. Pilot program for sharing cyber capabilities***
10 ***and related information with foreign***
11 ***operational partners***

12 “(a) *AUTHORITY TO ESTABLISH PILOT PROGRAM TO*
13 *SHARE CYBER CAPABILITIES.*—The Secretary of Defense
14 may, with the concurrence of the Secretary of State, provide
15 cyber capabilities and related information developed or pro-
16 cured by the Department of Defense to foreign countries or
17 organizations described in subsection (b) without compensa-
18 tion, to meet operational imperatives if the Secretary of De-
19 fense determines that the provision of such cyber capabili-
20 ties is in the national security interests of the United
21 States.

22 “(b) *LIST OF FOREIGN COUNTRIES.*—The Secretary of
23 Defense, with the concurrence of the Secretary of State,
24 shall—

25 “(1) establish—

1 “(A) a list of foreign countries that the Sec-
2 retary of Defense considers suitable for sharing of
3 cyber capabilities and related information under
4 the authority established under paragraph (a);
5 and

6 “(B) criteria for establishing the list under
7 subparagraph (A);

8 “(2) not later than 14 days after establishing the
9 list required by paragraph (a), submit to the appro-
10 priate committees of Congress such list; and

11 “(3) notify the appropriate committees of Con-
12 gress in writing of any changes to the list established
13 under clause (1) at least 14 days prior to the adop-
14 tion of any such changes.

15 “(c) *PROCEDURES.*—Prior to the first use of the au-
16 thority provided by subsection (a), the Secretaries of De-
17 fense and State shall—

18 “(1) establish and submit to the appropriate
19 committees of Congress procedures for a coordination
20 process for subsection (a) that is consistent with the
21 operational timelines required to support the national
22 security of the United States; and

23 “(2) notify the appropriate committees of Con-
24 gress in writing of any changes to the procedures es-

1 *tablished under paragraph (1) at least 14 days prior*
2 *to the adoption of any such changes.*

3 “(d) *NOTIFICATION REQUIRED.—(1) The Secretary of*
4 *Defense and Secretary of State jointly shall promptly sub-*
5 *mit to the appropriate committees of Congress notice in*
6 *writing of any use of the authority provided by subsection*
7 *(a) no later than 48 hours following the use of the authority.*

8 “(2) *Notification under paragraph (1) shall include a*
9 *certification that the provision of the cyber capabilities was*
10 *in the national security interests of the United States.*

11 “(3) *The notification under paragraph (1) shall in-*
12 *clude an analysis of whether the transfer and the under-*
13 *lying operational imperative could have been met using an-*
14 *other authority.*

15 “(e) *TERMINATION.—The authority established under*
16 *paragraph (a) shall terminate on the date that is 3 years*
17 *after the date on which this authority becomes law.*

18 “(f) *DEFINITIONS.—In this section:*

19 “(1) *The term ‘appropriate committees of Con-*
20 *gress’ means—*

21 “(A) *the congressional defense committees;*

22 “(B) *the Committee on Foreign Relations of*
23 *the Senate; and*

24 “(C) *Committee on Foreign Affairs of the*
25 *House of Representatives.*

1 “(2) *The term ‘cyber capability’ means a device*
2 *or computer program, including any combination of*
3 *software, firmware, or hardware, designed to create*
4 *an effect in or through cyberspace.*

5 “(g) *RULE OF CONSTRUCTION.—Nothing in this sec-*
6 *tion shall be construed as amending, diminishing, or other-*
7 *wise impacting reporting or other obligations under the*
8 *War Powers Resolution.”.*

9 “(b) *TABLE OF SECTIONS AMENDMENT.—The table of*
10 *sections at the beginning of such chapter is amended by*
11 *adding at the end the following new item:*

*“398. Pilot program for sharing cyber capabilities and related information with
foreign operational partners.”.*

12 **SEC. 1552. DEMONSTRATION PROGRAM FOR CYBER AND IN-**
13 **FORMATION TECHNOLOGY BUDGET DATA**
14 **ANALYTICS.**

15 “(a) *DEMONSTRATION PROGRAM.—*

16 “(1) *REQUIREMENT.—Not later than February 1,*
17 *2024, the Chief Information Officer of the Department*
18 *of Defense shall, in coordination with the Chief Dig-*
19 *ital and Artificial Intelligence Officer, complete a*
20 *pilot program to demonstrate the application of ad-*
21 *vanced data analytics to the fiscal year 2024 budget*
22 *data of a military department for the purpose of*
23 *identifying total cyber and information technology*
24 *spending and the distribution of such resources across*

1 *budget line items that are and are not identified, la-*
2 *beled, or categorized in a manner that would indicate*
3 *that funds included in such line items will be ex-*
4 *pended on cyber and information technology activi-*
5 *ties.*

6 (2) *COORDINATION WITH MILITARY DEPART-*
7 *MENTS.—In carrying out the demonstration program*
8 *under subsection (a), the Chief Information Officer*
9 *shall, in coordination with the Secretary of the Air*
10 *Force, the Secretary of the Army, and the Secretary*
11 *of the Navy, select a military department for partici-*
12 *pation in the demonstration program.*

13 (b) *ELEMENTS.—The demonstration program under*
14 *subsection (a) shall include—*

15 (1) *efforts to identify planned expenditures for*
16 *cyber and information technology that are not cap-*
17 *tured in the total figures for cyber and information*
18 *technology reported annually to Congress in support*
19 *of the President’s budget submission and in budget*
20 *documents and briefings to Congress on the cyber and*
21 *information technology programs and activities;*

22 (2) *efforts to improve transparency in cyber and*
23 *information technology budget information to identify*
24 *cyber and information technology activities funded*
25 *out of noncyber and noninformation technology budg-*

1 *et lines, including by the use of qualitative techniques*
2 *such as semantic analysis or natural language proc-*
3 *essing technologies;*

4 (3) *metrics developed to assess the effectiveness of*
5 *the demonstration program;*

6 (4) *a cost tradeoff analysis of implementing these*
7 *cyber and information technology data analytics*
8 *across the entire budget of the Department of Defense;*

9 (5) *existing or planned efforts to use these data*
10 *analytics to make budget decisions; and*

11 (6) *existing or planned efforts to incorporate*
12 *these data analytics into materials presented to Con-*
13 *gress through the budget submission process.*

14 (c) *BRIEFING.—*

15 (1) *INITIAL BRIEFING.—Not later than 120 days*
16 *after the date of the enactment of this Act, the Chief*
17 *Information Officer shall provide the Committees on*
18 *Armed Services of the Senate and the House of Rep-*
19 *resentatives a briefing on the plans and status of the*
20 *Chief Information Officer with respect to the dem-*
21 *onstration program under subsection (a).*

22 (2) *FINAL BRIEFING.—Not later than March 1,*
23 *2024, the Chief Information Officer shall provide the*
24 *Committees on Armed Services of the Senate and the*
25 *House of Representatives a briefing on the results and*

1 *findings of the Chief Information Officer with respect*
2 *to the demonstration program under subsection (a),*
3 *including the following:*

4 (A) *Recommendations for expansion of the*
5 *demonstration program to the entire cyber and*
6 *information technology budget of the Depart-*
7 *ment.*

8 (B) *Plans for incorporating data analytics*
9 *into the congressional budget submission process*
10 *for the cyber and information technology budget*
11 *of the Department.*

12 **SEC. 1553. PLAN FOR COMMERCIAL CLOUD TEST AND EVAL-**
13 **UATION.**

14 (a) *POLICY AND PLAN.*—*Not later than 180 days after*
15 *the date of enactment of this Act, the Secretary of Defense,*
16 *in consultation with commercial industry, shall implement*
17 *a policy and plan for test and evaluation of the cybersecu-*
18 *rity of the clouds of commercial cloud service providers that*
19 *provide, or are intended to provide, storage or computing*
20 *of classified data of the Department of Defense.*

21 (b) *CONTENTS.*—*The policy and plan under subsection*
22 *(a) shall include the following:*

23 (1) *A requirement that, beginning on the date of*
24 *the enactment of this Act, future contracts with cloud*
25 *service providers for storage or computing of classified*

1 *data of the Department include provisions that per-*
2 *mit the Secretary to conduct independent, threat-real-*
3 *istic assessments of the commercial cloud infrastruc-*
4 *ture, including with respect to—*

5 *(A) the storage, compute, and enabling ele-*
6 *ments, including the control plane and*
7 *virtualization hypervisor for mission elements of*
8 *the Department supported by the cloud provider;*
9 *and*

10 *(B) the supporting systems used in the ful-*
11 *fillment, facilitation, or operations relating to*
12 *the mission of the Department under the con-*
13 *tract, including the interfaces with these systems.*

14 *(2) An explanation as to how the Secretary in-*
15 *tends to proceed on amending existing contracts with*
16 *cloud service providers to permit the same level of as-*
17 *sessments required for future contracts under para-*
18 *graph (1).*

19 *(3) Identification and description of any pro-*
20 *posed tiered test and evaluation requirements aligned*
21 *with different impact and classification levels.*

22 *(c) WAIVER AUTHORITY.—The Secretary may include*
23 *in the policy and plan under subsection (a) an authority*
24 *to waive any requirement under subsection (b) if the waiver*
25 *is jointly approved by the Chief Information Officer of the*

1 *Department of Defense and the Director of Operational Test*
2 *and Evaluation.*

3 (d) *SUBMISSION.*—*Not later than 180 days after the*
4 *date of enactment of this Act, the Secretary shall submit*
5 *to the Committees on Armed Services of the Senate and the*
6 *House of Representatives the policy and plan under sub-*
7 *section (a).*

8 (e) *THREAT-REALISTIC ASSESSMENT DEFINED.*—*In*
9 *this section, the term “threat-realistic assessments” means,*
10 *with respect to commercial cloud infrastructure, activities*
11 *that—*

12 (1) *are designed to accurately emulate cyber*
13 *threats from advanced nation state adversaries, such*
14 *as Russia and China; and*

15 (2) *include cooperative penetration testing and*
16 *no-notice threat-emulation activities where personnel*
17 *of the Department of Defense attempt to penetrate*
18 *and gain control of the cloud-provider facilities, net-*
19 *works, systems, and defenses associated with, or which*
20 *enable, the supported missions of the Department.*

21 **SEC. 1554. ROADMAP AND IMPLEMENTATION PLAN FOR**
22 **CYBER ADOPTION OF ARTIFICIAL INTEL-**
23 **LIGENCE.**

24 (a) *ROADMAP AND IMPLEMENTATION PLAN RE-*
25 *QUIRED.*—*Not later than 270 days after the date of the en-*

1 *actment of this Act, the Commander of the United States*
2 *Cyber Command and the Chief Information Officer of the*
3 *Department of Defense, in coordination with the Chief Dig-*
4 *ital and Artificial Intelligence Officer of the Department,*
5 *the Director of the Defense Advanced Research Projects*
6 *Agency, the Director of the National Security Agency, and*
7 *the Under Secretary of Defense for Research and Engineer-*
8 *ing, shall jointly develop a five-year roadmap and imple-*
9 *mentation plan for rapidly adopting and acquiring artifi-*
10 *cial intelligence systems, applications, and supporting data*
11 *and data management processes for the Cyberspace Oper-*
12 *ations Forces of the Department of Defense.*

13 **(b) ELEMENTS.**—*The roadmap and implementation*
14 *plan required by subsection (a) shall include the following:*

15 **(1)** *Identification and prioritization of artificial*
16 *intelligence systems, applications, data identification,*
17 *and processing to cyber missions within the Depart-*
18 *ment, and ameliorating threats to, and from, artifi-*
19 *cial intelligence systems, including—*

20 **(A)** *advancing the cybersecurity of Depart-*
21 *ment systems with artificial intelligence;*

22 **(B)** *uses of artificial intelligence for cyber*
23 *effects operations;*

1 (C) *assessing and mitigating vulnerabilities*
2 *of artificial intelligence systems supporting cy-*
3 *bersecurity and cyber operations to attacks; and*

4 (D) *defending against adversary artificial*
5 *intelligence-based cyber attacks.*

6 (2) *A plan to develop, acquire, adopt, and sus-*
7 *tain the artificial intelligence systems, applications,*
8 *data, and processing identified in paragraph (1).*

9 (3) *Roles and responsibilities for the following*
10 *for adopting and acquiring artificial intelligence sys-*
11 *tems, applications, and data to cyber missions within*
12 *the Department:*

13 (A) *The Commander of the United States*
14 *Cyber Command.*

15 (B) *The Commander of Joint-Force Head-*
16 *quarters Department of Defense Information Net-*
17 *works.*

18 (C) *The Chief Information Officer of the De-*
19 *partment.*

20 (D) *The Chief Digital and Artificial Intel-*
21 *ligence Officer of the Department.*

22 (E) *The Under Secretary of Defense for Re-*
23 *search and Engineering.*

24 (F) *The Secretaries of the military depart-*
25 *ments.*

1 (G) *The Director of the National Security*
2 *Agency.*

3 (4) *Identification of currently deployed, adopted,*
4 *and acquired artificial intelligence systems, applica-*
5 *tions, ongoing prototypes, and data.*

6 (5) *Identification of current capability and skill*
7 *gaps that must be addressed prior to the development*
8 *and adoption of artificial intelligence applications*
9 *identified in paragraph (1).*

10 (6) *Identification of opportunities to solicit oper-*
11 *ator utility feedback through inclusion into research*
12 *and development processes and wargaming or experi-*
13 *mentation events by developing a roadmap for such*
14 *processes and events, as well as a formalized process*
15 *for capturing and tracking lessons learned from such*
16 *events to inform the development community.*

17 (7) *Identification of long-term technology gaps*
18 *for fulfilling the Department's cyber warfighter mis-*
19 *sion to be addressed by research relating to artificial*
20 *intelligence by the science and technology enterprise*
21 *within the Department.*

22 (8) *Definition of a maturity model describing*
23 *desired cyber capabilities, agnostic of the enabling*
24 *technology solutions, including phases in the maturity*
25 *model or identified milestones and clearly identified*

1 *areas for collaboration with relevant commercial off*
2 *the shelf and government off the shelf developers to ad-*
3 *dress requirements supporting capability gaps.*

4 *(9) Assessment, in partnership with the Director*
5 *of the Defense Intelligence Agency, of the threat posed*
6 *by adversaries' use of artificial intelligence to the*
7 *cyberspace operations and the security of the networks*
8 *and artificial intelligence systems of the Department*
9 *in the next five years, including a net technical as-*
10 *essment of United States and adversary activities to*
11 *apply artificial intelligence to cyberspace operations,*
12 *and actions planned to address that threat.*

13 *(10) A detailed schedule with target milestones,*
14 *investments, and required expenditures.*

15 *(11) Interim and final metrics of adoption of ar-*
16 *tificial intelligence for each activity identified in the*
17 *roadmap.*

18 *(12) Identification of such additional funding,*
19 *authorities, and policies as the Commander and the*
20 *Chief Information Officer jointly determine may be*
21 *required.*

22 *(13) Such other topics as the Commander and*
23 *the Chief Information Officer jointly consider appro-*
24 *priate.*

1 (c) *SYNCHRONIZATION.*—*The Commander and the*
2 *Chief Information Officer shall ensure that the roadmap*
3 *and implementation plan under subsection (a) are syn-*
4 *chronized and coordinated to be consistent with section*
5 *1509.*

6 (d) *BRIEFING.*—*Not later than 30 days after the date*
7 *on which the Commander and the Chief Information Officer*
8 *complete development of the roadmap and implementation*
9 *plan under subsection (a), the Commander and the Chief*
10 *Information Officer shall provide to the congressional de-*
11 *fense committees a classified briefing on the roadmap and*
12 *implementation plan.*

13 **SEC. 1555. REVIEW OF DEPARTMENT OF DEFENSE IMPLE-**
14 **MENTATION OF RECOMMENDATIONS FROM**
15 **DEFENSE SCIENCE BOARD CYBER REPORT.**

16 (a) *REVIEW.*—

17 (1) *REQUIREMENT.*—*Not later than 180 days*
18 *after the date of the enactment of this Act, the Sec-*
19 *retary of Defense shall complete a review of the find-*
20 *ings and recommendations presented in the June*
21 *2018 Defense Science Board report titled “Cyber as a*
22 *Strategic Capability”.*

23 (2) *ELEMENTS.*—*The review under paragraph*
24 *(1) shall include the following:*

1 (A) *Identification of, and description of im-*
2 *plementation for, recommendations that have*
3 *been implemented by the Secretary.*

4 (B) *Identification of recommendations that*
5 *have not yet been fully implemented by the Sec-*
6 *retary.*

7 (C) *Identification of the reasons why the*
8 *recommendations identified under subparagraph*
9 *(B) were not implemented.*

10 (D) *Identification of such legislative or ad-*
11 *ministrative action as the Secretary determines*
12 *necessary to implement the recommendations*
13 *identified under subparagraph (B).*

14 (b) *REPORT.—*

15 (1) *REQUIREMENT.—Not later than 30 days*
16 *after the date on which the review is completed under*
17 *paragraph (1) of subsection (a), the Secretary shall*
18 *submit to the Committees on Armed Services of the*
19 *Senate and the House of Representatives a report on*
20 *the review, including a disclosure of the matters iden-*
21 *tified and developed under paragraph (2) of such sub-*
22 *section.*

23 (2) *FORM.—The report submitted under para-*
24 *graph (1) shall be submitted in unclassified form, but*
25 *may include a classified annex.*

1 **SEC. 1556. ANNUAL BRIEFING ON RELATIONSHIP BETWEEN**
2 **NATIONAL SECURITY AGENCY AND UNITED**
3 **STATES CYBER COMMAND.**

4 (a) *ANNUAL BRIEFINGS REQUIRED.*—Not later than
5 March 1, 2023, and not less frequently than once each year
6 thereafter until March 1, 2028, the Secretary of Defense
7 shall provide the congressional defense committees a briefing
8 on the relationship between the National Security Agency
9 and United States Cyber Command.

10 (b) *ELEMENTS.*—Each briefing provided under sub-
11 section (a) shall include an annual assessment of the fol-
12 lowing:

13 (1) *The resources, authorities, activities, mis-*
14 *sions, facilities, and personnel used to conduct the rel-*
15 *evant missions at the National Security Agency as*
16 *well as the cyber offense and defense missions of*
17 *United States Cyber Command.*

18 (2) *The processes used to manage risk, balance*
19 *tradeoffs, and work with partners to execute oper-*
20 *ations.*

21 (3) *An assessment of the operating environment*
22 *and the continuous need to balance tradeoffs to meet*
23 *mission necessity and effectiveness.*

24 (4) *An assessment of the operational effects re-*
25 *sulting from the relationship between the National Se-*
26 *curity Agency and United States Cyber Command,*

1 *including a list of specific operations conducted over*
2 *the previous year that were enabled by or benefitted*
3 *from the relationship.*

4 *(5) Such other topics as the Director of the Na-*
5 *tional Security Agency and the Commander of United*
6 *States Cyber Command may consider appropriate.*

7 **SEC. 1557. REVIEW OF DEFINITIONS ASSOCIATED WITH**
8 **CYBERSPACE OPERATIONS FORCES.**

9 *(a) REVIEW.—Not later than 120 days after the date*
10 *of the enactment of this Act, the Secretary of Defense, acting*
11 *through the Principal Cyber Advisor of the Department of*
12 *Defense and the Principal Cyber Advisors of the military*
13 *departments, shall—*

14 *(1) review—*

15 *(A) the memorandum of the Secretary of*
16 *Defense dated December 12, 2019, concerning the*
17 *definition of the term “Department of Defense*
18 *Cyberspace Operations Forces (DoD COF)”;* and

19 *(B) the responsibilities of the Commander of*
20 *the United States Cyber Command as the Cyber-*
21 *space Joint Force Provider and Cyberspace Joint*
22 *Force Trainer, with respect to forces included*
23 *and excluded from the Cyberspace Operations*
24 *Forces; and*

1 (2) *update such memorandum and, as appro-*
2 *priate, update such responsibilities.*

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

5 (1) *A comprehensive assessment of units and*
6 *components of the Department of Defense conducting*
7 *defensive cyberspace operations which are not cur-*
8 *rently included in the definition specified in para-*
9 *graph (1)(A) of such subsection.*

10 (2) *Consideration of options for participation in*
11 *the Cyberspace Operations Forces by forces without*
12 *regard to whether the forces are included in such defi-*
13 *inition, including options under which—*

14 (A) *forces currently excluded from the*
15 *Cyberspace Operations Forces because of such*
16 *definition may access training, resources, and*
17 *expertise of the Cyberspace Operations Forces;*

18 (B) *the Commander of the United States*
19 *Cyber Command may issue advisory tasking to*
20 *forces that are not Cyberspace Operations Forces*
21 *pursuant to such definition; and*

22 (C) *forces that are not Cyberspace Oper-*
23 *ations Forces pursuant to such definition are*
24 *subject to training standards established by the*

1 *Commander as the Cyberspace Joint Force*
2 *Trainer.*

3 **SEC. 1558. ANNUAL ASSESSMENTS AND REPORTS ON AS-**
4 **SIGNMENT OF CERTAIN BUDGET CONTROL**
5 **RESPONSIBILITY TO COMMANDER OF UNITED**
6 **STATES CYBER COMMAND.**

7 *(a) ANNUAL ASSESSMENTS.—*

8 *(1) REQUIREMENT.—During fiscal year 2023,*
9 *and not less frequently than once each fiscal year*
10 *thereafter through fiscal year 2028, the Commander of*
11 *the United States Cyber Command, in coordination*
12 *with the Principal Cyber Advisor of the Department*
13 *of Defense, shall assess the implementation of the*
14 *transition of responsibilities assigned to the Com-*
15 *mander by section 1507(a)(1) of the National Defense*
16 *Authorization Act for Fiscal Year 2022 (Public Law*
17 *117–81).*

18 *(2) ELEMENTS.—Each assessment carried out*
19 *under paragraph (1) shall include the following:*

20 *(A) An assessment of the operational and*
21 *organizational effect of section 1507(a)(1) of the*
22 *National Defense Authorization Act for Fiscal*
23 *Year 2022 (Public Law 117–81) on the training,*
24 *equipping, operation, sustainment, and readiness*
25 *of the Cyber Mission Forces.*

1 (B) *An inventory description of the cyber*
2 *systems, activities, capabilities, resources, and*
3 *functions that have been transferred from the*
4 *military departments to control of the Com-*
5 *mander and those that have not been*
6 *transitioned pursuant to such section 1507(a)(1).*

7 (C) *An opinion by the Commander as to*
8 *whether the cyber systems, activities, capabilities,*
9 *resources, and functions that have not been so*
10 *transitioned should be transitioned pursuant to*
11 *such section 1507(a)(1).*

12 (D) *An assessment of the adequacy of re-*
13 *sources, authorities, and policies required to im-*
14 *plement such section 1507(a)(1), including orga-*
15 *nizational, functional, and personnel matters.*

16 (E) *An assessment of the reliance on re-*
17 *sources, authorities, policies, or personnel exter-*
18 *nal to United States Cyber Command in support*
19 *of the budget control of the Commander.*

20 (F) *Identification of any outstanding areas*
21 *for transition pursuant to such section*
22 *1507(a)(1).*

23 (G) *An assessment of the organization es-*
24 *tablished under section 1509 and its performance*
25 *relative to the requirements of the Command.*

1 (H) *Such other matters as the Commander*
2 *considers appropriate.*

3 (b) *ANNUAL REPORTS.*—*Not later than March 1, 2023,*
4 *and annually thereafter through 2028, the Commander shall*
5 *submit to the congressional defense committees a report on*
6 *the findings of the Commander with respect to the assess-*
7 *ments under subsection (a).*

8 **SEC. 1559. ASSESSMENTS OF WEAPONS SYSTEMS**
9 **VULNERABILITIES TO RADIO-FREQUENCY EN-**
10 **ABLED CYBER ATTACKS.**

11 (a) *ASSESSMENTS.*—*The Secretary of Defense shall en-*
12 *sure that the activities required by and conducted pursuant*
13 *to section 1647 of the National Defense Authorization Act*
14 *for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118),*
15 *section 1637 of the John S. McCain National Defense Au-*
16 *thorization Act for Fiscal Year 2019 (Public Law 115–232;*
17 *10 U.S.C. 221 note), and the amendments made by section*
18 *1712 of the William M. (Mac) Thornberry National Defense*
19 *Authorization Act for Fiscal Year 2021 (Public Law 116–*
20 *283; 134 Stat. 4087) include regular assessments of the*
21 *vulnerabilities to and mission risks presented by radio-fre-*
22 *quency enabled cyber attacks with respect to the operational*
23 *technology embedded in weapons systems, aircraft, ships,*
24 *ground vehicles, space systems, sensors, and datalink net-*
25 *works of the Department of Defense.*

1 **(b) ELEMENTS.**—*The assessments under subsection (a)*
2 *with respect to vulnerabilities and risks described in such*
3 *subsection shall include—*

4 (1) *identification of such vulnerabilities and*
5 *risks;*

6 (2) *ranking of vulnerability, severity, and pri-*
7 *ority;*

8 (3) *development and selection of options, with*
9 *associated costs and schedule, to correct such*
10 *vulnerabilities, including installation of intrusion de-*
11 *tection capabilities;*

12 (4) *an evaluation of the cybersecurity sufficiency*
13 *for Military Standard 1553; and*

14 (5) *development of integrated risk-based plans to*
15 *implement the corrective actions selected.*

16 **(c) DEVELOPMENT OF CORRECTIVE ACTIONS.**—*In de-*
17 *veloping corrective actions under subsection (b)(3), the as-*
18 *sessments under subsection (a) shall—*

19 (1) *consider the missions supported by the as-*
20 *essed weapons systems, aircraft, ships, ground vehi-*
21 *cles, space systems, sensors, or datalink networks, as*
22 *the case may be, to ensure that the corrective actions*
23 *focus on the vulnerabilities that create the greatest*
24 *risks to the missions;*

1 (2) *be shared and coordinated with the principal*
2 *staff assistant with primary responsibility for the*
3 *strategic cybersecurity program; and*

4 (3) *address requirements for deployed and non-*
5 *deployed members of the Armed Forces to analyze*
6 *data collected on the weapons systems and respond to*
7 *attacks.*

8 (d) *INTELLIGENCE INFORMED ASSESSMENTS.—The*
9 *assessments under subsection (a) shall be informed by intel-*
10 *ligence, if available, and technical judgment regarding po-*
11 *tential threats to embedded operational technology during*
12 *operations of the Armed Forces.*

13 (e) *COORDINATION.—*

14 (1) *COORDINATION AND INTEGRATION OF ACTIVI-*
15 *TIES.—The assessments under subsection (a) shall be*
16 *fully coordinated and integrated with activities de-*
17 *scribed in such subsection.*

18 (2) *COORDINATION OF ORGANIZATIONS.—The*
19 *Secretary shall ensure that the organizations con-*
20 *ducting the assessments under subsection (a) in the*
21 *military departments, the United States Special Op-*
22 *erations Command, and the Defense Agencies coordi-*
23 *nate with each other and share best practices, vulner-*
24 *ability analyses, and technical solutions with the*

1 *principal staff assistant with primary responsibility*
2 *for the Strategic Cybersecurity Program.*

3 (f) *BRIEFINGS.*—*Not later than one year after the date*
4 *of the enactment of this Act, the Secretary shall provide to*
5 *the congressional defense committees briefings from the or-*
6 *ganizations specified under subsection (e)(2), as appro-*
7 *priate, on the activities and plans required under this sec-*
8 *tion.*

9 **SEC. 1560. BRIEFING ON DEPARTMENT OF DEFENSE PLAN**
10 **TO DETER AND COUNTER ADVERSARIES IN**
11 **THE INFORMATION ENVIRONMENT.**

12 (a) *BRIEFING.*—*Not later than 90 days after the date*
13 *of the enactment of this Act, the Secretary of Defense shall*
14 *provide to the congressional defense committees a briefing*
15 *on the following:*

16 (1) *The status of the strategy and posture review*
17 *required by section 1631(g) of the National Defense*
18 *Authorization Act for Fiscal Year 2020 (Public Law*
19 *116–92; 10 U.S.C. 397 note).*

20 (2) *A description of efforts of the Department of*
21 *Defense, including such efforts conducted in consulta-*
22 *tion with relevant departments and agencies of the*
23 *Federal Government, to effectively deter and counter*
24 *foreign adversaries in the information environment,*
25 *including—*

1 (A) recent updates or modifications to exist-
2 ing policies to more effectively deter and counter
3 adversaries;

4 (B) a description of funding priorities and
5 impacts to future budget requests;

6 (C) recent updates to personnel policies to
7 ensure the recruitment, promotion, retention,
8 and compensation for individuals with the nec-
9 essary skills in the information environment;
10 and

11 (D) a description of improvements required
12 to the collection, prioritization, and analysis of
13 intelligence, in particular open-source intel-
14 ligence, to better inform the understanding of
15 foreign adversaries in the information environ-
16 ment.

17 (3) A description of any initiatives that are
18 being taken, in cooperation with relevant departments
19 and agencies of the Federal Government, to assist and
20 incorporate allies and partner countries of the United
21 States into efforts to effectively deter and counter for-
22 eign adversaries in the information environment.

23 (4) A description of any additional actions the
24 Secretary determines necessary to further ensure that
25 the Department of Defense is appropriately postured

1 to effectively deter and counter foreign adversaries in
2 the information environment.

3 (5) Any other matters the Secretary of Defense
4 determines appropriate.

5 (b) *INFORMATION ENVIRONMENT DEFINED.*—In this
6 section, the term “information environment” has the mean-
7 ing given in the publication of the Department of Defense
8 titled “Joint Concept for Operating in the Information En-
9 vironment (JCOIE)” dated July 25, 2018.

10 **TITLE XVI—SPACE ACTIVITIES,**
11 **STRATEGIC PROGRAMS, AND**
12 **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 tech-
nology development.*

*Sec. 1608. Review of Space Development Agency exemption from Joint Capabili-
ties 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 oper-
ational 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 amend-*
5 *ed by inserting after section 2275 the following new section*
6 *(and conforming the table of sections at the beginning of*
7 *such chapter accordingly):*

8 ***“§ 2275a. Requirements for protection of satellites***

9 *“(a) ESTABLISHMENT OF REQUIREMENTS.—Before a*
10 *major satellite acquisition program achieves Milestone A*
11 *approval, or equivalent, the Chief of Staff of the Space*
12 *Force, in consultation with the Commander of the United*
13 *States Space Command, shall establish requirements for the*
14 *defense and resilience of the satellites under that program*
15 *against the capabilities of adversaries to target, degrade,*
16 *or destroy the satellites.*

17 *“(b) DEFINITIONS.—In this section:*

18 *“(1) The term ‘major satellite acquisition pro-*
19 *gram’ has the meaning given that term in section*
20 *2275 of this title.*

21 *“(2) The term ‘Milestone A approval’ has the*
22 *meaning given that term in section 4251 of this title*
23 *10.”.*

24 ***SEC. 1602. STRATEGY ON PROTECTION OF SATELLITES.***

25 *(a) STRATEGY.—*

1 (1) *REQUIREMENT.*—Not later than 90 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense, in coordination with the Director
4 of National Intelligence, shall make publicly available
5 a strategy containing the actions that will be taken
6 to defend and protect on-orbit satellites of the Depart-
7 ment of Defense and the intelligence community from
8 the capabilities of adversaries to target, degrade, or
9 destroy satellites.

10 (2) *FORMS.*—The Secretary shall—

11 (A) make the strategy under paragraph (1)
12 publicly available in unclassified form; and

13 (B) submit to the appropriate congressional
14 committees an annex, which may be submitted
15 in classified form, containing supporting docu-
16 ments to the strategy.

17 (b) *DEFINITIONS.*—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the congressional defense committees;

21 and

22 (B) the Permanent Select Committee on In-
23 telligence of the House of Representatives and the
24 Select Committee on Intelligence of the Senate.

1 (2) *The term “intelligence community” has the*
2 *meaning given that term in section 3(4) of the Na-*
3 *tional Security Act of 1947 (50 U.S.C. 3003(4)).*

4 **SEC. 1603. MODIFICATION OF REPORTS ON INTEGRATION**
5 **OF ACQUISITION AND CAPABILITY DELIVERY**
6 **SCHEDULES FOR SEGMENTS OF MAJOR SAT-**
7 **ELLITE ACQUISITIONS PROGRAMS AND FUND-**
8 **ING FOR SUCH PROGRAMS.**

9 *Section 2275(f) of title 10, United States Code, is*
10 *amended by striking paragraph (3).*

11 **SEC. 1604. TACTICALLY RESPONSIVE SPACE CAPABILITY.**

12 *(a) PROGRAM.—Subsection (a) of section 1609 of the*
13 *William M. (Mac) Thornberry National Defense Authoriza-*
14 *tion Act for Fiscal Year 2021 (Public Law 116–283; 10*
15 *U.S.C. 2271 note) is amended to read as follows:*

16 *“(a) PROGRAM.—The Secretary of the Air Force shall*
17 *ensure that the Space Force has a tactically responsive*
18 *space capability that—*

19 *“(1) addresses all lifecycle elements; and*

20 *“(2) addresses rapid deployment and reconstitu-*
21 *tion requirements—*

22 *“(A) to provide long-term continuity for*
23 *tactically responsive space capabilities across the*
24 *future-years defense program submitted to Con-*

1 gress under section 221 of title 10, United States
2 Code;

3 “(B) to continue the development of con-
4 cepts of operations, including with respect to tac-
5 tics, training, and procedures;

6 “(C) to develop appropriate processes for
7 tactically responsive space launch, including—

8 “(i) mission assurance processes; and

9 “(ii) command and control, tracking,
10 telemetry, and communications; and

11 “(D) to identify basing requirements nec-
12 essary to enable tactically responsive space capa-
13 bilities.”.

14 (b) *REQUIREMENTS.*—Such section is further amend-
15 ed—

16 (1) by redesignating subsection (b) as subsection
17 (c); and

18 (2) by inserting after subsection (a) the following
19 new subsection:

20 “(b) *REQUIREMENTS.*—The Chief of Space Operations
21 shall establish tactically responsive requirements for all na-
22 tional security space capabilities, if applicable, carried out
23 under title 10, United States Code.”.

24 (c) *SUPPORT.*—Subsection (c) of such section, as redес-
25 ignated by subsection (b), is amended—

1 (1) *in paragraph (1)—*

2 (A) *in the matter preceding subparagraph*
3 (A), *by striking “launch program” and inserting*
4 “space program”; and

5 (B) *by striking subparagraph (B) and in-*
6 serting the following new subparagraph:

7 “(B) *The entire end-to-end tactically re-*
8 sponsive space capability, including with respect
9 to the launch vehicle, ground infrastructure, bus,
10 payload, operations and on-orbit sustainment.”;
11 and

12 (2) *in paragraph (2)—*

13 (A) *in the matter preceding subparagraph*
14 (A)—

15 (i) *by striking “for fiscal year 2023”*
16 and inserting “for each of fiscal years 2023
17 through 2026”; and

18 (ii) *by striking “tactically responsive*
19 launch program” and inserting “tactically
20 responsive space program”;

21 (B) *in subparagraph (A), by striking*
22 “launches” and inserting “capabilities”; and

23 (C) *in subparagraph (C), by striking*
24 “tactically responsive launch program” and in-
25 serting “tactically responsive space program”.

1 (d) *CONFORMING AMENDMENT.*—*The heading of such*
2 *section is amended in the heading by striking “LAUNCH*
3 *OPERATIONS” and inserting “SPACE CAPABILITY”.*

4 **SEC. 1605. EXTENSION OF ANNUAL REPORT ON SPACE COM-**
5 **MAND AND CONTROL.**

6 Section 1613(a)(2) of the National Defense Authoriza-
7 *tion Act for Fiscal Year 2020 (Public Law 116–92; 133*
8 *Stat. 1731) is amended by striking “2025” and inserting*
9 *“2030”.*

10 **SEC. 1606. ALLIED RESPONSIVE SPACE CAPABILITIES.**

11 (a) *INITIATIVES.*—*The Secretary of the Defense and*
12 *the Secretary of State shall jointly ensure that responsive*
13 *space capabilities of the Department of Defense align with*
14 *initiatives by Five Eyes countries, member states of the*
15 *North Atlantic Treaty Organization, and other allies to*
16 *promote a globally responsive space architecture.*

17 (b) *REPORT.*—*Not later than 180 days after the date*
18 *of the enactment of this Act, the Secretary of Defense and*
19 *the Secretary of State, in coordination with the Commander*
20 *of the United States European Command, the Commander*
21 *of the United States Indo-Pacific Command, and the Com-*
22 *mander of the United States Space Command, shall jointly*
23 *submit to the congressional defense committees, the Com-*
24 *mittee on Foreign Affairs of the House of Representatives,*
25 *and the Committee on Foreign Relations of the Senate a*

1 *report assessing current investments and partnerships by*
2 *the United States with allies of the United States with re-*
3 *spect to responsive space efforts. The report shall include*
4 *the following:*

5 (1) *An assessment of the benefits of leveraging al-*
6 *lied and partner spaceports for responsive launch.*

7 (2) *A discussion of current and future plans to*
8 *engage with allies and partners with respect to activi-*
9 *ties ensuring rapid reconstitution or augmentation of*
10 *the space capabilities of the United States and allies.*

11 (3) *An assessment of the shared costs and tech-*
12 *nology between the United States and allies, includ-*
13 *ing if investments from the Pacific Deterrence Initia-*
14 *tive and the European Deterrence Initiative could be*
15 *considered for allied spaceports.*

16 (c) *FIVE EYES COUNTRIES DEFINED.*—*In this section,*
17 *the term “Five Eyes countries” means the following:*

18 (1) *Australia.*

19 (2) *Canada.*

20 (3) *New Zealand.*

21 (4) *The United Kingdom.*

22 (5) *The United States.*

1 **SEC. 1607. APPLIED RESEARCH AND EDUCATIONAL ACTIVI-**
2 **TIES TO SUPPORT SPACE TECHNOLOGY DE-**
3 **VELOPMENT.**

4 (a) *IN GENERAL.*—*The Secretary of the Air Force and*
5 *the Chief of Space Operations, in coordination with the*
6 *Chief Technology and Innovation Office of the Space Force,*
7 *may carry out applied research and educational activities*
8 *to support space technology development.*

9 (b) *ACTIVITIES.*—*Activities carried out under sub-*
10 *section (a) shall support the applied research, development,*
11 *and demonstration needs of the Space Force, including by*
12 *addressing and facilitating the advancement of capabilities*
13 *related to—*

- 14 (1) *space domain awareness;*
15 (2) *positioning, navigation, and timing;*
16 (3) *communications;*
17 (4) *hypersonics;*
18 (5) *cybersecurity; and*
19 (6) *any other matter the Secretary of the Air*
20 *Force considers relevant.*

21 (c) *EDUCATION AND TRAINING.*—*Activities carried out*
22 *under subsection (a) shall—*

- 23 (1) *promote education and training for students*
24 *so as to support the future national security space*
25 *workforce of the United States; and*

1 (2) *explore opportunities for international col-*
2 *laboration.*

3 (d) *TERMINATION.*—*The authority provided by this*
4 *section shall expire on December 31, 2027.*

5 **SEC. 1608. REVIEW OF SPACE DEVELOPMENT AGENCY EX-**
6 **EMPTION FROM JOINT CAPABILITIES INTE-**
7 **GRATION AND DEVELOPMENT SYSTEM.**

8 (a) *REVIEW.*—*Not later than March 31, 2023, the Sec-*
9 *retary of Defense shall complete a review regarding whether*
10 *the Space Development Agency should be exempt from the*
11 *Joint Capabilities Integration and Development System.*

12 (b) *RECOMMENDATION.*—*Not later than 30 days after*
13 *the date on which the review under subsection (a) is com-*
14 *pleted, the Secretary of Defense shall submit to the congres-*
15 *sional defense committees a recommendation as to whether*
16 *the exemption described in such subsection should apply to*
17 *the Space Development Agency.*

18 (c) *IMPLEMENTATION.*—*Not later than 60 days after*
19 *the date on which the recommendation is submitted under*
20 *subsection (b), the Secretary of the Air Force and the Direc-*
21 *tor of the Space Development Agency shall implement the*
22 *recommendation.*

1 **SEC. 1609. UPDATE TO PLAN TO MANAGE INTEGRATED TAC-**
2 **TICAL WARNING AND ATTACK ASSESSMENT**
3 **SYSTEM AND MULTI-DOMAIN SENSORS.**

4 (a) *UPDATE REQUIRED.*—Not later than one year
5 after the date of the enactment of this Act, the Secretary
6 of the Air Force shall update the plan that was developed
7 pursuant to section 1669 of the National Defense Authoriza-
8 tion Act for Fiscal Year 2018 (Public Law 115–91).

9 (b) *COORDINATION WITH OTHER AGENCIES.*—In de-
10 veloping the update required by subsection (a), the Sec-
11 retary shall—

12 (1) *coordinate with the Secretary of the Army,*
13 *the Secretary of the Navy, the Director of the Missile*
14 *Defense Agency, the Director of the National Recon-*
15 *naissance Office, and the Director of the Space Devel-*
16 *opment Agency; and*

17 (2) *solicit comments on the plan, if any, from*
18 *the Commander of United States Strategic Command,*
19 *the Commander of United States Northern Command,*
20 *and the Commander of United States Space Com-*
21 *mand.*

22 (c) *SUBMITTAL TO CONGRESS.*—Not later than 90
23 days after the update required by subsection (a) is complete,
24 the Secretary of the Air Force shall submit to the congres-
25 sional defense committees—

- 1 (1) *the plan updated pursuant to subsection (a);*
2 *and*
3 (2) *the comments from the Commander of United*
4 *States Strategic Command, the Commander of United*
5 *States Northern Command, and the Commander of*
6 *United States Space Command, if any, solicited*
7 *under subsection (b)(2).*

8 **SEC. 1610. REPORT ON SPACE DEBRIS.**

9 (a) *REQUIREMENT.*—*Not later than 120 days after the*
10 *date of the enactment of this Act, the Secretary of Defense*
11 *shall submit to the appropriate congressional committees*
12 *the portion of the report on the risks posed by man-made*
13 *space debris in low-Earth orbit described in the explanatory*
14 *statement accompanying the National Defense Authoriza-*
15 *tion Act for Fiscal Year 2022 (Public Law 117–81) that*
16 *pertains to the Department of Defense. The portion of the*
17 *report shall include—*

- 18 (1) *an explanation of such risks to defense and*
19 *national security space assets;*
20 (2) *recommendations with respect to the remedi-*
21 *ation of such risks to defense and national security*
22 *assets; and*
23 (3) *outlines of plans to reduce the incident of*
24 *such space debris to defense and national security as-*
25 *sets.*

1 **(b) APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
2 *FINED.—In this section, the term “appropriate congress-*
3 *sional committees” means—*

4 *(1) the Committee on Armed Services and the*
5 *Committee on Science, Space, and Technology of the*
6 *House of Representatives; and*

7 *(2) the Committee on Armed Services and Com-*
8 *mittee on Commerce, Science, and Transportation of*
9 *the Senate.*

10 ***Subtitle B—Defense Intelligence***
11 ***and Intelligence-Related Activities***

12 ***SEC. 1621. CONGRESSIONAL OVERSIGHT OF CLANDESTINE***
13 ***ACTIVITIES THAT SUPPORT OPERATIONAL***
14 ***PREPARATION OF THE ENVIRONMENT.***

15 *Section 127f of title 10, United States Code, is amend-*
16 *ed—*

17 *(1) by redesignating subsections (e) and (f) as*
18 *subsections (f) and (g), respectively; and*

19 *(2) by inserting after subsection (d) the following*
20 *new subsection:*

21 ***“(e) QUARTERLY BRIEFING.—On a quarterly basis,***
22 *the Assistant Secretary of Defense for Special Operations*
23 *and Low Intensity Conflict, in coordination with elements*
24 *of the Department of Defense that the Assistant Secretary*
25 *determines appropriate, shall provide to the congressional*

1 *defense committees a briefing outlining the clandestine ac-*
2 *tivities carried out pursuant to subsection (a) during the*
3 *period covered by the briefing, including—*

4 “(1) *an update on such activities carried out in*
5 *each geographic combatant command and a descrip-*
6 *tion of how such activities support the respective the-*
7 *ater campaign plan;*

8 “(2) *an overview of the authorities and legal*
9 *issues, including limitations, relating to such activi-*
10 *ties; and*

11 “(3) *any other matters the Assistant Secretary*
12 *considers appropriate.”.*

13 ***Subtitle C—Nuclear Forces***

14 ***SEC. 1631. BIENNIAL BRIEFING ON NUCLEAR WEAPONS*** 15 ***AND RELATED ACTIVITIES.***

16 *Chapter 24 of title 10, United States Code, is amended*
17 *by inserting after section 492a the following new section*
18 *(and conforming the table of sections at the beginning of*
19 *such chapter accordingly):*

20 ***“SEC. 492b. BIENNIAL BRIEFING ON NUCLEAR WEAPONS*** 21 ***AND RELATED ACTIVITIES.***

22 “(a) *IN GENERAL.—On or about May 1 and November*
23 *1 of each year, the officials specified in subsection (b) shall*
24 *provide to the Committees on Armed Services of the Senate*
25 *and the House of Representatives a briefing on matters re-*

1 *lating to nuclear weapons policies, operations, technology*
2 *development, and other similar topics as requested by such*
3 *committees.*

4 “(b) *OFFICIALS SPECIFIED.—The officials specified in*
5 *this subsection are the following:*

6 “(1) *The Assistant Secretary of Defense for Ac-*
7 *quisition.*

8 “(2) *The Assistant Secretary of Defense for Nu-*
9 *clear, Chemical, and Biological Defense Programs.*

10 “(3) *The Assistant Secretary of Defense for*
11 *Space Policy.*

12 “(4) *The Deputy Administrator for Defense Pro-*
13 *grams of the National Nuclear Security Administra-*
14 *tion.*

15 “(5) *The Director for Strategy, Plans, and Pol-*
16 *icy of the Joint Staff.*

17 “(6) *The Director for Capability and Resource*
18 *Integration for the United States Strategic Command.*

19 “(c) *DELEGATION.—An official specified in subsection*
20 *(b) may delegate the authority to provide a briefing under*
21 *subsection (a) to a member of the Senior Executive Service*
22 *who reports to the official.*

23 “(d) *TERMINATION.—The requirement to provide a*
24 *briefing under subsection (a) shall terminate on January*
25 *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 amended*
4 *by inserting after section 493 the following new section (and*
5 *conforming the table of sections at the beginning of such*
6 *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 for*
11 *Acquisition, Technology, and Logistics, shall designate a*
12 *senior official, who shall report to the Assistant Secretary,*
13 *to monitor the combined industrial base supporting the ac-*
14 *quisition 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 subsection*
20 *(a), the senior official designated under such subsection*
21 *shall—*

22 *“(1) have the authority to select staff to assist the*
23 *senior official from among civilian employees of the*
24 *Department and members of the armed forces, who*
25 *may provide such assistance concurrently while serv-*
26 *ing in another position;*

1 “(2) monitor the acquisition by the combined in-
2 dustrial 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 skills
12 and knowledge, intellectual property on manufac-
13 turing processes, and facilities and equipment nec-
14 essary to design, develop, manufacture, repair, and
15 support a program are available and affordable with-
16 in the scopes of the B-21 aircraft program and the
17 Sentinel intercontinental ballistic missile weapon sys-
18 tem program.

19 “(c) ANNUAL REPORT.—At the same time as the sub-
20 mission of the budget of the President pursuant to section
21 1105(a) of title 31 for a fiscal year, the Secretary shall sub-
22 mit to the congressional defense committees a report with
23 respect to the status of the combined industrial base de-
24 scribed in subsection (a).”.

1 **SEC. 1633. IMPROVEMENTS TO NUCLEAR WEAPONS COUN-**
2 **CIL.**

3 (a) *RESPONSIBILITIES.*—Subsection (d) of section 179
4 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), respectively;

10 (3) by inserting after paragraph (9) the fol-
11 lowing new paragraph (10):

12 “(10) With respect to nuclear warheads—

13 “(A) reviewing military requirements, per-
14 formance requirements, and planned delivery
15 schedules to evaluate whether such requirements
16 and schedules create significant risks to cost,
17 schedules, or other matters regarding production,
18 surveillance, research, and other programs relat-
19 ing to nuclear weapons within the National Nu-
20 clear Security Administration; and

21 “(B) if any such risk exists, proposing and
22 analyzing adjustments to such requirements and
23 schedules.”; and

24 (4) by striking paragraph (13), as so redesign-
25 ated, and inserting the following new paragraph
26 (13):

1 “(13) *Coordinating risk management efforts be-*
2 *tween the Department of Defense and the National*
3 *Nuclear Security Administration relating to the nu-*
4 *clear weapons stockpile, the nuclear security enter-*
5 *prise (as defined in section 4002 of the Atomic En-*
6 *ergy Defense Act (50 U.S.C. 2501)), and the delivery*
7 *platforms for nuclear weapons, including with respect*
8 *to identifying and analyzing risks and proposing ac-*
9 *tions to mitigate risks.”.*

10 **(b) PLANS AND BUDGET.**—*Subsection (f) of such sec-*
11 *tion is amended to read as follows:*

12 “(f) **BUDGET AND FUNDING MATTERS.**—(1) *The Coun-*
13 *cil shall annually review the plans and budget of the Na-*
14 *tional Nuclear Security Administration and assess whether*
15 *such plans and budget meet the current and projected re-*
16 *quirements relating to nuclear weapons.*

17 “(2)(A) *The Council shall review each budget request*
18 *transmitted by the Secretary of Energy to the Council*
19 *under section 4717 of the Atomic Energy Defense Act (50*
20 *U.S.C. 2757) and make a determination under subpara-*
21 *graph (B) regarding the adequacy of each such request. Not*
22 *later than 30 days after making such a determination, the*
23 *Council shall notify the congressional defense committees*
24 *that such a determination has been made.*

1 “(B)(i) *If the Council determines that a budget request*
2 *for a fiscal year transmitted to the Council under section*
3 *4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)*
4 *is inadequate, in whole or in part, to implement the objec-*
5 *tives of the Department of Defense with respect to nuclear*
6 *weapons for that fiscal year, the Council shall submit to*
7 *the Secretary of Energy a written description of funding*
8 *levels and specific initiatives that would, in the determina-*
9 *tion of the Council, make the budget request adequate to*
10 *implement those objectives.*

11 “(ii) *If the Council determines that a budget request*
12 *for a fiscal year transmitted to the Council under section*
13 *4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)*
14 *is adequate to implement the objectives described in clause*
15 *(i) for that fiscal year, the Council shall submit to the Sec-*
16 *retary of Energy a written statement confirming the ade-*
17 *quacy of the request.*

18 “(iii) *The Council shall maintain a record of each de-*
19 *scription submitted under clause (i) and each statement*
20 *submitted under clause (ii).*

21 “(3) *Not later than 30 days after the President submits*
22 *to Congress the budget for a fiscal year under section*
23 *1105(a) of title 31, the Council shall submit to the congres-*
24 *sional defense committees a report containing the following:*

1 “(A) *The results of the assessment conducted*
2 *under paragraph (1) with respect to that budget.*

3 “(B) *An evaluation of—*

4 “(i) *whether the funding requested for the*
5 *National Nuclear Security Administration in*
6 *such budget—*

7 “(I) *enables the Administrator for Nu-*
8 *clear Security to meet requirements relating*
9 *to nuclear weapons for such fiscal year; and*

10 “(II) *is adequate to implement the ob-*
11 *jectives of the Department of Defense with*
12 *respect to nuclear weapons for that fiscal*
13 *year; and*

14 “(ii) *whether the plans and budget reviewed*
15 *under paragraph (1) will enable the Adminis-*
16 *trator to meet—*

17 “(I) *the requirements to produce war*
18 *reserve plutonium pits under section*
19 *4219(a) of such Act (50 U.S.C. 2538a(a));*
20 *and*

21 “(II) *any other requirements under*
22 *Federal law.*

23 “(C) *If the evaluation under subparagraph*
24 *(B)(ii) determines that the plans and budget reviewed*
25 *under paragraph (1) will not enable the Adminis-*

1 *trator to meet the requirements to produce war re-*
2 *serve plutonium pits under section 4219(a) of the*
3 *Atomic Energy Defense Act (50 U.S.C. 2538a(a))—*

4 *“(i) an explanation for why the plans and*
5 *budget will not enable the Administrator to meet*
6 *such requirements; and*

7 *“(ii) proposed alternative plans, budget, or*
8 *requirements by the Council to meet such re-*
9 *quirements.*

10 *“(4) If a member of the Council does not concur in*
11 *any assessment or evaluation under this subsection, the re-*
12 *port or other information required to be submitted to the*
13 *congressional defense committees regarding such assessment*
14 *or evaluation shall include a written explanation from the*
15 *non-concurring member describing the reasons for the mem-*
16 *ber’s nonconcurrency.*

17 *“(5)(A) Not later than 30 days after the President sub-*
18 *mits to Congress the budget for a fiscal year under section*
19 *1105(a) of title 31, the Commander of the United States*
20 *Strategic Command shall submit to the Chairman of the*
21 *Joint Chiefs of Staff an assessment of—*

22 *“(i) whether such budget allows the Federal*
23 *Government to meet the nuclear stockpile and*
24 *stockpile stewardship program requirements dur-*

1 *ing the fiscal year covered by the budget and the*
2 *four subsequent fiscal years; and*

3 *“(i) if the Commander determines that*
4 *such budget does not allow the Federal Govern-*
5 *ment to meet such requirements, a description of*
6 *the steps being taken to meet such requirements.*

7 *“(B) Not later than 30 days after the date on which*
8 *the Chairman of the Joint Chiefs of Staff receives the assess-*
9 *ment of the Commander of the United States Strategic*
10 *Command under subparagraph (A), the Chairman shall*
11 *submit to the congressional defense committees—*

12 *“(i) such assessment as it was submitted to the*
13 *Chairman; and*

14 *“(ii) any comments of the Chairman.*

15 *“(6) In this subsection, the term ‘budget’ has the mean-*
16 *ing given that term in section 231(f) of this title.”.*

17 *(c) MODIFICATION OF BUDGET REVIEW BY NUCLEAR*
18 *WEAPONS COUNCIL.—Section 4717 of the Atomic Energy*
19 *Defense Act (50 U.S.C. 2757) is amended—*

20 *(1) in subsection (a)—*

21 *(A) by striking paragraph (2) and inserting*
22 *the following:*

23 *“(2) REVIEW.—The Council shall review each*
24 *budget request transmitted to the Council under para-*

1 *graph (1) in accordance with section 179(f) of title*
2 *10, United States Code.”; and*

3 *(B) in paragraph (3)(A)—*

4 *(i) in the matter preceding clause (i),*
5 *by striking “paragraph (2)(B)(i)” and in-*
6 *serting “section 179(f)(2)(B)(i) of title 10,*
7 *United States Code,”; and*

8 *(ii) in clause (i), by striking “the de-*
9 *scription under paragraph (2)(B)(i)” and*
10 *inserting “that description”; and*

11 *(2) in subsection (b)—*

12 *(A) by striking “COUNCIL.—” in the head-*
13 *ing and all that follows through “At the time”*
14 *and inserting “COUNCIL.—At the time”; and*

15 *(B) by striking paragraph (2).*

16 *(d) UPDATES ON MEETINGS.—Section 179(g)(1)(A) of*
17 *title 10, United States Code, is amended by inserting “and*
18 *the members who attended each meeting” before the semi-*
19 *colon.*

20 *(e) REPEAL OF TERMINATION OF NUCLEAR WEAPONS*
21 *COUNCIL CERTIFICATION AND REPORTING REQUIRE-*
22 *MENT.—Section 1061(c) of the National Defense Authoriza-*
23 *tion Act for Fiscal Year 2017 (Public Law 114–328; 10*
24 *U.S.C. 111 note) is amended by striking paragraph (10).*

1 **SEC. 1634. PORTFOLIO MANAGEMENT FRAMEWORK FOR NU-**
2 **CLEAR FORCES.**

3 (a) *IN GENERAL.*—Chapter 24 of title 10, United
4 States Code, is amended by adding at the end the following
5 new section (and conforming the table of sections at the be-
6 ginning of such chapter accordingly):

7 **“§ 499c. Portfolio management framework for nuclear**
8 **forces**

9 “(a) *REQUIREMENT.*—Not later than January 1, 2024,
10 the Secretary of Defense shall—

11 “(1) *implement a portfolio management frame-*
12 *work for nuclear forces of the United States that—*

13 “(A) *specifies the portfolio of nuclear forces*
14 *covered by the framework;*

15 “(B) *establishes a portfolio governance*
16 *structure for such forces that takes advantage of,*
17 *or is modeled on, an existing portfolio govern-*
18 *ance structure, such as the Deputy’s Management*
19 *Action Group described in Department of De-*
20 *fense Directive 5105.79;*

21 “(C) *outlines the approach of the Secretary*
22 *for identifying and managing risk relating to*
23 *such forces and prioritizing the efforts among*
24 *such forces, including how the Secretary, acting*
25 *through the Under Secretary of Defense for Ac-*
26 *quisition and Sustainment, will coordinate such*

1 *identification, management, and prioritization*
2 *with the Administrator for Nuclear Security*
3 *using the coordination processes of the Nuclear*
4 *Weapons Council; and*

5 “(D) *incorporates the findings and rec-*
6 *ommendations identified by the Comptroller*
7 *General of the United States in the report titled*
8 *‘Nuclear Enterprise: DOD and NNSA Could*
9 *Further Enhance How They Manage Risk and*
10 *Prioritize Efforts’ (GAO–22–104061) and dated*
11 *January 2022; and*

12 “(2) *complete a comprehensive assessment of the*
13 *portfolio management capabilities required to identify*
14 *and manage risk in the portfolio of nuclear forces, in-*
15 *cluding how to draw upon public and private sector*
16 *resources and the program management expertise*
17 *within the Defense Acquisition University.*

18 “(b) *ANNUAL BRIEFINGS; NOTIFICATIONS.—(1) In*
19 *conjunction with the submission of the budget of the Presi-*
20 *dent to Congress pursuant to section 1105 of title 31 for*
21 *fiscal year 2025 and each fiscal year thereafter through the*
22 *date specified in subsection (c), the Secretary shall provide*
23 *to the congressional defense committees a briefing on identi-*
24 *fying and managing risk relating to nuclear forces and*

1 *prioritizing the efforts among such forces, including, with*
2 *respect to the period covered by the briefing—*

3 “(A) *the current and projected operational re-*
4 *quirements for nuclear forces that were used for such*
5 *identification, management, and prioritization;*

6 “(B) *key areas of risk identified; and*

7 “(C) *a description of the actions proposed or car-*
8 *ried out to mitigate such risk.*

9 “(2) *The Secretary may provide the briefings under*
10 *paragraph (1) in classified form.*

11 “(3) *If a House of Congress adopts a bill authorizing*
12 *or appropriating funds that, as determined by the Sec-*
13 *retary, provides funds in an amount that will result in a*
14 *significant delay in the nuclear certification or delivery of*
15 *nuclear forces, the Secretary shall notify the congressional*
16 *defense committees of the determination.*

17 “(c) *TERMINATION.—The requirements of this section*
18 *shall terminate 90 days after the date on which the Sec-*
19 *retary certifies to the congressional defense committees that*
20 *each of the following have achieved full operational capa-*
21 *bility:*

22 “(1) *The LGM–35A Sentinel intercontinental*
23 *ballistic missile weapon system.*

24 “(2) *The Columbia-class ballistic missile sub-*
25 *marine program.*

1 “(3) *The long-range standoff weapon program.*

2 “(4) *The B–21 Raider bomber aircraft program.*

3 “(5) *The F–35A dual-capable aircraft program.*

4 “(d) *NUCLEAR FORCES DEFINED.—In this section, the*
5 *term ‘nuclear forces’ includes, at a minimum—*

6 “(1) *nuclear weapons;*

7 “(2) *the delivery platforms and systems for nu-*
8 *clear weapons;*

9 “(3) *nuclear command, control, and communica-*
10 *tions systems; and*

11 “(4) *the infrastructure and facilities of the De-*
12 *partment of Defense and the National Nuclear Secu-*
13 *rity Administration that support nuclear weapons,*
14 *the delivery platforms and systems for nuclear weap-*
15 *ons, and nuclear command, control, and communica-*
16 *tions systems, including with respect to personnel,*
17 *construction, operation, and maintenance.”.*

18 (b) *INITIAL BRIEFING.—*

19 (1) *REQUIREMENT.—Not later than June 1,*
20 *2023, the Secretary of Defense shall provide to the*
21 *congressional defense committees a briefing on the*
22 *progress of the Secretary to—*

23 (A) *develop the portfolio management*
24 *framework for nuclear forces under section 499c*

1 *of title 10, United States Code, as added by sub-*
2 *section (a); and*

3 *(B) complete the assessment described in*
4 *subsection (a)(2) of such section.*

5 *(2) FORM.—The Secretary may provide the*
6 *briefing under paragraph (1) in classified form.*

7 **SEC. 1635. EXTENSION OF REQUIREMENT TO REPORT ON**
8 **NUCLEAR WEAPONS STOCKPILE.**

9 *Section 492a(a)(1) of title 10, United States Code, is*
10 *amended by striking “2024” and inserting “2029”.*

11 **SEC. 1636. MODIFICATION AND EXTENSION OF ANNUAL AS-**
12 **SESSMENT OF CYBER RESILIENCE OF NU-**
13 **CLEAR COMMAND AND CONTROL SYSTEM.**

14 *(a) QUARTERLY BRIEFINGS.—Subsection (d) of section*
15 *499 of title 10, United States Code, is amended to read as*
16 *follows:*

17 *“(d) QUARTERLY BRIEFINGS.—(1) Not less than once*
18 *every quarter, the Deputy Secretary of Defense and the Vice*
19 *Chairman of the Joint Chiefs of Staff shall jointly provide*
20 *to the Committees on Armed Services of the House of Rep-*
21 *resentatives and the Senate—*

22 *“(A) a briefing on any intrusion or anomaly in*
23 *the nuclear command, control, and communications*
24 *system that was identified during the previous quar-*
25 *ter, including—*

1 “(i) an assessment of any known, suspected,
2 or potential impacts of such intrusions and
3 anomalies to the mission effectiveness of military
4 capabilities as of the date of the briefing; and

5 “(ii) with respect to cyber intrusions of con-
6 tractor networks known or suspected to have re-
7 sulted in the loss or compromise of design infor-
8 mation regarding the nuclear command, control,
9 and communications system; or

10 “(B) if no such intrusion or anomaly occurred
11 with respect to the quarter to be covered by that brief-
12 ing, a notification of such lack of intrusions and
13 anomalies.

14 “(2) In this subsection:

15 “(A) The term ‘anomaly’ means a malicious,
16 suspicious or abnormal cyber incident that poten-
17 tially threatens the national security or interests of
18 the United States, or that is likely to result in demon-
19 strable harm to the national security of the United
20 States.

21 “(B) The term ‘intrusion’ means an unauthor-
22 ized and malicious cyber incident that compromises a
23 nuclear command, control, and communications sys-
24 tem by breaking the security of such a system or caus-
25 ing it to enter into an insecure state.”.

1 (b) *EXTENSION*.—Subsection (e) of such section is
2 amended by striking “December 31, 2027” and inserting
3 “December 31, 2032”.

4 (c) *CONFORMING REPEAL*.—Section 171a of title 10,
5 United States Code, is amended—

6 (1) by striking subsection (h); and

7 (2) by redesignating subsections (i) through (l)
8 as subsections (h) through (k), respectively.

9 **SEC. 1637. MODIFICATION OF REPORTS ON NUCLEAR POS-**
10 **TURE REVIEW IMPLEMENTATION.**

11 Section 491(c) of title 10, United States Code is
12 amended—

13 (1) in the heading, by striking “2010”;

14 (2) in the matter preceding paragraph (1)—

15 (A) by striking “2012 through 2021” and
16 inserting “2022 through 2031”; and

17 (B) by striking “2010” and inserting “a”;
18 and

19 (3) by striking paragraph (1) and inserting the
20 following new paragraph (1.):

21 “(1) ensure that the report required by section
22 492a of this title is transmitted to Congress, if so re-
23 quired under such section;”.

1 **SEC. 1638. ESTABLISHMENT OF INTERCONTINENTAL BAL-**
2 **LISTIC MISSILE SITE ACTIVATION TASK**
3 **FORCE FOR SENTINEL PROGRAM.**

4 (a) *ESTABLISHMENT.*—

5 (1) *TASK FORCE.*—*There is established within*
6 *the Air Force Global Strike Command a directorate*
7 *to be known as the Sentinel Intercontinental Ballistic*
8 *Missile Site Activation Task Force (in this section re-*
9 *ferred to as the “Task Force”).*

10 (2) *SITE ACTIVATION TASK FORCE.*—*The Task*
11 *Force shall serve as the Site Activation Task Force*
12 *(as that term is defined in Air Force Instruction 10-*
13 *503, updated October 14, 2020) for purposes of over-*
14 *seeing and coordinating the construction of fixed fa-*
15 *cilities and emplacements and the installation and*
16 *checkout of supporting subsystems and equipment*
17 *leading to the deployment and achievement of full*
18 *operational capability of the LGM-35A Sentinel*
19 *intercontinental ballistic missile weapon system at*
20 *each intercontinental ballistic missile wing for use by*
21 *the Air Force Global Strike Command in support of*
22 *plans and operations of the United States Strategic*
23 *Command.*

24 (b) *DIRECTOR.*—

1 (1) *HEAD.*—*The Task Force shall be headed by*
2 *the Director of Intercontinental Ballistic Missile Mod-*
3 *ernization.*

4 (2) *APPOINTMENT.*—

5 (A) *IN GENERAL.*—*The Secretary of the Air*
6 *Force shall appoint the Director from among the*
7 *general officers of the Air Force.*

8 (B) *QUALIFICATIONS.*—*In appointing the*
9 *Director, the Secretary shall give preference to*
10 *individuals with expertise in intercontinental*
11 *ballistic missile operations and large construc-*
12 *tion projects.*

13 (3) *TERM OF OFFICE.*—

14 (A) *TERM.*—*The Director shall be ap-*
15 *pointed for a term of three years. The Secretary*
16 *may reappoint the Director for one additional*
17 *three-year term.*

18 (B) *REMOVAL.*—*The Secretary may remove*
19 *the Director for cause at any time.*

20 (4) *DUTIES.*—

21 (A) *IN GENERAL.*—*The Director shall—*

22 (i) *oversee and coordinate the activities*
23 *of the Air Force in support of—*

1 (I) the deployment of the LGM–
2 35A Sentinel intercontinental ballistic
3 missile weapon system; and

4 (II) the retirement of the LGM–
5 30G Minuteman III intercontinental
6 ballistic missile weapon system; and

7 (ii) subject to the authority, direction,
8 and control of the Commander of the Air
9 Force Global Strike Command, the Chief of
10 Staff of the Air Force, and the Secretary of
11 the Air Force, prepare, justify, and execute
12 the personnel, operation and maintenance,
13 and construction budgets for such deploy-
14 ment and retirement.

15 (B) *RULE OF CONSTRUCTION.*—Nothing in
16 this subsection shall be construed to supersede or
17 otherwise alter the organizational relationships
18 and responsibilities regarding oversight and
19 management of the LGM–35A Sentinel as a
20 Major Capability Acquisition Program, as out-
21 lined in Department of Defense Instruction
22 5000.85, “Major Capability Acquisition”, dated
23 November 4, 2021.

24 (c) *REPORTS.*—

1 (1) *REPORT TO SECRETARIES.*—Not later than
2 one year after the date of the enactment of this Act,
3 and annually thereafter until the date specified in
4 subsection (e), the Director, in consultation with the
5 milestone decision authority (as defined in section
6 4251(d) of title 10, United States Code) for the LGM–
7 35A Sentinel intercontinental ballistic missile pro-
8 gram, shall submit to the Secretary of Defense and the
9 Secretary of the Air Force a report on the progress of
10 the Air Force in achieving initial and full oper-
11 ational capability for the LGM–35A Sentinel inter-
12 continental ballistic missile weapon system.

13 (2) *REPORT TO CONGRESS.*—Not later than 30
14 days after receiving a report under paragraph (1), the
15 Secretary of Defense and the Secretary of the Air
16 Force shall jointly submit to the congressional defense
17 committees the report.

18 (3) *FORM.*—The report under paragraph (1)
19 shall be submitted in unclassified form, but may in-
20 clude a classified annex.

21 (4) *QUARTERLY BRIEFING.*—Not later than one
22 year after the date of the enactment of this Act, and
23 every 90 days thereafter until the date specified in
24 subsection (e), the Secretary of the Air Force shall
25 provide to the congressional defense committees a

1 *briefing regarding the progress made on activities by*
2 *the Task Force to bring the LGM-35A Sentinel inter-*
3 *continental ballistic missile weapon system to oper-*
4 *ational capability at each intercontinental ballistic*
5 *missile wing.*

6 *(d) WEAPON SYSTEM DESIGNATION.—*

7 *(1) WEAPON SYSTEM.—For purposes of nomen-*
8 *clature and life cycle maintenance, each wing level*
9 *configuration of the LGM-35A Sentinel interconti-*
10 *ental ballistic missile shall be considered a weapon*
11 *system.*

12 *(2) DEFINITIONS.—In this subsection:*

13 *(A) The term “weapon system” has the*
14 *meaning given the term in Department of the*
15 *Air Force Pamphlet 63-128, updated February*
16 *3, 2021.*

17 *(B) The term “wing level configuration”*
18 *means the complete arrangement of subsystems*
19 *and equipment of the LGM-35A Sentinel inter-*
20 *continental ballistic missile required to function*
21 *as a wing.*

22 *(e) TERMINATION.—The Task Force shall terminate*
23 *not later than 90 days after the date on which the Com-*
24 *mander of the United States Strategic Command and the*
25 *Commander of the Air Force Global Strike Command (or*

1 *the heads of successor agencies of the United States Stra-*
2 *tegic Command and the Air Force Global Strike Command)*
3 *jointly declare that the LGM-35A Sentinel intercontinental*
4 *ballistic missile weapon system has achieved full oper-*
5 *ational capability.*

6 **SEC. 1639. PROHIBITION ON REDUCTION OF THE INTER-**
7 **CONTINENTAL BALLISTIC MISSILES OF THE**
8 **UNITED STATES.**

9 (a) *PROHIBITION.*—*Except as provided in subsection*
10 *(b), none of the funds authorized to be appropriated by this*
11 *Act or otherwise made available for fiscal year 2023 for the*
12 *Department of Defense may be obligated or expended for*
13 *the following, and the Department may not otherwise take*
14 *any action to do the following:*

15 (1) *Reduce, or prepare to reduce, the responsive-*
16 *ness or alert level of the intercontinental ballistic mis-*
17 *siles of the United States.*

18 (2) *Reduce, or prepare to reduce, the quantity of*
19 *deployed intercontinental ballistic missiles of the*
20 *United States to a number less than 400.*

21 (b) *EXCEPTION.*—*The prohibition in subsection (a)*
22 *shall not apply to any of the following activities:*

23 (1) *The maintenance or sustainment of inter-*
24 *continental ballistic missiles.*

1 (2) *Ensuring the safety, security, or reliability of*
2 *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 Acqui-*
11 *sition and Sustainment, in consultation with the Adminis-*
12 *trator for Nuclear Security and the Under Secretary of De-*
13 *fense for Research and Engineering, shall produce a plan*
14 *for the development, during the 20-year period beginning*
15 *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; and*

19 (3) *any other reentry vehicles for—*

20 (A) *the Sentinel intercontinental ballistic*
21 *missile weapon system;*

22 (B) *the Trident II (D5) submarine-launched*
23 *ballistic missile, or subsequent missile; and*

24 (C) *any other long-range ballistic or*
25 *hypersonic strike missile that may rely upon*

1 *technologies similar to the technologies used in*
2 *the missiles described in subparagraphs (A) and*
3 *(B).*

4 **(b) ELEMENTS.**—*The plan under subsection (a)*
5 *shall—*

6 *(1) with respect to the development of each re-*
7 *entry vehicle described in such subsection, describe—*

8 *(A) timed phases of production for the re-*
9 *entry aeroshell and the planned production and*
10 *fielding of the reentry vehicle;*

11 *(B) the required developmental and oper-*
12 *ational testing capabilities and capacities, in-*
13 *cluding such capabilities and capacities of the*
14 *reentry vehicle;*

15 *(C) the technology development and manu-*
16 *facturing capabilities that may require use of*
17 *authorities under the Defense Production Act of*
18 *1950 (50 U.S.C. 4501 et seq.); and*

19 *(D) the industrial base capabilities and ca-*
20 *pacities, including the availability of sufficient*
21 *critical materials and staffing to ensure adequate*
22 *competition between entities developing the re-*
23 *entry vehicle;*

24 *(2) provide estimated cost projections for the de-*
25 *velopment of the first operational reentry vehicle and*

1 *the production of subsequent reentry vehicles to meet*
2 *the requirements of the Navy and Air Force; and*

3 *(3) provide for the coordination with and ac-*
4 *count for the needs of the development by the Depart-*
5 *ment of Defense of hypersonic systems using mate-*
6 *rials, staffing, and an industrial base similar to that*
7 *required for the development of reentry vehicles de-*
8 *scribed in subsection (a).*

9 *(c) ASSESSMENTS.—*

10 *(1) COST PROJECTIONS.—The Director of the Of-*
11 *fice of Cost Assessment and Program Evaluation of*
12 *the Department of Defense, in coordination with the*
13 *Director of the Office of Cost Estimating and Pro-*
14 *gram Evaluation of the National Nuclear Security*
15 *Administration, shall conduct an assessment of the*
16 *costs of the plan under subsection (a).*

17 *(2) TECHNOLOGY AND MANUFACTURING READI-*
18 *NESS.—Not later than 90 days after the date of the*
19 *enactment of this Act, the Under Secretary of Defense*
20 *for Acquisition and Sustainment shall seek to enter*
21 *into an agreement with a federally funded research*
22 *and development center to conduct an assessment of*
23 *the technology and manufacturing readiness levels*
24 *with respect to the plan under subsection (a).*

1 (d) *SUBMISSION TO CONGRESS.*—Not later than one
2 year after the date of the enactment of this Act, the Under
3 Secretary of Defense for Acquisition and Sustainment shall
4 submit to the congressional defense committees the plan
5 under subsection (a) and the assessments under subsection
6 (c).

7 **SEC. 1641. TREATMENT OF NUCLEAR MODERNIZATION AND**
8 **HYPERSONIC MISSILE PROGRAMS WITHIN DE-**
9 **FENSE PRIORITIES AND ALLOCATIONS SYS-**
10 **TEM.**

11 (a) *REVIEW AND BRIEFING.*—Not later than January
12 1, 2023, and annually thereafter until January 1, 2028,
13 the Secretary of Defense and the Secretary of Energy shall
14 jointly provide to the congressional defense committees a
15 briefing, with respect to each nuclear weapons delivery sys-
16 tem, missile warning system, hypersonic boost-glide missile
17 system program, and weapon program or nuclear security
18 enterprise infrastructure project of the National Nuclear Se-
19 curity Administration, on—

20 (1) which such programs or projects have been
21 reviewed or considered for a determination of DX pri-
22 ority rating under part 700 of title 15, Code of Fed-
23 eral Regulations;

24 (2) which, if any, such programs or projects have
25 been assigned a DX priority rating, or have been de-

1 *terminated to require such rating and a timeline for as-*
2 *signment;*

3 *(3) any such programs or projects that have*
4 *sought DX rating but have been denied assignment,*
5 *including a rationale for denial;*

6 *(4) any such program or project which had pre-*
7 *viously obtained a DX rating and the designation*
8 *was unassigned; and*

9 *(5) other related matters the Secretaries deter-*
10 *mine appropriate, including the potential impacts*
11 *and risks to other programs.*

12 *(b) MILESTONE REVIEW REQUIREMENT.—With re-*
13 *spect to any program or project that the Secretary of De-*
14 *fense and the Secretary of Energy identify under subsection*
15 *(a)(1) as not having been reviewed or considered for a deter-*
16 *mination of DX priority rating under part 700 of title 15,*
17 *Code of Federal Regulations, the respective Secretary*
18 *shall—*

19 *(1) conduct an assessment regarding the need for*
20 *such a DX priority rating not less frequently than*
21 *prior to the program or project achieving Milestone A*
22 *approval, Milestone B approval, and Milestone C ap-*
23 *proval, or equivalent; and*

1 (2) *document such assessment within the acquisi-*
2 *tion decision memorandum, or equivalent, for the pro-*
3 *gram or project.*

4 **SEC. 1642. MATTERS RELATING TO NUCLEAR-CAPABLE SEA-**
5 **LAUNCHED CRUISE MISSILE.**

6 (a) *REPORT ON DETERRENCE.*—Not later than 270
7 *days after the date of the enactment of this Act, the Sec-*
8 *retary of Defense shall submit to the congressional defense*
9 *committees a report that describes the approach by the De-*
10 *partment of Defense for deterring theater nuclear employ-*
11 *ment by Russia, China, and North Korea, including—*

12 (1) *an assessment of the current and future the-*
13 *ater nuclear capabilities and doctrines of Russia,*
14 *China, and North Korea;*

15 (2) *an explanation of the strategy and capabili-*
16 *ties of the United States for deterring theater nuclear*
17 *employment; and*

18 (3) *a comparative assessment of options for*
19 *strengthening deterrence of theater nuclear employ-*
20 *ment, including pursuit of the nuclear-capable sea-*
21 *launched cruise missile and other potential changes to*
22 *the nuclear and conventional posture and capabilities*
23 *of the United States.*

24 (b) *CONCEPT OF OPERATIONS AND OPERATIONAL IM-*
25 *PLICATIONS.*—

1 (1) *CONCEPT OF OPERATIONS.*—Not later than
2 150 days after the date of the enactment of this Act,
3 the Vice Chairman of the Joint Chiefs of Staff, in co-
4 ordination with the Chief of Naval Operations, the
5 Under Secretary of Defense for Policy, the Com-
6 mander of the United States Strategic Command, the
7 Commander of the United States European Com-
8 mand, and the Commander of the United States Indo-
9 Pacific Command, shall develop and validate a con-
10 cept of operations for a nuclear-capable sea-launched
11 cruise missile that provides options for, at a min-
12 imum—

13 (A) regularly deploying the missile in rel-
14 evant operational theaters; and

15 (B) maintaining the missile in reserve and
16 deploying as needed to relevant operational thea-
17 ters.

18 (2) *OPERATIONAL IMPLICATIONS.*—Not later
19 than 270 days after the date of the enactment of this
20 Act, and based upon the concept of operations devel-
21 oped pursuant to paragraph (1), the Chief of Naval
22 Operations, in coordination with the Vice Chairman
23 of the Joint Chiefs of Staff, the Commander of the
24 United States Strategic Command, the Commander of
25 the United States European Command, and the Com-

1 *mander of the United States Indo-Pacific Command,*
2 *shall submit to the congressional defense committees a*
3 *report that describes the operational implications as-*
4 *sociated with deploying nuclear-capable sea-launched*
5 *cruise missiles on naval vessels, including—*

6 *(A) anticipated effects on the deterrence of*
7 *regional nuclear use by Russia, China, and*
8 *North Korea from such deployment;*

9 *(B) expected adjustments in the regional*
10 *balances of nuclear forces between the United*
11 *States and Russia, China, and North Korea re-*
12 *spectively, based on the anticipated effects under*
13 *subparagraph (A);*

14 *(C) anticipated operational and deterrence*
15 *implications of allocating missile or torpedo*
16 *tubes from conventional munitions to nuclear*
17 *munitions if additional vessels beyond current*
18 *planning are not available;*

19 *(D) anticipated operational constraints and*
20 *trade-offs associated with reserving or limiting*
21 *naval vessels, if applicable, on account of nuclear*
22 *mission requirements;*

23 *(E) adjustments to posture and operation-*
24 *ally available capabilities that may be required*
25 *if the Navy is not provided with additional re-*

1 *sources to support tactical nuclear operations,*
2 *including potential costs and constraints relating*
3 *to nuclear certification, modifications to port in-*
4 *frastructure, personnel training, and other fac-*
5 *tors; and*

6 *(F) any other issues identified by the Chief,*
7 *Vice Chairman, and Commanders.*

8 *(c) REPORT ON DEVELOPMENT.—Not later than 270*
9 *days after the date of the enactment of this Act, the Admin-*
10 *istrator for Nuclear Security shall submit to the congres-*
11 *sional defense committees a report that describes the cost*
12 *and timeline of developing and producing a variation of*
13 *the W80–4 warhead for a nuclear-capable sea-launched*
14 *cruise missile, including—*

15 *(1) the cost of developing, producing, and sus-*
16 *taining the warhead;*

17 *(2) the timeline for the design, production, and*
18 *fielding of the warhead; and*

19 *(3) an assessment of how the pursuit of a vari-*
20 *ant of the W80–4 warhead may affect other planned*
21 *warhead activities of the National Nuclear Security*
22 *Administration, including whether there would be*
23 *risk to the cost and schedule of other warhead pro-*
24 *grams of the Administration if the Nuclear Weapons*

1 *Council added a nuclear-capable sea-launched cruise*
2 *missile warhead to the portfolio of such programs.*

3 *(d) SPEND PLAN.—Not later than 45 days after the*
4 *date of the enactment of this Act, the Secretary of the Navy*
5 *and the Administrator for Nuclear Security shall submit*
6 *to the congressional defense committees the anticipated*
7 *spend plans for the research and development of a nuclear-*
8 *capable sea-launched cruise missile and the associated war-*
9 *head for the missile with respect to each of the following:*

10 *(1) The funds for such research and development*
11 *appropriated by the Consolidated Appropriations Act,*
12 *2022 (Public Law 117–103).*

13 *(2) The funds for such research and development*
14 *authorized to be appropriated by this Act.*

15 *(e) CONSOLIDATED REPORT.—The reports required by*
16 *subsections (a) and (b)(2) may be submitted in one consoli-*
17 *dated report.*

18 *(f) PREFERRED COURSE OF ACTION.—To inform the*
19 *reports under this section, not later than 30 days after the*
20 *date of the enactment of this Act, the Secretary of Defense*
21 *shall identify one or more preferred courses of action from*
22 *among the actions identified in the analysis of alternatives*
23 *for a nuclear-capable sea-launched cruise missile.*

24 *(g) LIMITATION.—*

1 (1) *IN GENERAL.*—None of the funds authorized
2 to be appropriated by this Act or otherwise made
3 available for fiscal year 2023 for the Department of
4 Defense or the National Nuclear Security Administra-
5 tion may be obligated or expended for a purpose spec-
6 ified in paragraph (2) until each of the reports under
7 this section and a detailed, unclassified summary of
8 the analysis of alternatives regarding the nuclear-ca-
9 pable sea-launched cruise missile have been submitted
10 to the congressional defense committees.

11 (2) *FUNDS SPECIFIED.*—The purposes specified
12 in this paragraph are the following:

13 (A) *With respect to the Department of De-*
14 *fense, system development and demonstration of*
15 *a nuclear-capable sea-launched cruise missile.*

16 (B) *With respect to the National Nuclear*
17 *Security Administration, development engineer-*
18 *ing for a modified, altered, or new warhead for*
19 *a sea-launched cruise missile.*

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

21 (1) *The term “development engineering” means*
22 *activities under phase 3 of the joint nuclear weapons*
23 *life cycle (as defined in section 4220 of the Atomic*
24 *Energy Defense Act (50 U.S.C. 2538b) or phase 6.3*
25 *of a nuclear weapons life extension program.*

1 (2) *The term “system development and dem-*
2 *onstration” means the activities occurring in the*
3 *phase after a program achieves Milestone B approval*
4 *(as defined in section 4172 of title 10, United States*
5 *Code).*

6 ***Subtitle D—Missile Defense***
7 ***Programs***

8 ***SEC. 1651. BIENNIAL BRIEFING ON MISSILE DEFENSE AND***
9 ***RELATED ACTIVITIES.***

10 *Chapter 23 of title 10, United States Code, is amended*
11 *by inserting after section 486 the following new section (and*
12 *conforming the table of sections at the beginning of such*
13 *chapter accordingly):*

14 ***“§487. Biennial briefing on missile defense and re-***
15 ***lated activities***

16 ***“(a) IN GENERAL.—On or about June 1 and December***
17 *1 of each year, the officials specified in subsection (b) shall*
18 *provide to the Committees on Armed Services of the Senate*
19 *and the House of Representatives a briefing on matters re-*
20 *lating to missile defense policies, operations, technology de-*
21 *velopment, and other similar topics as requested by such*
22 *committees.*

23 ***“(b) OFFICIALS SPECIFIED.—The officials specified in***
24 *this subsection are the following:*

1 “(1) *The Assistant Secretary of Defense for Ac-*
2 *quisition.*”

3 “(2) *The Assistant Secretary of Defense for*
4 *Space Policy.*”

5 “(3) *The Director of the Missile Defense Agency.*”

6 “(4) *The Director for Strategy, Plans, and Pol-*
7 *icy of the Joint Staff.*”

8 “(c) *DELEGATION.*—*An official specified in subsection*
9 *(b) may delegate the authority to provide a briefing re-*
10 *quired by subsection (a) to a member of the Senior Execu-*
11 *tive Service who reports to the official.*”

12 “(d) *TERMINATION.*—*The requirement to provide a*
13 *briefing under subsection (a) shall terminate on January*
14 *1, 2028.*”

15 **SEC. 1652. IMPROVEMENTS TO ACQUISITION ACCOUNT-**
16 **ABILITY REPORTS ON THE BALLISTIC MIS-**
17 **SILE DEFENSE SYSTEM.**

18 “(a) *ELEMENTS OF BASELINES.*—*Subsection (b) of sec-*
19 *tion 225 of title 10, United States Code, is amended—*

20 (1) *in paragraph (1)(C), by striking “and flight”*
21 *and inserting “, flight, and cybersecurity”;*

22 (2) *in paragraph (2), by striking subparagraph*
23 *(C) and inserting the following new subparagraph*
24 *(C):*

1 “(C) how the proposed capability satisfies a
2 capability requirement or performance attribute
3 identified through—

4 “(i) the missile defense warfighter in-
5 volvement process, as governed by United
6 States Strategic Command Instruction 538-
7 03, or such successor document; or

8 “(ii) processes and products approved
9 by the Joint Chiefs of Staff or Joint Re-
10 quirements Oversight Council;” and

11 (3) in paragraph (3)—

12 (A) in subparagraph (C), by striking “;
13 and” and inserting a semicolon;

14 (B) in subparagraph (D), by striking the
15 period at the end and inserting “; and”; and

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

18 “(E) an explanation for why a program
19 joint cost analysis requirements description has
20 not been prepared and approved, and, if a pro-
21 gram joint cost analysis requirements descrip-
22 tion is not applicable, the rationale for such in-
23 applicability.”.

24 (b) ANNUAL REPORTS ON ACQUISITION BASELINES.—

25 Subsection (c) of such section is amended—

1 (1) *in paragraph (2)(B)(ii)—*

2 *(A) in subclause (I)—*

3 *(i) by striking “initial” and inserting*
4 *“original”; and*

5 *(ii) by striking “; and” and inserting*
6 *a semicolon;*

7 *(B) in subclause (II), by striking the period*
8 *at the ending and inserting “; and”; and*

9 *(C) by adding at the end the following new*
10 *subclause:*

11 *“(III) the most recent adjusted or revised*
12 *acquisition baseline for such program element or*
13 *major subprogram under subsection (d).”;*

14 *(2) by redesignating paragraph (3) as para-*
15 *graph (4);*

16 *(3) by inserting after paragraph (3) the fol-*
17 *lowing new paragraph:*

18 *“(3)(A) Each report under paragraph (1) shall include*
19 *the total system costs for each element described in subpara-*
20 *graph (B) that comprises the missile defense system, with-*
21 *out regard to funding source or management control (such*
22 *as the Missile Defense Agency, a military department, or*
23 *other element of the Department of Defense).*

24 *“(B) The elements described in this subparagraph shall*
25 *include the following:*

1 “(i) *Research and development.*

2 “(ii) *Procurement.*

3 “(iii) *Military construction.*

4 “(iv) *Operations and sustainment.*

5 “(v) *Disposal.*”; and

6 (4) *by inserting after paragraph (4) the fol-*
7 *lowing new paragraph (5):*

8 “(5) *In this subsection:*

9 “(A) *The term ‘original acquisition baseline’*
10 *means, with respect to a program element or major*
11 *subprogram, the first acquisition baseline created for*
12 *the program element or major subprogram that has*
13 *no previous iterations and has not been adjusted or*
14 *revised, including any adjustments or revisions pur-*
15 *suant to subsection (d).*

16 “(B) *The term ‘total system costs’ means, with*
17 *respect to each element that comprises the missile de-*
18 *fense system—*

19 “(i) *all combined costs from closed, can-*
20 *celed, and active acquisition baselines;*

21 “(ii) *any costs shifted to or a part of future*
22 *efforts without an established acquisition base-*
23 *line; and*

1 “(iii) any costs under the responsibility of
2 a military department or other Department enti-
3 ty.”.

4 (c) OPERATIONS AND SUSTAINMENT COST ESTI-
5 MATES.—Subsection (e) of such section is amended—

6 (1) in paragraph (1), by striking “; and” and
7 inserting a semicolon;

8 (2) in paragraph (2), by striking the period at
9 the end and inserting a semicolon; and

10 (3) by adding at the end the following new para-
11 graphs:

12 “(3) the amount of operations and sustainment
13 costs (dollar value and base year) for which the mili-
14 tary department or other element of the Department
15 of Defense is responsible; and

16 “(4)(A) a citation to the source (such as a joint
17 cost estimate or one or more military department es-
18 timates) that captures the operations and sustainment
19 costs for which a military department or other ele-
20 ment of the Department of Defense is responsible;

21 “(B) the date the source was prepared; and

22 “(C) if and when the source was independently
23 verified by the Office for Cost Assessment and Pro-
24 gram Evaluation.”.

1 **SEC. 1653. MAKING PERMANENT PROHIBITIONS RELATING**
2 **TO MISSILE DEFENSE INFORMATION AND**
3 **SYSTEMS.**

4 *Section 130h of title 10, United States Code, is amend-*
5 *ed by striking subsection (e).*

6 **SEC. 1654. NEXT GENERATION INTERCEPTORS FOR MISSILE**
7 **DEFENSE OF UNITED STATES HOMELAND.**

8 *(a) MODIFICATION TO CONGRESSIONAL NOTIFICATION*
9 *OF CANCELLATION.—Section 1668(c) of the National De-*
10 *fense Authorization Act for Fiscal Year 2022 (Public Law*
11 *117–81) is amended—*

12 *(1) in the matter preceding paragraph (1)—*

13 *(A) by striking “30 days prior to any” and*
14 *inserting “90 days prior to implementation of*
15 *a”; and*

16 *(B) by striking “Director” and inserting*
17 *“Secretary of Defense”; and*

18 *(2) in paragraph (2), by striking “Director” and*
19 *inserting “Secretary”.*

20 *(b) FUNDING PROFILE FOR INCREASED DEPLOY-*
21 *MENT.—Not later than 180 days after the date of the enact-*
22 *ment of this Act, the Director of the Missile Defense Agency*
23 *shall submit to the congressional defense committees a re-*
24 *port on the funding profile necessary, by fiscal year, to ac-*
25 *quire no fewer than 64 operational next generation inter-*
26 *ceptors for the next generation interceptor program.*

1 **SEC. 1655. TERMINATION OF REQUIREMENT TO TRANSI-**
2 **TION BALLISTIC MISSILE DEFENSE PRO-**
3 **GRAMS TO THE MILITARY DEPARTMENTS.**

4 *Section 1676(b) of the National Defense Authorization*
5 *Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.*
6 *4205 note) is amended—*

7 *(1) in paragraph (1), by striking “Not” and in-*
8 *serting “Except as provided by paragraph (4), not”;*
9 *and*

10 *(2) by adding at the end the following new para-*
11 *graph:*

12 *“(4) TERMINATION OF REQUIREMENT.—The re-*
13 *quirement in paragraph (1) to transfer the authori-*
14 *ties specified in such paragraph shall terminate on*
15 *the date that is 60 days after the date on which the*
16 *Secretary of Defense submits to the congressional de-*
17 *fense committees the report under section 1675(b) of*
18 *the National Defense Authorization Act for Fiscal*
19 *Year 2022 (Public Law 117–81; 135 Stat. 2117).”.*

20 **SEC. 1656. PERSISTENT CYBERSECURITY OPERATIONS FOR**
21 **BALLISTIC MISSILE DEFENSE SYSTEMS AND**
22 **NETWORKS.**

23 *(a) PLAN.—Not later than May 1, 2023, the Director*
24 *of the Missile Defense Agency and the Director of Oper-*
25 *ational Test and Evaluation, in coordination with the*
26 *Chairman of the Joint Chiefs of Staff, the Commander of*

1 *the United States Cyber Command, and other commanders*
2 *of combatant commands and functions of the Joint Staff*
3 *as appropriate, shall jointly develop a plan to allow for*
4 *persistent cybersecurity operations across all networks and*
5 *information systems supporting the missile defense system.*

6 (b) *ELEMENTS.—The plan under subsection (a) shall*
7 *include the following:*

8 (1) *An inventory of all networks and informa-*
9 *tion systems that support the missile defense system,*
10 *including information about which components or ele-*
11 *ments of the networks and information systems are*
12 *currently configured for persistent cybersecurity oper-*
13 *ations.*

14 (2) *A strategy—*

15 (A) *for coordinating with the applicable*
16 *combatant commands on persistent cybersecurity*
17 *operations; and*

18 (B) *in which the Director for Operational*
19 *Test and Evaluation monitors and reviews such*
20 *operations and provides independent assessments*
21 *of the adequacy and sufficiency of the operations.*

22 (3) *A plan for how the Director of the Missile*
23 *Defense Agency will respond to cybersecurity testing*
24 *recommendations made by the Director for Oper-*
25 *ational Test and Evaluation.*

1 (4) *The timeline required to execute the plan.*

2 (c) *BRIEFINGS.—The Director of the Missile Defense*
3 *Agency and the Director for Operational Test and Evalua-*
4 *tion shall jointly provide to the congressional defense com-*
5 *mittees a briefing—*

6 (1) *not later than May 15, 2023, on the plan de-*
7 *veloped under subsection (a); and*

8 (2) *not later than December 30, 2023, on*
9 *progress made toward implementing such plan.*

10 **SEC. 1657. FIRE CONTROL ARCHITECTURES.**

11 (a) *FIRE CONTROL QUALITY DATA REQUIREMENT.—*

12 *In carrying out the analysis of candidate fire control archi-*
13 *tectures, the Secretary of the Air Force shall ensure that*
14 *the Director of the Space Warfighting Analysis Center of*
15 *the Space Force, at a minimum, maintains the require-*
16 *ments needed for the missile defense command and control,*
17 *battle management, and communications system to pass the*
18 *needed quality data within the timelines needed for current*
19 *and planned interceptor systems to support engagements of*
20 *ballistic and hypersonic threats as described in section 1645*
21 *of the William M. (Mac) Thornberry National Defense Au-*
22 *thorization Act for Fiscal Year 2021 (Public Law 116–283;*
23 *134 Stat. 4062).*

24 (b) *BRIEFING.—Not later than 14 days after the date*
25 *on which the Director of the Space Warfighting Analysis*

1 *Center concludes the analysis of candidate fire control ar-*
2 *chitectures, the Director shall provide to the Committees on*
3 *Armed Services of the House of Representatives and the*
4 *Senate a briefing on the results of the analysis, including*
5 *the findings of the Director and the architecture rec-*
6 *ommended by the Director for a future fire control architec-*
7 *ture to support engagement of ballistic and hypersonic*
8 *threats.*

9 **SEC. 1658. MIDDLE EAST INTEGRATED AIR AND MISSILE DE-**
10 **FENSE.**

11 (a) *IN GENERAL.*—*The Secretary of Defense, in con-*
12 *sultation with the Secretary of State and the Director of*
13 *the Defense Intelligence Agency, shall seek to cooperate with*
14 *allies and partners in the Middle East with respect to im-*
15 *plementing an integrated air and missile defense architec-*
16 *ture to protect the people, infrastructure, and territory of*
17 *such countries from cruise and ballistic missiles, manned*
18 *and unmanned aerial systems, and rocket attacks from Iran*
19 *and groups linked to Iran.*

20 (b) *STRATEGY.*—

21 (1) *IN GENERAL.*—*Not later than 180 days after*
22 *the date of the enactment of this Act, the Secretary,*
23 *in consultation with the Secretary of State, shall sub-*
24 *mit to the appropriate congressional committees a*
25 *strategy on cooperation with allies and partners in*

1 *the area of responsibility of the United States Central*
2 *Command to implement a multinational integrated*
3 *air and missile defense architecture to protect the peo-*
4 *ple, infrastructure, and territory of such countries*
5 *from cruise and ballistic missiles, manned and un-*
6 *manned aerial systems, and rocket attacks from Iran*
7 *and groups linked to Iran.*

8 (2) *CONTENTS.—The strategy submitted under*
9 *paragraph (1) shall include the following:*

10 (A) *An assessment of the threat of ballistic*
11 *and cruise missiles, manned and unmanned aer-*
12 *ial systems, and rocket attacks from Iran and*
13 *groups linked to Iran to allies and partners*
14 *within the area of responsibility of the United*
15 *States Central Command.*

16 (B) *A description of current efforts to co-*
17 *ordinate indicators and warnings from such at-*
18 *tacks with allies and partners within such area*
19 *of responsibility.*

20 (C) *An analysis of current integrated air*
21 *and missile defense systems to defend against at-*
22 *tacks, in coordination with allies and partners*
23 *within such area of responsibility.*

24 (D) *An explanation of how a multinational*
25 *integrated air and missile defense architecture*

1 *would improve collective security in such area of*
2 *responsibility.*

3 *(E) A description of efforts to engage speci-*
4 *fied foreign partners in establishing such an ar-*
5 *chitecture.*

6 *(F) An identification of elements of the*
7 *multinational integrated air and missile defense*
8 *architecture that—*

9 *(i) can be acquired and operated by*
10 *specified foreign partners; and*

11 *(ii) can only be provided and operated*
12 *by members of the Armed Forces.*

13 *(G) An identification of any challenges in*
14 *establishing a multinational integrated air and*
15 *missile defense architecture with specified foreign*
16 *partners, including assessments of the capacity*
17 *and capability of specified foreign partners and*
18 *their ability to independently operate key tech-*
19 *nical components of such an architecture, includ-*
20 *ing radars and interceptor systems.*

21 *(H) A description of relevant consultation*
22 *with the Secretary of State and the ways in*
23 *which such an architecture advances United*
24 *States regional diplomatic goals and objectives.*

1 (I) *Recommendations for addressing the*
2 *challenges identified in subparagraph (G) so that*
3 *the strategy can be implemented effectively.*

4 (J) *Such other matters as the Secretary con-*
5 *siders relevant.*

6 (3) *PROTECTION OF SENSITIVE INFORMATION.—*
7 *Any activity carried out under paragraph (1) shall be*
8 *conducted in a manner that is consistent with protec-*
9 *tion of intelligence sources and methods and appro-*
10 *priately protects sensitive information and the na-*
11 *tional security interests of the United States.*

12 (4) *FORMAT.—The strategy submitted under*
13 *paragraph (1) shall be submitted in unclassified form,*
14 *but may include a classified annex.*

15 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
16 *FINED.—In this section, the term “appropriate congres-*
17 *sional committees” means the following:*

18 (1) *The congressional defense committees.*

19 (2) *The Committee on Foreign Affairs and the*
20 *Permanent Select Committee on Intelligence of the*
21 *House of Representatives.*

22 (3) *The Committee on Foreign Relations and the*
23 *Select Committee on Intelligence of the Senate.*

1 **SEC. 1659. IRON DOME SHORT-RANGE ROCKET DEFENSE**
2 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
3 **DEFENSE PROGRAM CO-DEVELOPMENT AND**
4 **CO-PRODUCTION.**

5 (a) *IRON DOME SHORT-RANGE ROCKET DEFENSE*
6 *SYSTEM.*—

7 (1) *AVAILABILITY OF FUNDS.*—*Of the funds au-*
8 *thorized to be appropriated by this Act for fiscal year*
9 *2023 for procurement, Defense-wide, and available for*
10 *the Missile Defense Agency, not more than*
11 *\$80,000,000 may be provided to the Government of*
12 *Israel to procure components for the Iron Dome short-*
13 *range rocket defense system through co-production of*
14 *such components in the United States by industry of*
15 *the United States.*

16 (2) *CONDITIONS.*—

17 (A) *AGREEMENT.*—*Funds described in*
18 *paragraph (1) for the Iron Dome short-range*
19 *rocket defense program shall be available subject*
20 *to the terms and conditions in the Agreement Be-*
21 *tween the Department of Defense of the United*
22 *States of America and the Ministry of Defense of*
23 *the State of Israel Concerning Iron Dome De-*
24 *fense System Procurement, signed on March 5,*
25 *2014, as amended to include co-production for*
26 *Tamir interceptors.*

1 (B) *CERTIFICATION.*—*Not later than 30*
2 *days prior to the initial obligation of funds de-*
3 *scribed in paragraph (1), the Under Secretary of*
4 *Defense for Acquisition and Sustainment shall*
5 *submit to the appropriate congressional commit-*
6 *tees—*

7 (i) *a certification that the amended bi-*
8 *lateral international agreement specified in*
9 *subparagraph (A) is being implemented as*
10 *provided in such agreement;*

11 (ii) *an assessment detailing any risks*
12 *relating to the implementation of such*
13 *agreement; and*

14 (iii) *for system improvements resulting*
15 *in modified Iron Dome components and*
16 *Tamir interceptor sub-components, a certifi-*
17 *cation that the Government of Israel has*
18 *demonstrated successful completion of Pro-*
19 *duction Readiness Reviews, including the*
20 *validation of production lines, the*
21 *verification of component conformance, and*
22 *the verification of performance to specifica-*
23 *tion as defined in the Iron Dome Defense*
24 *System Procurement Agreement, as further*
25 *amended.*

1 **(b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-**
2 **GRAM, DAVID’S SLING WEAPON SYSTEM CO-PRODUC-**
3 **TION.—**

4 **(1) IN GENERAL.—***Subject to paragraph (3), of*
5 *the funds authorized to be appropriated for fiscal year*
6 *2023 for procurement, Defense-wide, and available for*
7 *the Missile Defense Agency not more than \$40,000,000*
8 *may be provided to the Government of Israel to pro-*
9 *cure the David’s Sling Weapon System, including for*
10 *co-production of parts and components in the United*
11 *States by United States industry.*

12 **(2) AGREEMENT.—***Provision of funds specified*
13 *in paragraph (1) shall be subject to the terms and*
14 *conditions in the bilateral co-production agreement,*
15 *including—*

16 **(A)** *a one-for-one cash match is made by*
17 *Israel or in another matching amount that oth-*
18 *erwise meets best efforts (as mutually agreed to*
19 *by the United States and Israel); and*

20 **(B)** *co-production of parts, components, and*
21 *all-up rounds (if appropriate) in the United*
22 *States by United States industry for the David’s*
23 *Sling Weapon System is not less than 50 per-*
24 *cent.*

1 (3) *CERTIFICATION AND ASSESSMENT.*—*The*
2 *Under Secretary of Defense for Acquisition and*
3 *Sustainment shall submit to the appropriate congres-*
4 *sional committees—*

5 (A) *a certification that the Government of*
6 *Israel has demonstrated the successful completion*
7 *of the knowledge points, technical milestones, and*
8 *Production Readiness Reviews required by the*
9 *research, development, and technology agreement*
10 *and the bilateral co-production agreement for the*
11 *David’s Sling Weapon System; and*

12 (B) *an assessment detailing any risks relat-*
13 *ing to the implementation of such agreement.*

14 (c) *ISRAELI COOPERATIVE MISSILE DEFENSE PRO-*
15 *GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-*
16 *PRODUCTION.*—

17 (1) *IN GENERAL.*—*Subject to paragraph (2), of*
18 *the funds authorized to be appropriated for fiscal year*
19 *2023 for procurement, Defense-wide, and available for*
20 *the Missile Defense Agency not more than \$80,000,000*
21 *may be provided to the Government of Israel for the*
22 *Arrow 3 Upper Tier Interceptor Program, including*
23 *for co-production of parts and components in the*
24 *United States by United States industry.*

1 (2) *CERTIFICATION.*—*The Under Secretary of*
2 *Defense for Acquisition and Sustainment shall submit*
3 *to the appropriate congressional committees a certifi-*
4 *cation that—*

5 (A) *the Government of Israel has dem-*
6 *onstrated the successful completion of the knowl-*
7 *edge points, technical milestones, and Production*
8 *Readiness Reviews required by the research, de-*
9 *velopment, and technology agreement for the*
10 *Arrow 3 Upper Tier Interceptor Program;*

11 (B) *funds specified in paragraph (1) will be*
12 *provided on the basis of a one-for-one cash match*
13 *made by Israel or in another matching amount*
14 *that otherwise meets best efforts (as mutually*
15 *agreed to by the United States and Israel);*

16 (C) *the United States has entered into a bi-*
17 *lateral international agreement with Israel that*
18 *establishes, with respect to the use of such*
19 *funds—*

20 (i) *in accordance with subparagraph*
21 (D), *the terms of co-production of parts and*
22 *components on the basis of the greatest*
23 *practicable co-production of parts, compo-*
24 *nents, and all-up rounds (if appropriate)*
25 *by United States industry and minimizes*

1 *nonrecurring engineering and facilitization*
2 *expenses to the costs needed for co-produc-*
3 *tion;*

4 *(ii) complete transparency on the re-*
5 *quirement of Israel for the number of inter-*
6 *ceptors and batteries that will be procured,*
7 *including with respect to the procurement*
8 *plans, acquisition strategy, and funding*
9 *profiles of Israel;*

10 *(iii) technical milestones for co-produc-*
11 *tion of parts and components and procure-*
12 *ment;*

13 *(iv) a joint affordability working*
14 *group to consider cost reduction initiatives;*
15 *and*

16 *(v) joint approval processes for third-*
17 *party sales; and*

18 *(D) the level of co-production described in*
19 *subparagraph (C)(i) for the Arrow 3 Upper Tier*
20 *Interceptor Program is not less than 50 percent.*

21 *(d) NUMBER.—In carrying out paragraph (2) of sub-*
22 *section (b) and paragraph (2) of subsection (c), the Under*
23 *Secretary may submit—*

1 (1) *one certification covering both the David's*
2 *Sling Weapon System and the Arrow 3 Upper Tier*
3 *Interceptor Program; or*

4 (2) *separate certifications for each respective sys-*
5 *tem.*

6 (e) *TIMING.*—*The Under Secretary shall submit to the*
7 *congressional defense committees the certification and as-*
8 *essment under subsection (b)(3) and the certification under*
9 *subsection (c)(2) no later than 30 days before the funds*
10 *specified in paragraph (1) of subsections (b) and (c) for*
11 *the respective system covered by the certification are pro-*
12 *vided to the Government of Israel.*

13 (f) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
14 *FINED.*—*In this section, the term “appropriate congres-*
15 *sional committees” means the following:*

16 (1) *The congressional defense committees.*

17 (2) *The Committee on Foreign Relations of the*
18 *Senate and the Committee on Foreign Affairs of the*
19 *House of Representatives.*

20 **SEC. 1660. INTEGRATED AIR AND MISSILE DEFENSE ARCHI-**
21 **TECTURE FOR DEFENSE OF GUAM.**

22 (a) *REVIEW OF INTEGRATED AIR AND MISSILE DE-*
23 *FENSE ARCHITECTURE TO DEFEND GUAM.*—

24 (1) *REQUIREMENT.*—*Not later than 60 days*
25 *after the date of enactment of this Act, the Secretary*

1 *of Defense shall seek to enter into a contract with a*
2 *federally funded research and development center to*
3 *conduct an independent assessment of the integrated*
4 *air and missile defense architecture to defend Guam.*

5 (2) *ELEMENTS.*—*The assessment under para-*
6 *graph (1) shall include an analysis of each of the fol-*
7 *lowing:*

8 (A) *The proposed architecture capability to*
9 *address non-ballistic and ballistic missile threats*
10 *to Guam, including the sensor, command and*
11 *control, and interceptor systems being proposed.*

12 (B) *The development and integration risk of*
13 *the proposed architecture.*

14 (C) *The manning required to operate the*
15 *proposed architecture, including the availability*
16 *of housing and infrastructure on Guam to sup-*
17 *port the needed manning levels.*

18 (3) *SUBMISSION.*—*Not later than 180 days after*
19 *the date of the enactment of this Act, the Secretary*
20 *shall submit to the congressional defense committees*
21 *the assessment under paragraph (1), without change.*

22 (b) *DESIGNATION OF OFFICIAL RESPONSIBLE FOR*
23 *MISSILE DEFENSE OF GUAM.*—

24 (1) *DESIGNATION.*—*Not later than 90 days after*
25 *the date of the enactment of this Act, the Secretary of*

1 *Defense shall designate a senior official of the Depart-*
2 *ment of Defense who shall be responsible for the mis-*
3 *sile defense of Guam during the period preceding the*
4 *date specified in paragraph (5).*

5 (2) *DUTIES.—The duties of the official des-*
6 *ignated under paragraph (1) shall include the fol-*
7 *lowing:*

8 (A) *Designing the architecture of the missile*
9 *defense system for defending Guam.*

10 (B) *Overseeing development of an integrated*
11 *missile defense acquisition strategy for the mis-*
12 *sile defense of Guam.*

13 (C) *Ensuring the military department and*
14 *Defense Agency budgets are appropriate for the*
15 *strategy described in subparagraph (B).*

16 (D) *Siting the integrated missile defense*
17 *system described in subparagraph (B).*

18 (E) *Overseeing long-term acquisition and*
19 *sustainment of the missile defense system for*
20 *Guam.*

21 (F) *Such other duties as the Secretary de-*
22 *termines appropriate.*

23 (3) *PROGRAM TREATMENT.—The integrated mis-*
24 *sile defense system referred to in paragraph (2) shall*
25 *be designated as special interest acquisition category*

1 *1D program and shall be managed as consistent with*
2 *Department of Defense Instruction 5000.85 “Major*
3 *Capability Acquisition”.*

4 (4) *REPORT.—Concurrent with the submission of*
5 *each budget of the President under section 1105(a) of*
6 *title 31, United States Code, during the period pre-*
7 *ceding the date specified in paragraph (5), the official*
8 *designated under paragraph (1) shall submit to the*
9 *congressional defense committees a report on the ac-*
10 *tions taken by the official to carry out the duties set*
11 *forth under paragraph (2).*

12 (5) *TERMINATION.—The authority of this sub-*
13 *section shall terminate on the date that is three years*
14 *after the date on which the official designated under*
15 *paragraph (1) determines that the integrated missile*
16 *defense system described in paragraph (2) has*
17 *achieved initial operational capability.*

18 (c) *PROCUREMENT.—*

19 (1) *REQUIREMENT.—Except as provided by*
20 *paragraph (2), not later than December 31, 2023, the*
21 *Secretary of Defense, acting through the Director of*
22 *the Missile Defense Agency, shall rapidly procure and*
23 *field up to three vertical launching systems that can*
24 *accommodate planned interceptors operated by the*
25 *Navy (that do not require major modification or inte-*

1 *gration into the existing missile defense system), as of*
2 *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 waiv-*
6 *er is in the best interest of the national security*
7 *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 Depart-*
20 *ment of the Air Force has acquisition authority with respect*
21 *to the capability to defend the homeland from cruise mis-*
22 *siles, as required by section 1684(e) of the National Defense*
23 *Authorization Act for Fiscal Year 2017 (Public Law 114–*
24 *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 Force,
3 in coordination with the Commander of the United States
4 Northern Command, shall submit to the congressional de-
5 fense committees a report on the implementation of the
6 cruise missile defense architecture for the homeland, includ-
7 ing—

8 (1) the architecture planned to meet the require-
9 ments of the United States Northern Command and
10 the North American Aerospace Defense Command, in-
11 cluding a schedule for capabilities being developed
12 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 ar-
19 chitecture.

20 **(c) LIMITATION.**—Of the funds authorized to be appro-
21 priated by this Act or otherwise made available for fiscal
22 year 2023 for the Department of the Air Force for travel
23 by the Secretary of the Air Force, not more than 95 percent
24 may be obligated or expended until the date on which the

1 *Secretary of the Air Force submits the report under sub-*
2 *section (b).*

3 **SEC. 1662. STRATEGY TO USE ASYMMETRIC CAPABILITIES**
4 **TO DEFEAT HYPERSONIC MISSILE THREATS.**

5 (a) *REQUIREMENT.*—*Not later than March 1, 2023, the*
6 *Secretary of Defense, acting through the Director of the Mis-*
7 *sile Defense Agency, shall submit to the congressional de-*
8 *fense committees a comprehensive layered strategy to use*
9 *asymmetric capabilities to defeat hypersonic missile*
10 *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 laser*
19 *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 PART-**
5 **NERIS OF THE UNITED STATES.**

6 (a) *PLAN.*—*The Secretary of Defense, with the concur-*
7 *rence of the Secretary of State and the Director of National*
8 *Intelligence, shall develop a technical fielding plan to de-*
9 *liver information under the Shared Early Warning System*
10 *regarding a current or imminent missile threat to allies*
11 *and partners of the United States that, as of the date of*
12 *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 shall*
15 *submit to the appropriate congressional committees a report*
16 *on how rapid technical fielding of the Shared Early Warn-*
17 *ing System could be provided to allies and partners of the*
18 *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 the*
6 *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 enactment*
9 *of this Act, and on a quarterly basis thereafter until the*
10 *date on which the next generation interceptor achieves ini-*
11 *tial operating capability, the Director of the Missile Defense*
12 *Agency, with the concurrence of the Commander of the*
13 *United States Northern Command, shall submit to the con-*
14 *gressional defense committees a report that includes the fol-*
15 *lowing:*

16 (1) *An identification of the number of ground-*
17 *based interceptors operationally available to the Com-*
18 *mander.*

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 con-*
7 *gressional defense committees a report containing—*

8 *(1) an updated assessment of the requirement for*
9 *a missile defense interceptor site in the contiguous*
10 *United States; and*

11 *(2) a funding profile, by year, of the total costs*
12 *for the development and construction of such site, con-*
13 *sidering the designation of Fort Drum, New York, as*
14 *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 au-*
18 *thorized to be appropriated to the Department of Defense*
19 *for fiscal year 2023 in section 301 and made available by*
20 *the funding table in division D for the Department of De-*
21 *fense Cooperative Threat Reduction Program established*
22 *under section 1321 of the Department of Defense Coopera-*
23 *tive Threat Reduction Act (50 U.S.C. 3711), the following*
24 *amounts may be obligated for the purposes specified:*

25 *(1) For strategic offensive arms elimination,*
26 *\$6,859,000.*

1 (2) *For chemical security and elimination,*
2 \$14,998,000.

3 (3) *For global nuclear security, \$18,088,000.*

4 (4) *For biological threat reduction, \$225,000,000.*

5 (5) *For proliferation prevention, \$45,890,000.*

6 (6) *For activities designated as Other Assess-*
7 *ments/Administration Costs, \$30,763,000.*

8 **(b) SPECIFICATION OF COOPERATIVE THREAT REDUC-**
9 **TION FUNDS.**—*Funds appropriated pursuant to the author-*
10 *ization of appropriations in section 301 and made avail-*
11 *able by the funding table in division D for the Department*
12 *of Defense Cooperative Threat Reduction Program shall be*
13 *available for obligation for fiscal years 2023, 2024, and*
14 *2025.*

15 **SEC. 1672. DEPARTMENT OF DEFENSE SUPPORT FOR RE-**
16 **QUIREMENTS OF THE WHITE HOUSE MILI-**
17 **TARY OFFICE.**

18 **(a) MEMBERSHIP ON COUNCIL ON OVERSIGHT OF THE**
19 **NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMU-**
20 **NICATIONS SYSTEM.**—*Section 171a(b) of title 10, United*
21 *States Code, is amended by—*

22 (1) *redesignating paragraph (7) as paragraph*
23 (8); *and*

24 (2) *inserting after paragraph (6) the following*
25 *new paragraph (7):*

1 “(7) *The Director of the White House Military*
2 *Office.*”.

3 (b) *PORTFOLIO MANAGER.*—*The Secretary of Defense,*
4 *acting through the Under Secretary of Defense for Acquisi-*
5 *tion and Sustainment, shall designate a senior official to*
6 *coordinate and advocate for the portfolio of national level*
7 *programs of the Department of Defense that are either or*
8 *both—*

9 (1) *in direct support of requirements from the*
10 *White House Military Office; or*

11 (2) *operationally relevant to the mission areas of*
12 *the White House Military Office.*

13 (c) *ACCESSIBILITY OF INFORMATION.*—*The pro-*
14 *grammatic and budgetary information required to assess*
15 *the efficacy of the national level programs covered by sub-*
16 *section (b) shall be provided to the senior official designated*
17 *under such subsection by the following officials:*

18 (1) *The Secretary of each military department.*

19 (2) *The Under Secretary of Defense for Policy.*

20 (3) *The Under Secretary of Defense for Research*
21 *and Engineering.*

22 (4) *The Chairman of the Joint Chiefs of Staff.*

23 (5) *The Director of Cost Assessment and Pro-*
24 *gram Evaluation.*

1 (d) *ANNUAL BRIEFING.*—Not later than 30 days after
2 the date on which the President submits to Congress a budg-
3 et for each of fiscal years 2024 through 2027 pursuant to
4 section 1105(a) of title 31, United States Code, the Under
5 Secretary of Defense for Acquisition and Sustainment, act-
6 ing through the senior official designated under subsection
7 (b), and the personnel of the White House Military Office
8 that the Director of the White House Military Office deter-
9 mines appropriate shall jointly provide to the congressional
10 defense committees a briefing on acquisition programs,
11 plans, and other activities supporting the requirements of
12 the White House Military Office.

13 **SEC. 1673. UNIDENTIFIED ANOMALOUS PHENOMENA RE-**
14 **PORTING PROCEDURES.**

15 (a) *MECHANISM FOR AUTHORIZED REPORTING.*—

16 (1) *ESTABLISHMENT.*—The Secretary of Defense,
17 acting through the head of the Office and in consulta-
18 tion with the Director of National Intelligence, shall
19 establish a secure mechanism for authorized reporting
20 of—

21 (A) any event relating to unidentified
22 anomalous phenomena; and

23 (B) any activity or program by a depart-
24 ment or agency of the Federal Government or a
25 contractor of such a department or agency relat-

1 *ing to unidentified anomalous phenomena, in-*
2 *cluding with respect to material retrieval, mate-*
3 *rial analysis, reverse engineering, research and*
4 *development, detection and tracking, develop-*
5 *mental or operational testing, and security pro-*
6 *tections and enforcement.*

7 (2) *PROTECTION OF SYSTEMS, PROGRAMS, AND*
8 *ACTIVITY.—The Secretary shall ensure that the mech-*
9 *anism for authorized reporting established under*
10 *paragraph (1) prevents the unauthorized public re-*
11 *porting or compromise of classified military and in-*
12 *telligence systems, programs, and related activity, in-*
13 *cluding all categories and levels of special access and*
14 *compartmented access programs.*

15 (3) *ADMINISTRATION.—The Secretary shall en-*
16 *sure that the mechanism for authorized reporting es-*
17 *tablished under paragraph (1) is administered by des-*
18 *ignated and appropriately cleared employees of the*
19 *Department of Defense or elements of the intelligence*
20 *community or contractors of the Department or such*
21 *elements assigned to the Office.*

22 (4) *SHARING OF INFORMATION.—*

23 (A) *PROMPT SHARING WITHIN OFFICE.—*
24 *The Secretary shall ensure that the mechanism*
25 *for authorized reporting established under para-*

1 *graph (1) provides for the sharing of an author-*
2 *ized disclosure to personnel and supporting ana-*
3 *lysts and scientists of the Office (regardless of the*
4 *classification of information contained in the*
5 *disclosure or any nondisclosure agreements), un-*
6 *less the employees or contractors administering*
7 *the mechanism under paragraph (3) conclude*
8 *that the preponderance of information available*
9 *regarding the disclosure indicates that the ob-*
10 *served object and associated events and activities*
11 *likely relate to a special access program or com-*
12 *partmented access program that, as of the date*
13 *of the disclosure, has been explicitly and clearly*
14 *reported to the congressional defense committees*
15 *or the congressional intelligence committees, and*
16 *is documented as meeting those criteria.*

17 *(B) CONGRESSIONAL NOTIFICATION.—Not*
18 *later than 72 hours after determining that an*
19 *authorized disclosure relates to a restricted access*
20 *activity, a special access program, or a compart-*
21 *mented access program that has not been explic-*
22 *itly and clearly reported to the congressional de-*
23 *fense committees or the congressional intelligence*
24 *committees, the Secretary shall report such dis-*

1 *closure to such committees and the congressional*
2 *leadership.*

3 (5) *INITIAL REPORT AND PUBLICATION.*—*Not*
4 *later than 180 days after the date of the enactment*
5 *of this Act, the Secretary, acting through the head of*
6 *the Office and in consultation with the Director of*
7 *National Intelligence, shall—*

8 (A) *submit to the congressional defense com-*
9 *mittees, the congressional intelligence committees,*
10 *and the congressional leadership a report detail-*
11 *ing the mechanism for authorized reporting es-*
12 *tablished under paragraph (1); and*

13 (B) *issue clear public guidance for how to*
14 *securely access the mechanism for authorized re-*
15 *porting.*

16 (b) *PROTECTION FOR INDIVIDUALS MAKING AUTHOR-*
17 *IZED DISCLOSURES.*—

18 (1) *AUTHORIZED DISCLOSURES.*—*An authorized*
19 *disclosure—*

20 (A) *shall not be subject to a nondisclosure*
21 *agreement entered into by the individual who*
22 *makes the disclosure;*

23 (B) *shall be deemed to comply with any reg-*
24 *ulation or order issued under the authority of*
25 *Executive Order 13526 (50 U.S.C. 3161 note; re-*

1 *lating to classified national security informa-*
2 *tion) or chapter 18 of the Atomic Energy Act of*
3 *1954 (42 U.S.C. 2271 et seq.); and*

4 *(C) is not a violation of section 798 of title*
5 *18, United States Code, or other provision of law*
6 *relating to the disclosure of information.*

7 *(2) PROHIBITION ON REPRISALS.—*

8 *(A) PROTECTION.—An employee of a de-*
9 *partment or agency of the Federal Government,*
10 *or of a contractor, subcontractor, grantee, sub-*
11 *grantee, or personal services contractor of such a*
12 *department or agency, who has authority to take,*
13 *direct others to take, recommend, or approve any*
14 *personnel action, shall not, with respect to such*
15 *authority, take or fail to take, or threaten to take*
16 *or fail to take, a personnel action, including the*
17 *revocation or suspension of security clearances,*
18 *or termination of employment, with respect to*
19 *any individual as a reprisal for any authorized*
20 *disclosure.*

21 *(B) PROCEDURES.—The Secretary of De-*
22 *fense and the Director of National Intelligence*
23 *shall establish procedures for the enforcement of*
24 *subparagraph (A) consistent with, as appro-*
25 *priate, section 1034 of title 10, United States*

1 *Code, section 1104 of the National Security Act*
2 *of 1947 (50 U.S.C. 3234), or other similar provi-*
3 *sions of law regarding prohibited personnel ac-*
4 *tions.*

5 (3) *NONDISCLOSURE AGREEMENTS.*—

6 (A) *IDENTIFICATION.*—*The Secretary of De-*
7 *fense, the Director of National Intelligence, the*
8 *Secretary of Homeland Security, the heads of*
9 *such other departments and agencies of the Fed-*
10 *eral Government that have supported investiga-*
11 *tions of the types of events covered by subpara-*
12 *graph (A) of subsection (a)(1) and activities and*
13 *programs described in subparagraph (B) of such*
14 *subsection, and contractors of the Federal Gov-*
15 *ernment that have supported or are supporting*
16 *such activities and programs, shall conduct com-*
17 *prehensive searches of all records relating to non-*
18 *disclosure orders relating to the types of events*
19 *described in subsection (a) and provide copies of*
20 *such orders, agreements, or obligations to the Of-*
21 *fice.*

22 (B) *SUBMISSION TO CONGRESS.*—*The head*
23 *of the Office shall—*

24 (i) *make the records compiled under*
25 *subparagraph (A) accessible to the congres-*

1 sional defense committees, the congressional
2 intelligence committees, and the congress-
3 sional leadership; and

4 (ii) not later than September 30, 2023,
5 and at least once each fiscal year thereafter
6 through fiscal year 2026, provide to such
7 committees and congressional leadership
8 briefings and reports on such records.

9 (c) *ANNUAL REPORTS*.—Section 1683 of the National
10 *Defense Authorization Act for Fiscal Year 2022 (50 U.S.C.*
11 *3373) is amended—*

12 (1) by striking “aerial” each place it appears
13 and inserting “anomalous”;

14 (2) in subsection (h)—

15 (A) in paragraph (1), by inserting “and the
16 congressional leadership” after “appropriate con-
17 gressional committees”; and

18 (B) in paragraph (2), by adding at the end
19 the following new subparagraph:

20 “(Q) A summary of the reports received
21 using the mechanism for authorized reporting es-
22 tablished under section 1673 of the James M.
23 Inhofe National Defense Authorization Act for
24 Fiscal Year 2023.”; and

25 (3) in subsection (l)—

1 (A) by redesignating paragraphs (2)
2 through (5) as paragraphs (3) through (6), re-
3 spectively; and

4 (B) by inserting after paragraph (1) the fol-
5 lowing new paragraph (2):

6 “(2) The term ‘congressional leadership’ means—

7 “(A) the majority leader of the Senate;

8 “(B) the minority leader of the Senate;

9 “(C) the Speaker of the House of Represent-
10 atives; and

11 “(D) the minority leader of the House of
12 Representatives.”.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “authorized disclosure” means a re-
15 port of any information through, and in compliance
16 with, the mechanism for authorized reporting estab-
17 lished pursuant to subsection (a)(1).

18 (2) The term “congressional intelligence commit-
19 tees” has the meaning given such term in section 3
20 of the National Security Act of 1947 (50 U.S.C.
21 3003).

22 (3) The term “congressional leadership” means—

23 (A) the majority leader of the Senate;

24 (B) the minority leader of the Senate;

1 (C) the Speaker of the House of Representa-
2 tives; and

3 (D) the minority leader of the House of
4 Representatives.

5 (4) The term “intelligence community” has the
6 meaning given such term in section 3 of the National
7 Security Act of 1947 (50 U.S.C. 3003).

8 (5) The term “nondisclosure agreement” means
9 any written or oral nondisclosure agreement, order,
10 or other instrumentality or means entered into by an
11 individual that could be interpreted as a legal con-
12 straint on the individual making an authorized dis-
13 closure.

14 (6) The term “Office” means the All-domain
15 Anomaly Resolution Office established pursuant to
16 section 1683(a) of the National Defense Authorization
17 Act for Fiscal Year 2022 (50 U.S.C. 3373(a)).

18 (7) The term “personnel action” has the meaning
19 given such term in section 1104(a) of the National
20 Security Act of 1947 (50 U.S.C. 3234(a)).

21 (8) The term “unidentified anomalous phe-
22 nomena” has the meaning given such term in section
23 1683(n) of the National Defense Authorization Act for
24 Fiscal Year 2022 (50 U.S.C. 3373(l)).

1 **SEC. 1674. STUDY OF WEAPONS PROGRAMS THAT ALLOW**
2 **ARMED FORCES TO ADDRESS HARD AND**
3 **DEEPLY BURIED TARGETS.**

4 (a) *STUDY.*—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense, in
6 coordination with the Chairman of the Joint Chiefs of Staff,
7 the Commander of the United States Strategic Command,
8 and the Administrator for Nuclear Security, and in con-
9 sultation with the Director of National Intelligence, shall
10 submit to the congressional defense committees a study on
11 options to hold at risk hard and deeply buried targets.

12 (b) *ELEMENTS.*—The study under subsection (a) shall
13 include the following:

14 (1) *An analysis of the current and emerging*
15 *hard and deeply buried target mission set and associ-*
16 *ated military requirements, including—*

17 (A) *the number and locations of the targets,*
18 *including facilities designed for the storage or*
19 *manufacture of nuclear, chemical, or biological*
20 *weapons and the precursors of such weapons;*

21 (B) *an identification of likely future trajec-*
22 *tories in the worldwide use and proliferation of*
23 *hard and deeply buried targets;*

24 (C) *the associated military requirements,*
25 *including the importance of effectively holding*
26 *hard and deeply buried targets at risk in order*

1 to meet the national security objectives of the
2 United States; and

3 (D) an evaluation of the sufficiency of cur-
4 rent and planned nuclear and nonnuclear mili-
5 tary capabilities to satisfy such requirements.

6 (2) An evaluation of weapons programs that
7 would allow the Armed Forces to effectively hold hard
8 and deeply buried targets at risk, including—

9 (A) any nuclear or nonnuclear weapon and
10 delivery system the Secretary determines appro-
11 priate, including the cost, timeline for fielding,
12 and likely effectiveness of any capability under
13 consideration; and

14 (B) an assessment of a service life extension
15 or modification program of the B83 nuclear
16 gravity bomb as one of the options.

17 (3) A proposed strategy for fielding such capa-
18 bilities in sufficient quantities and making other ad-
19 justments to the strategy and plans of the United
20 States to account for the growing hard and deeply
21 buried target set, including—

22 (A) the resources, research and development
23 efforts, and capability options needed; and

24 (B) a five-year funding profile for, at a
25 minimum—

1 (i) a preferred capability; and
2 (ii) an alternative capability evaluated
3 under paragraph (2) that meets the require-
4 ments under paragraph (1).

5 (c) *FORM.*—The study under subsection (a) shall be
6 submitted in unclassified form, but may include a classified
7 annex.

8 (d) *BRIEFING.*—Not later than 30 days after the date
9 on which the Secretary completes the study under subsection
10 (a), the Secretary shall provide the Committees on Armed
11 Services of the House of Representatives and the Senate a
12 briefing on the findings and recommendations of the study.

13 (e) *LIMITATION ON USE OF FUNDS.*—Except as pro-
14 vided by subsection (f), none of the funds authorized to be
15 appropriated by this Act or otherwise made available for
16 fiscal year 2023 for the Department of Defense or the De-
17 partment of Energy for the deactivation, dismantlement, or
18 retirement of the B83–1 nuclear gravity bomb may be obli-
19 gated or expended to deactivate, dismantle, or retire more
20 than 25 percent of the B83–1 nuclear gravity bombs that
21 were in the active stockpile as of September 30, 2022, until
22 90 days after the Secretary submits to the Committees on
23 Armed Services of the Senate and the House of Representa-
24 tives the study under subsection (a).

1 (f) *EXCEPTION.*—*The limitation on the use of funds*
 2 *under subsection (e) shall not apply to the deactivation, dis-*
 3 *mantling, or retirement of B83–1 nuclear gravity bombs for*
 4 *the purpose of supporting safety and surveillance,*
 5 *sustainment, life extension, or modification programs for*
 6 *the B83–1 or other weapons currently in, or planned to be-*
 7 *come part of, the nuclear weapons stockpile of the United*
 8 *States.*

9 **TITLE XVII—MUNITIONS RE-**
 10 **PLENISHMENT AND FUTURE**
 11 **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 capac-
 ity needs for munitions production and stockpiling.*

12 **SEC. 1701. ANNUAL REPORT ON INDUSTRIAL BASE CON-**
 13 **STRAINTS FOR MUNITIONS.**

14 (a) *BRIEFING ON FULFILLMENT OF MUNITIONS RE-*
 15 *QUIREMENTS.*—*Not later than 30 days after the date of the*
 16 *enactment of this Act, the Secretary of Defense and the*
 17 *Chairman of the Joint Chiefs of Staff shall provide to the*
 18 *congressional defense committees a briefing regarding the*
 19 *current process for fulfilling the requirements of section*
 20 *222c of title 10, United States Code, including a description*

1 *of the timeliness of the process and any standardization of*
2 *such process across the Department of Defense.*

3 **(b) BRIEFING ON REVISION OF REQUIREMENTS.**—*Not*
4 *later than 30 days after the date of the enactment of this*
5 *Act, the Secretary of Defense and the Chairman of the Joint*
6 *Chiefs of Staff shall provide to the congressional defense*
7 *committees a briefing regarding the timeline for revision*
8 *of munitions requirements generated by section 222c of title*
9 *10, United States Code as a result of actions taken in re-*
10 *sponse to the conflict in Ukraine.*

11 **(c) ADDITIONAL REPORT REQUIREMENTS ON OUT-**
12 **YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS**
13 **AND OUT-YEAR INVENTORY NUMBERS.**—*Section 222c of*
14 *title 10, United States Code, is amended—*

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

17 **“(8) Requirement for Protracted Warfare Sce-**
18 *narios, calculated by doubling the duration of each*
19 *applicable operation plan.”;*

20 **(2)** *by redesignating subsection (e) as subsection*
21 *(f); and*

22 **(3)** *by inserting after subsection (d) the following*
23 *new subsection:*

24 **“(e) ADDITIONAL REQUIREMENTS.**—*Each report re-*
25 *quired under subsection (a) shall include the following:*

1 “(1) *The number of years required to meet the*
2 *Out-Year Unconstrained Total Munitions Require-*
3 *ment at the rate requested for the fiscal year covered*
4 *by the report.*

5 “(2) *The average rate of procurement during the*
6 *three-year period preceding the date of the submission*
7 *of the report, and the number of years required to*
8 *meet the Out-Year Unconstrained Total Munitions*
9 *Requirement at such three-year average rate.*

10 “(3) *The additional amount of funding that*
11 *would be required, for each fiscal year, to meet the*
12 *Out-Year Unconstrained Total Munitions Require-*
13 *ment for each munition by the end of the period cov-*
14 *ered by the most recent future-years defense program*
15 *submitted to Congress pursuant to section 221 of this*
16 *title.”.*

17 (d) *ANNUAL REPORT ON INDUSTRIAL BASE CON-*
18 *STRAINTS FOR MUNITIONS.—*

19 (1) *IN GENERAL.—Chapter 9 of title 10, United*
20 *States Code, is amended by inserting after section*
21 *222c the following new section:*

22 “**§ 222d. Annual report on industrial base constraints**
23 **for munitions**

24 “(a) *IN GENERAL.—Not later than 30 days after the*
25 *submission of all reports required under section 222c(a) of*

1 *this title, the Under Secretary of Defense for Acquisition*
2 *and Sustainment, in coordination with the service acquisi-*
3 *tion executive of each military department, shall submit to*
4 *the congressional defense committees a report detailing the*
5 *industrial base constraints for each munition identified in*
6 *the Out-Year Unconstrained Total Munitions Requirement.*

7 “(b) *ELEMENTS.—The report required under sub-*
8 *section (a) shall include the following elements, broken down*
9 *by munition:*

10 “(1) *Programmed purchase quantities per year.*

11 “(2) *Average procurement unit cost per year.*

12 “(3) *Contract type.*

13 “(4) *Current minimum sustaining rate of pro-*
14 *duction per month and year.*

15 “(5) *Current maximum rate of production per*
16 *month and year.*

17 “(6) *Expected date to meet the Out-Year Uncon-*
18 *strained Total Munitions Requirement in section*
19 *222c of this title under the programmed purchase*
20 *quantities established for the period covered by the re-*
21 *port.*

22 “(7) *A description of industrial base constraints*
23 *on increased production of each munition, including*
24 *any supply chain weaknesses.*

1 “(8) *A description of investments or policy*
2 *changes made by a defense contractor or by the*
3 *United States Government to increase production, en-*
4 *able more efficient production, or mitigate significant*
5 *loss of stability in potential production.*

6 “(9) *A description of potential investments or*
7 *policy changes identified by a defense contractor or*
8 *the United States Government to increase munitions*
9 *production, enable more efficient production, or miti-*
10 *gate significant loss of stability in potential produc-*
11 *tion, including—*

12 “(A) *direct investments in test and tooling*
13 *equipment, workforce development, or improve-*
14 *ments to existing production facilities;*

15 “(B) *a pool of rotatable critical components*
16 *or subcomponents for munitions;*

17 “(C) *multiyear contracts or other con-*
18 *tracting strategies;*

19 “(D) *direct investments in components, sub-*
20 *components, or raw materials commonly used*
21 *across the industrial base;*

22 “(E) *direct investments in additive manu-*
23 *facturing or expeditionary manufacturing capa-*
24 *bilities;*

1 “(F) direct investments in simplification of
2 supply chains; and

3 “(G) direct investments in technologies or
4 methods to enable increased scalability and re-
5 duced complexity of production processes for cur-
6 rent or future munitions.

7 “(10) A list of each contract for a munition with
8 a priority rating of ‘critical to national defense’
9 (commonly referred to as a ‘DO-rated order’) or a
10 priority rating of ‘highest national defense urgency’
11 (commonly referred to as a ‘DX-rated order’) in the
12 Defense Priorities and Allocation System pursuant to
13 part 700 of title 15, Code of Federal Regulations (or
14 any successor regulation).

15 “(11) A prioritized list of munitions judged to
16 have high value for export for which additional in-
17 vestments would be necessary to enable export, includ-
18 ing a description of such investments required.

19 “(12) A list of munitions subject to the require-
20 ments of chapter 2 of the Arms Export Control Act
21 (22 U.S.C. 2761 et seq.) relating to foreign military
22 sales that are anticipated to be exported based on de-
23 velopments in the conflict in Ukraine.

1 “(c) *MUNITION DEFINED.*—*In this section, the term*
2 *‘munition’ has the meaning given by the Under Secretary*
3 *of Defense for Acquisition.*”.

4 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
5 *tions at the beginning of chapter 9 of title 10, United*
6 *States Code, is amended by inserting after the item*
7 *relating to section 222c the following new item:*

 “222d. *Annual report on industrial base constraints for munitions.*”.

8 **SEC. 1702. MODIFICATION TO SPECIAL DEFENSE ACQUI-**
9 **TION FUND.**

10 Section 114(c)(1) of title 10, United States Code, is
11 amended by striking “\$2,500,000,000” and inserting
12 “\$3,500,000,000”.

13 **SEC. 1703. QUARTERLY BRIEFINGS ON REPLENISHMENT**
14 **AND REVITALIZATION OF WEAPONS PRO-**
15 **VIDED TO UKRAINE.**

16 (a) *BRIEFINGS ON COVERED SYSTEMS.*—*The Sec-*
17 *retary of Defense shall provide to the congressional defense*
18 *committees quarterly briefings on the progress of the De-*
19 *partment of Defense toward—*

20 (1) *replenishing the inventory of covered systems;*

21 (2) *expanding the production capacity of covered*
22 *systems; and*

23 (3) *increasing the resilience of the production ca-*
24 *capacity of covered systems.*

1 **(b) GROUPING OF COVERED SYSTEMS.**—For each
2 briefing required under subsection (a), the Secretary of De-
3 fense may group covered systems together based on the rel-
4 evant capabilities of such covered systems.

5 **(c) ELEMENTS.**—Each briefing required under sub-
6 section (a) shall include, with respect to the period covered
7 by such briefing, the following:

8 (1) A description of any reprogramming carried
9 out in accordance with established procedures for each
10 covered system, with appropriate notation for—

11 (A) the number of the replenishment
12 tranche; and

13 (B) a determination of whether each such
14 reprogramming—

15 (i) replaces covered systems;

16 (ii) expands production capacity of
17 covered systems; or

18 (iii) increases the resilience of the pro-
19 duction capacity of covered systems.

20 (2) A description of obligations applied to each
21 covered system and expected timeline for future obli-
22 gations.

23 (3) A description of current and future produc-
24 tion capacity for each covered system, broken down by
25 month and calendar year.

1 (4) *A description of expected delivery of covered*
2 *systems to the Department of Defense.*

3 (5) *To the extent practicable, with respect to the*
4 *total number of covered systems provided during the*
5 *period covered by the briefing, an estimate for the*
6 *timing of the delivery of at least 50 percent of the re-*
7 *plenishment articles for a covered system and the de-*
8 *livery of 100 percent of such replenishment articles,*
9 *compared to the number of covered systems provided.*

10 (6) *A description of overall actual and expected*
11 *obligation rates for all reprogrammings applied to*
12 *covered systems.*

13 (7) *A description of any other investments made*
14 *that significantly affect the replenishment timeline or*
15 *production capacity of the covered systems.*

16 (8) *A description of remaining industrial base*
17 *risks or opportunities for increased competition for*
18 *each covered system and detailed options to mitigate*
19 *such risks or expand competition, including any*
20 *changes necessary to authorities to enable risk reduc-*
21 *tion or expanded competition.*

22 (9) *To the extent practicable, a comparison of*
23 *the expected inventory of covered systems over the next*
24 *5 years compared to the requirements set forth under*
25 *section 222c of title 10, United States Code.*

1 (d) *BRIEFINGS ON STOCKS OF ALLIES AND PART-*
2 *NERS.*—*The Secretary of Defense shall provide to the con-*
3 *gressional defense committees, the Committee on Foreign Af-*
4 *airs of the House of Representatives, and the Committee*
5 *on Foreign Relations of the Senate quarterly briefings that*
6 *include the following:*

7 (1) *A timeline and budgetary estimate for devel-*
8 *oping and procuring replacement stocks of covered*
9 *systems for allies and partner countries of the United*
10 *States.*

11 (2) *An update on the efforts of the Department*
12 *to work with such allies and partner countries to ad-*
13 *vance the replenishment of munitions stocks for such*
14 *allies and partners that have provided, or are contem-*
15 *plating providing, such stocks to Ukraine.*

16 (e) *TERMINATION.*—*This section and the requirements*
17 *of this section shall terminate on December 31, 2026.*

18 (f) *COVERED SYSTEM DEFINED.*—*In this section, the*
19 *term “covered system” means any system provided to the*
20 *Government of Ukraine pursuant to any of the following:*

21 (1) *Section 506 of the Foreign Assistance Act of*
22 *1961 (22 U.S.C. 2318).*

23 (2) *Section 614 of the Foreign Assistance Act of*
24 *1961 (22 U.S.C. 2364).*

1 (3) *The Ukraine Security Assistance Initiative*
2 *established under section 1250 of the National Defense*
3 *Authorization Act for Fiscal Year 2016 (Public Law*
4 *114–92; 129 Stat. 1068), including as amended by*
5 *this Act, if such system was provided to Ukraine after*
6 *February 24, 2022.*

7 **SEC. 1704. ASSESSMENT OF REQUIREMENTS AND ACQUISI-**
8 **TION OBJECTIVES FOR PATRIOT AIR AND**
9 **MISSILE DEFENSE BATTALIONS.**

10 (a) *ASSESSMENT.*—*Not later than 120 days after the*
11 *date of the enactment of this Act, the Secretary of the Army*
12 *shall assess and validate the current and projected battalion*
13 *and interceptor requirements and acquisition objectives for*
14 *the Patriot air and missile defense system and Patriot ad-*
15 *vanced capability–3 missile segment enhancement missiles*
16 *to determine whether such requirements and objectives are*
17 *sufficient to meet the requests for forces, war plans, and*
18 *contingency requirements of the commanders of the geo-*
19 *graphic combatant commands.*

20 (b) *REPORT.*—*Not later than 30 days after the date*
21 *on which the Secretary completes the assessment under sub-*
22 *section (a), the Secretary shall submit to the congressional*
23 *defense committees a report on the assessment, including*
24 *whether the requirements and acquisition objectives de-*
25 *scribed in such subsection—*

1 (1) *are sufficient to meet the requests for forces,*
2 *war plans, and contingency requirements of the com-*
3 *manders of the geographic combatant commands; and*

4 (2) *are valid or should be modified.*

5 (c) *AUTHORITY.*—*Subject to the availability of appro-*
6 *priations for such purpose, the Secretary of the Army may*
7 *procure up to four additional Patriot air and missile de-*
8 *fense battalions to achieve a total of up to 20 such battal-*
9 *ions.*

10 **SEC. 1705. INDEPENDENT ASSESSMENT OF DEPARTMENT**
11 **OF DEFENSE CAPABILITY AND CAPACITY**
12 **NEEDS FOR MUNITIONS PRODUCTION AND**
13 **STOCKPILING.**

14 (a) *IN GENERAL.*—*Not later than 90 days after the*
15 *date of the enactment of this Act, the Secretary of Defense*
16 *shall seek to enter into an agreement with an appropriate*
17 *federally funded research and development center for the*
18 *conduct of a detailed independent analysis of the extent to*
19 *which the process used by the chief of staff of an armed*
20 *force to implement the Out-Year Unconstrained Total Mu-*
21 *nitions Requirement required under section 222c of title 10,*
22 *United States Code, properly accounts for current and fu-*
23 *ture requirements for the weapons described in subsection*
24 (c). *Such an agreement shall provide that an analysis con-*
25 *ducted pursuant to the agreement shall be completed within*

1 180 days after the date on which such agreement was en-
2 tered into.

3 (b) *MATTERS FOR CONSIDERATION.*—*An analysis con-*
4 *ducted pursuant to an agreement under subsection (a) shall*
5 *include a consideration of each of the following with respect*
6 *to each weapon described in subsection (c):*

7 (1) *The sufficiency of efforts to implement section*
8 *222c of title 10, United States Code, including—*

9 (A) *whether the views of the commanders of*
10 *each combatant command are adequately rep-*
11 *resented;*

12 (B) *whether contributions by allies and*
13 *partner countries are adequately represented;*

14 (C) *whether excursions beyond the oper-*
15 *ational plans, including the potential of pro-*
16 *tracted warfare, are adequately represented;*

17 (D) *the potential of simultaneous conflicts;*
18 *and*

19 (E) *the degree to which the elements of sec-*
20 *tion 222c(c) of title 10, United States Code, are*
21 *appropriate functional categories.*

22 (2) *Any recommendations that could be bene-*
23 *ficial to the overall implementation of such section*
24 *222c.*

1 (c) *WEAPONS DESCRIBED.*—*The weapons described in*
2 *this subsection are the following:*

3 (1) *Evolved sea sparrow missile.*

4 (2) *MK-48 heavyweight torpedo.*

5 (3) *Standard missile variants (including stand-*
6 *ard missile-6, standard missile-3 block IIA, and*
7 *standard missile-3 block IIA).*

8 (4) *Patriot guided missiles.*

9 (5) *Terminal high altitude area defense intercep-*
10 *tors.*

11 (6) *Guided and ballistic missiles fired from the*
12 *multiple-launch rocket system (MLRS) or the high*
13 *mobility artillery rocket system (HIMARS).*

14 (7) *Javelin missile.*

15 (8) *Stinger missile.*

16 (9) *Air intercept missile (AIM)-9X-Sidewinder.*

17 (10) *AIM-120D—Advanced medium range air-*
18 *to-air missile (AMRAAM).*

19 (11) *Air to ground (AGM)-114—hellfire missile.*

20 (12) *Joint direct attack munition.*

21 (13) *Tomahawk land attack missile.*

22 (14) *Maritime strike tomahawk.*

23 (15) *Long range anti-ship missile.*

24 (16) *Naval strike missile.*

1 (17) *Joint air-to-surface standoff missile ex-*
2 *tended range.*

3 (18) *Harpoon anti-ship missile.*

4 (19) *Naval mines.*

5 (20) *Any other weapon that the Secretary of De-*
6 *fense or the federally funded research and development*
7 *center determine should be included in the analysis.*

8 (d) *REPORT.—*

9 (1) *IN GENERAL.—Not later than 210 days after*
10 *entering into an agreement under subsection (a), the*
11 *Secretary of Defense shall submit to the congressional*
12 *defense committees—*

13 (A) *a complete independent assessment of*
14 *the analysis completed pursuant to the agree-*
15 *ment; and*

16 (B) *any views from the Department of De-*
17 *fense the Secretary chooses to include.*

18 (2) *FORM.—The report required under para-*
19 *graph (1) shall be submitted in unclassified form, but*
20 *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 military*
14 *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 expire*
18 *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 au-*
24 *thorizations for military construction projects, land acqui-*
25 *sition, family housing projects and facilities, and contribu-*

1 *tions to the North Atlantic Treaty Organization Security*
2 *Investment Program (and authorizations of appropriations*
3 *therefor), for which appropriated funds have been obligated*
4 *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 construc-*
8 *tion 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 a*
25 *section or larger organizational unit to the covered*

1 *defense law, repeals or transfers a section or larger or-*
2 *ganizational 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 amending*
6 *any table of sections, table of contents, or similar*
7 *table of tabular entries in the covered defense law to*
8 *alter the table to conform to the changes made by the*
9 *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 sections,*
16 *table of contents, or similar table of tabular en-*
17 *tries in the covered defense law to alter the table*
18 *to conform to the changes made by the amend-*
19 *ment; 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 ap-
13 propriated pursuant to the authorization of appropriations
14 in section 2103(a) and available for military construction
15 projects inside the United States as specified in the funding
16 table in section 4601, the Secretary of the Army may ac-
17 quire real property and carry out military construction
18 projects for the installations or locations inside the United
19 States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$102,000,000

Army: Inside the United States—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alaska</i>	<i>Fort Wainwright</i>	<i>\$99,000,000</i>
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$14,200,000</i>
<i>Hawaii</i>	<i>Fort Shafter</i>	<i>\$33,000,000</i>
	<i>Schofield Barracks</i>	<i>\$159,000,000</i>
	<i>Tripler Army Medical Center</i>	<i>\$38,000,000</i>
<i>Louisiana</i>	<i>Fort Polk</i>	<i>\$32,000,000</i>
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	<i>\$85,000,000</i>
<i>Mississippi</i>	<i>Engineer Research and Development Center</i>	<i>\$20,000,000</i>
<i>New Jersey</i>	<i>Picatinny Arsenal</i>	<i>\$15,654,000</i>
<i>New York</i>	<i>Fort Drum</i>	<i>\$3,600,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$34,000,000</i>
<i>Pennsylvania</i>	<i>Letterkenny Army Depot</i>	<i>\$38,000,000</i>
<i>Texas</i>	<i>Corpus Christi Army Depot</i>	<i>\$103,000,000</i>
	<i>Fort Bliss</i>	<i>\$15,000,000</i>
	<i>Fort Hood</i>	<i>\$19,000,000</i>
<i>Washington</i>	<i>Joint Base Lewis-McChord</i>	<i>\$49,000,000</i>

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 in
5 the funding table in section 4601, the Secretary of the Army
6 may acquire real property and carry out military construc-
7 tion projects for the installations outside the United States,
8 and in the amounts, set forth in the following table:

Army: Outside the United States

<i>State</i>	<i>Installation</i>	<i>Amount</i>
<i>Germany</i>	<i>East Camp Grafenwoehr</i>	<i>\$168,000,000</i>
<i>Japan</i>	<i>Kadena Air Force Base</i>	<i>\$80,000,000</i>
<i>Kwajalein</i>	<i>Kwajalein Atoll</i>	<i>\$69,000,000</i>

9 **SEC. 2102. FAMILY HOUSING.**

10 **(a) CONSTRUCTION AND ACQUISITION.**—Using
11 amounts appropriated pursuant to the authorization of ap-
12 propriations in section 2103(a) and available for military
13 family housing functions as specified in the funding table
14 in section 4601, the Secretary of the Army may construct

1 *or acquire family housing units (including land acquisition*
 2 *and supporting facilities) at the installation, in the number*
 3 *of units or for the purpose, and in the amount set forth*
 4 *in the following table:*

Army: Family Housing

Country	Installation or Location	Units	Amount
<i>Germany</i>	<i>Baumholder</i>	<i>Family Housing New Construc- tion</i>	\$81,000,000
<i>Italy</i>	<i>Vincenza</i>	<i>Family Housing New Construc- tion</i>	\$95,000,000

5 **(b) PLANNING AND DESIGN.**—Using amounts appro-
 6 priated pursuant to the authorization of appropriations in
 7 section 2103(a) and available for military family housing
 8 functions as specified in the funding table in section 4601,
 9 the Secretary of the Army may carry out architectural and
 10 engineering services and construction design activities with
 11 respect to the construction or improvement of family hous-
 12 ing units in an amount not to exceed \$17,339,000.

13 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

14 **(a) AUTHORIZATION OF APPROPRIATIONS.**—Funds are
 15 hereby authorized to be appropriated for fiscal years begin-
 16 ning after September 30, 2022, for military construction,
 17 land acquisition, and military family housing functions of
 18 the Department of the Army as specified in the funding
 19 table in section 4601.

20 **(b) LIMITATION ON TOTAL COST OF CONSTRUCTION**
 21 **PROJECTS.**—Notwithstanding the cost variations author-

1 ized by section 2853 of title 10, United States Code, and
2 any other cost variation authorized by law, the total cost
3 of all projects carried out under section 2101 of this Act
4 may not exceed the total amount authorized to be appro-
5 priated under subsection (a), as specified in the funding
6 table in section 4601.

7 **SEC. 2104. DEMOLITION OF DISTRICT OF COLUMBIA FORT**
8 **MCNAIR QUARTERS 4, 13, AND 15.**

9 *Not later than one year after the date on which all*
10 *the individuals occupying District of Columbia Fort*
11 *McNair Quarters 4, 13, and 15, as of the date of the enact-*
12 *ment of this Act, have moved out of such Quarters, the Sec-*
13 *retary of the Army shall demolish such Quarters.*

14 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **FISCAL YEAR 2019 PROJECT AT CAMP TANGO,**
16 **KOREA.**

17 *In the case of the authorization contained in the table*
18 *in section 2101(b) of the John S. McCain National Defense*
19 *Authorization Act for Fiscal Year 2019 (division B of Pub-*
20 *lic Law 115–232; 132 Stat. 2242) for Camp Tango, Korea,*
21 *for construction of a command and control facility at the*
22 *installation, the Secretary of the Army may increase scope*
23 *for a dedicated, enclosed egress pathway out of the under-*
24 *ground facility to facilitate safe escape in case of fire.*

1 **SEC. 2106. EXTENSION AND MODIFICATION OF AUTHORITY**
 2 **TO CARRY OUT CERTAIN FISCAL YEAR 2018**
 3 **PROJECTS.**

4 (a) *EXTENSION OF AUTHORITY TO CARRY OUT CER-*
 5 *TAIN FISCAL YEAR 2018 PROJECTS.*—

6 (1) *EXTENSION.*—(A) *Notwithstanding section*
 7 *2002 of the Military Construction Authorization Act*
 8 *for Fiscal Year 2018 (division B of Public Law 115-*
 9 *91; 131 Stat. 1817), the authorization set forth in the*
 10 *table in subparagraph (B), as provided in section*
 11 *2101(b) of that Act (131 Stat. 1819), shall remain in*
 12 *effect until October 1, 2023, or the date of the enact-*
 13 *ment of an Act authorizing funds for military con-*
 14 *struction for fiscal year 2024, whichever is later.*

15 (B) *The table referred to in subparagraph (A) is*
 16 *as follows:*

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
<i>Korea</i>	<i>Kunsan Air Base</i>	<i>Unmanned Aerial Vehicle Hangar</i>	<i>\$53,000,000</i>

17 (2) *ARMY FAMILY HOUSING.*—(A) *Notwith-*
 18 *standing section 2002 of the Military Construction*
 19 *Authorization Act for Fiscal Year 2018 (division B of*
 20 *Public Law 115–91; 131 Stat. 1817), the authoriza-*
 21 *tion set forth in the table in subparagraph (B), as*
 22 *provided in section 2102 of that Act (131 Stat. 1820),*

1 shall remain in effect until October 1, 2023, or the
 2 date of the enactment of an Act authorizing funds for
 3 military construction for fiscal year 2024, whichever
 4 is later.

5 (B) The table referred to in subparagraph (A) is
 6 as follows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
<i>Kwajalein</i>	<i>Kwajalein Atoll</i>	<i>Family Housing Replacement Construction</i>	\$31,000,000

7 (b) *MODIFICATION OF AUTHORITY TO CARRY OUT*
 8 *CERTAIN FISCAL YEAR 2018 PROJECTS.*—

9 (1) *KUNSAN AIR BASE, KOREA.*—*In the case of*
 10 *the authorization contained in the table in section*
 11 *2101(b) of the Military Construction Authorization*
 12 *Act for Fiscal Year 2018 (division B of Public Law*
 13 *115–91; 131 Stat. 1819) for Kunsan Air Base, Korea,*
 14 *for construction of an Unmanned Aerial Vehicle*
 15 *Hangar at the installation, the Secretary of the Army*
 16 *may—*

17 (A) *construct the hangar at Camp Hum-*
 18 *phries, Korea; and*

19 (B) *remove primary scope associated with*
 20 *the relocation of the air defense artillery bat-*
 21 *talion facilities to include a ground based missile*

1 *defense equipment area, fighting positions, a*
 2 *missile resupply area air defense artillery facil-*
 3 *ity, a ready building and command post, a bat-*
 4 *tery command post area, a safety shelter, and a*
 5 *guard booth.*

6 (2) *KWAJALEIN ATOLL, HWAJALEIN.—Section*
 7 *2879(a)(1)(A) of the Military Construction Authoriza-*
 8 *tion Act for Fiscal Year 2018 (division B of Public*
 9 *Law 115–91; 131 Stat. 1874) is amended by striking*
 10 *“at least 26 family housing units” and inserting “not*
 11 *more than 26 family housing units”.*

12 ***TITLE XXII—NAVY MILITARY***
 13 ***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 sys-
 tem in Kalaeloa, Hawaii.*

14 ***SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND***
 15 ***ACQUISITION PROJECTS.***

16 (1) *INSIDE THE UNITED STATES.—Using amounts ap-*
 17 *propriated pursuant to the authorization of appropriations*
 18 *in section 2203(a) and available for military construction*
 19 *projects inside the United States as specified in the funding*
 20 *table in section 4601, the Secretary of the Navy may ac-*
 21 *quire real property and carry out military construction*

1 *projects for the installations or locations inside the United*
 2 *States, and in the amounts, set forth in the following table:*

Navy: Inside the United States

<i>State or Territory</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>California</i>	<i>Marine Corps Air Ground Combat Center Twentynine Palms</i>	<i>\$137,235,000</i>
	<i>Marine Corps Base Camp Pendleton</i>	<i>\$145,079,000</i>
	<i>Marine Corps Recruit Depot San Diego</i>	<i>\$94,848,000</i>
	<i>Naval Air Station Lemoore</i>	<i>\$247,633,000</i>
	<i>Naval Base Point Loma Annex</i>	<i>\$64,353,000</i>
	<i>Naval Base San Diego</i>	<i>\$151,278,000</i>
	<i>Naval Surface Warfare Center Corona Divi- sion</i>	<i>\$17,100,000</i>
<i>Connecticut</i>	<i>Naval Submarine Base New London</i>	<i>\$17,686,000</i>
<i>Florida</i>	<i>Naval Air Station Jacksonville</i>	<i>\$100,570,000</i>
	<i>Naval Air Station Whiting Field</i>	<i>\$228,001,000</i>
<i>Georgia</i>	<i>Naval Submarine Base Kings Bay</i>	<i>\$309,102,000</i>
<i>Guam</i>	<i>Marine Corps Base Camp Blaz</i>	<i>\$419,745,000</i>
<i>Hawaii</i>	<i>Joint Base Pearl Harbor-Hickam</i>	<i>\$3,780,475,000</i>
	<i>Marine Corps Base Kaneohe Bay</i>	<i>\$100,206,000</i>
<i>Maryland</i>	<i>Naval Surface Warfare Center Carderock Di- vision</i>	<i>\$2,363,000</i>
	<i>Naval Surface Warfare Center Indian Head Division</i>	<i>\$10,155,000</i>
<i>Nevada</i>	<i>Naval Air Station Fallon</i>	<i>\$159,866,000</i>
<i>North Carolina</i>	<i>Marine Corps Air Station Cherry Point</i>	<i>\$44,830,000</i>
	<i>Marine Corps Air Station New River</i>	<i>\$240,084,000</i>
	<i>Marine Corps Base Camp Lejeune</i>	<i>\$54,122,000</i>
<i>Pennsylvania</i>	<i>Naval Surface Warfare Center Philadelphia Division</i>	<i>\$92,547,000</i>
<i>South Carolina</i>	<i>Marine Corps Recruit Depot Parris Island</i> ...	<i>\$166,930,000</i>
<i>Virginia</i>	<i>Naval Station Norfolk</i>	<i>\$19,224,000</i>
	<i>Naval Surface Warfare Center Dahlgren Divi- sion</i>	<i>\$2,853,000</i>
<i>Washington</i>	<i>Naval Air Station Whidbey Island</i>	<i>\$120,340,000</i>

3 ***(b) OUTSIDE THE UNITED STATES.***—Using amounts
 4 *appropriated pursuant to the authorization of appropria-*
 5 *tions in section 2203(a) and available for military con-*
 6 *struction projects outside the United States as specified in*
 7 *the funding table in section 4601, the Secretary of the Navy*
 8 *may acquire real property and carry out military construc-*
 9 *tion projects for the installations or locations outside the*
 10 *United States, and in the amounts, set forth in the following*
 11 *table:*

Navy: Outside the United States

Country	Installation or Location	Amount
<i>Australia</i>	<i>Royal Australian Air Force Base Darwin</i>	\$258,831,000
<i>Djibouti</i>	<i>Camp Lemonnier</i>	\$122,107,000
<i>Japan</i>	<i>Kadena Air Base</i>	\$222,756,000
<i>Spain</i>	<i>Naval Station Rota</i>	\$92,323,000

1 SEC. 2202. FAMILY HOUSING.

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2203(a) and available for military
5 family housing functions as specified in the funding table
6 in section 4601, the Secretary of the Navy may construct
7 or acquire family housing units (including land acquisition
8 and supporting facilities) at the installations or locations,
9 in the number of units or for the purposes, and in the
10 amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units or Purpose	Amount
<i>Guam</i>	<i>Naval Support Activity Anderson.</i>	<i>Family housing new construction</i>	\$289,776,000
	

11 (b) *IMPROVEMENTS TO MILITARY FAMILY HOUSING*
12 *UNITS.*—Subject to section 2825 of title 10, United States
13 Code, and using amounts appropriated pursuant to the au-
14 thorization of appropriations in section 2203(a) and avail-
15 able for military family housing functions as specified in
16 the funding table in section 4601, the Secretary of the Navy

1 *may improve existing military family housing units in an*
2 *amount not to exceed \$74,540,000.*

3 *(c) PLANNING AND DESIGN.—Using amounts appro-*
4 *priated pursuant to the authorization of appropriations in*
5 *section 2203(a) and available for military family housing*
6 *functions as specified in the funding table in section 4601,*
7 *the Secretary of the Navy may carry out architectural and*
8 *engineering services and construction design activities with*
9 *respect to the construction or improvement of family hous-*
10 *ing units in an amount not to exceed \$14,123,000.*

11 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

12 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
13 *hereby authorized to be appropriated for fiscal years begin-*
14 *ning after September 30, 2022, for military construction,*
15 *land acquisition, and military family housing functions of*
16 *the Department of the Navy, as specified in the funding*
17 *table in section 4601.*

18 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
19 *PROJECTS.—Notwithstanding the cost variations author-*
20 *ized by section 2853 of title 10, United States Code, and*
21 *any other cost variation authorized by law, the total cost*
22 *of all projects carried out under section 2201 of this Act*
23 *may not exceed the total amount authorized to be appro-*
24 *priated under subsection (a), as specified in the funding*
25 *table in section 4601.*

1 **SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 2 **TAIN FISCAL YEAR 2018 PROJECT.**

3 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2018 (division B of Public Law 115–91; 131 Stat. 1817),*
 6 *the authorization set forth in the table in subsection (a),*
 7 *as provided in section 2201(a) of that Act (131 Stat. 1822),*
 8 *shall remain in effect until October 1, 2023, or the date*
 9 *of the enactment of an Act authorizing funds for military*
 10 *construction for fiscal year 2024, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 *as follows:*

Navy: Extension of 2018 Project Authorization

<i>Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Original Authorized Amount</i>
<i>Guam</i>	<i>Joint Region Marianas</i>	<i>Navy-Commercial Tie-in Hardening</i>	<i>\$37,180,000</i>

13 **SEC. 2205. TRANSFER OF CUSTOMERS FROM NAVY ELEC-**
 14 **TRICAL UTILITY SYSTEM AT FORMER NAVAL**
 15 **AIR STATION BARBER’S POINT, HAWAII, TO**
 16 **NEW ELECTRICAL SYSTEM IN KALAELOA, HA-**
 17 **WAI.**

18 (a) *IN GENERAL.*—Subject to the availability of appro-
 19 *priations for such purpose, the Secretary of the Navy shall*
 20 *pay the reasonable costs to transfer all customers off of the*
 21 *electrical utility system of the Navy located at former Naval*
 22 *Air Station Barber’s Point, Hawaii, to the new electrical*

1 *system in Kalaeloa, Hawaii, operated by Hawaiian Elec-*
2 *tric.*

3 (b) *COOPERATIVE AGREEMENT OR OTHER INSTRU-*
4 *MENT.—The Secretary of the Navy may enter into a cooper-*
5 *ative agreement or other appropriate instrument with a*
6 *third party—*

7 (1) *to make amounts available to pay the reason-*
8 *able costs of transfers described in subsection (a); and*

9 (2) *to reimburse the third party for the reason-*
10 *able costs that it may incur to carry out paragraph*
11 *(1).*

12 (c) *FACILITATION OF TRANSFER.—To facilitate the*
13 *transfer of customers described in subsection (a), the Sec-*
14 *retary of the Navy shall provide the following to the State*
15 *of Hawaii:*

16 (1) *A load analysis and design necessary to com-*
17 *plete such transfer.*

18 (2) *Such rights of way and easements as may be*
19 *necessary to support the construction of replacement*
20 *electrical infrastructure.*

21 (d) *DISPOSAL OF NAVY ELECTRICAL SYSTEM.—Sub-*
22 *ject to the availability of appropriations for such purpose,*
23 *after all customers have been transferred as required under*
24 *subsection (a), the Secretary of the Navy may dispose of*

1 *the electrical system of the Navy located at former Naval*
 2 *Air Station Barber's Point, Hawaii.*

3 **TITLE XXIII—AIR FORCE**
 4 **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.

5 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 6 **LAND ACQUISITION PROJECTS.**

7 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 8 *propriated pursuant to the authorization of appropriations*
 9 *in section 2303(a) and available for military construction*
 10 *projects inside the United States as specified in the funding*
 11 *table in section 4601, the Secretary of the Air Force may*
 12 *acquire real property and carry out military construction*
 13 *projects for the installations or locations inside the United*
 14 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

State	Installation or Location	Amount
<i>Alabama</i>	<i>Marwell Air Force Base</i>	<i>\$15,000,000</i>
<i>Alaska</i>	<i>Clear Space Force Station</i>	<i>\$72,080,000</i>
	<i>Joint Base Elmendorf-Richardson</i>	<i>\$5,200,000</i>
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	<i>\$7,500,000</i>
<i>California</i>	<i>Travis Air Force Base</i>	<i>\$7,500,000</i>
	<i>Vandenberg Space Force Base</i>	<i>\$136,000,000</i>
<i>Florida</i>	<i>Patrick Space Force Base</i>	<i>\$97,000,000</i>
<i>Hawaii</i>	<i>Air Force Research Laboratory - Maui Ex-</i> <i>perimental Site #1</i>	<i>\$89,000,000</i>
<i>Illinois</i>	<i>Scott Air Force Base</i>	<i>\$19,893,000</i>
<i>New York</i>	<i>Air Force Research Laboratory - Rome Re-</i> <i>search Site</i>	<i>\$4,200,000</i>
<i>Ohio</i>	<i>Wright Patterson Air Force Base</i>	<i>\$29,000,000</i>
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	<i>\$4,750,000</i>
	<i>Tinker Air Force Base</i>	<i>\$252,016,000</i>
<i>South Carolina</i>	<i>Shaw Air Force Base</i>	<i>\$15,000,000</i>

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
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

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2303(a) and available for military con-
4 struction projects outside the United States as specified in
5 the funding table in section 4601, the Secretary of the Air
6 Force may acquire real property and carry out military
7 construction projects for the installations or locations out-
8 side the United States, and in the amounts, set forth in
9 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
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

10 **SEC. 2302. FAMILY HOUSING.**

11 (a) *IMPROVEMENTS TO MILITARY FAMILY HOUSING*
12 *UNITS.*—Subject to section 2825 of title 10, United States
13 Code, and using amounts appropriated pursuant to the au-
14 thorization of appropriations in section 2303(a) and avail-
15 able for military family housing functions as specified in
16 the funding table in section 4601, the Secretary of the Air

1 *Force may improve existing military family housing units*
2 *in an amount not to exceed \$233,858,000.*

3 (b) *PLANNING AND DESIGN.*—Using amounts appro-
4 *priated pursuant to the authorization of appropriations in*
5 *section 2303(a) and available for military family housing*
6 *functions as specified in the funding table in section 4601,*
7 *the Secretary of the Air Force may carry out architectural*
8 *and engineering services and construction design activities*
9 *with respect to the construction or improvement of family*
10 *housing units in an amount not to exceed \$17,730,000.*

11 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
12 **FORCE.**

13 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
14 *hereby authorized to be appropriated for fiscal years begin-*
15 *ning after September 30, 2022, for military construction,*
16 *land acquisition, and military family housing functions of*
17 *the Department of the Air Force, as specified in the funding*
18 *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 2301 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. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 4 **TAIN FISCAL YEAR 2018 PROJECTS.**

5 (a) *EXTENSION.—*

6 (1) *EXTENSION.—Notwithstanding section 2002*
 7 *of the Military Construction Authorization Act for*
 8 *Fiscal Year 2018 (division B of Public Law 115–91;*
 9 *131 Stat. 1817), the authorizations set forth in the*
 10 *table in paragraph (2), as provided in section*
 11 *2301(a) of that Act (131 Stat. 1825), shall remain in*
 12 *effect until October 1, 2023, or the date of the enact-*
 13 *ment of an Act authorizing funds for military con-*
 14 *struction for fiscal year 2024, whichever is later.*

15 (2) *TABLE.—The table referred to in paragraph*
 16 *(1) is as follows:*

Air Force: Extension of 2018 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Original Authorized Amount</i>
<i>Florida</i>	<i>Tyndall Air Force Base</i>	<i>Fire Station</i>	<i>\$17,000,000</i>
<i>Texas</i>	<i>Joint Base San Antonio</i>	<i>BMT Classrooms/ Dining</i>	<i>\$38,000,000</i>
	<i>Joint Base San Antonio</i>	<i>Camp Bullis Dining Facility</i>	<i>\$18,500,000</i>
<i>Wyoming</i>	<i>F. E. Warren Air Force Base</i>	<i>Consolidated Helo/ TRF Ops/AMU and Alert Fac.</i>	<i>\$62,000,000</i>

17 (b) *OVERSEAS CONTINGENCY OPERATIONS.—*

18 (1) *EXTENSION.—Notwithstanding section 2002*
 19 *of the Military Construction Authorization Act for*

1 *Fiscal Year 2018 (division B of Public Law 115–91;*
 2 *131 Stat. 1817), the authorizations set forth in the*
 3 *table in paragraph (2), as provided in section 2903*
 4 *of that Act (131 Stat. 1876), shall remain in effect*
 5 *until October 1, 2023, or the date of the enactment of*
 6 *an Act authorizing funds for military construction*
 7 *for fiscal year 2024, whichever is later.*

8 (2) *TABLE.—The table referred to in paragraph*
 9 *(1) is as follows:*

Air Force: Extension of 2018 Project Authorizations

<i>Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Original Authorized Amount</i>
<i>Hungary</i>	<i>Kecskemet Air Base</i>	<i>ERI: Airfield Upgrades</i>	\$12,900,000
	<i>Kecskemet Air Base</i>	<i>ERI: Construct Parallel Taxiway</i>	\$30,000,000
	<i>Kecskemet Air Base</i>	<i>ERI: Increase POL Storage Capacity</i> ..	\$12,500,000
<i>Luxembourg</i>	<i>Sanem</i>	<i>ERI: ECAOS Deployable Airbase System Storage</i>	\$67,400,000
<i>Slovakia</i>	<i>Malacky</i>	<i>ERI: Airfield Upgrades</i>	\$4,000,000
	<i>Malacky</i>	<i>ERI: Increase POL Storage Capacity</i> ..	\$20,000,000
	<i>ERI: Airfield Upgrades</i>	<i>Construct Combat Arms Training and Maintenance Facility</i>	\$22,000,000

10 ***SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT***
 11 ***CERTAIN FISCAL YEAR 2021 PROJECT.***

12 *In the case of the authorization contained in the table*
 13 *in section 2301(a) of the Military Construction Authoriza-*
 14 *tion Act for Fiscal Year 2021 (division B of Public Law*
 15 *116–283; 134 Stat. 4299) for Hill Air Force Base, Utah,*

1 *for construction of GBSD Organic Software Sustainment*
2 *Center, the Secretary of the Air Force may construct—*

3 (1) *up to 7,526 square meters of Surface Parking*
4 *Lot in lieu of constructing a 13,434 square meters ve-*
5 *hicle parking garage; and*

6 (2) *up to 402 square meters of Storage Igloo.*

7 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
8 **CERTAIN MILITARY CONSTRUCTION**
9 **PROJECTS AT TYNDALL AIR FORCE BASE,**
10 **FLORIDA.**

11 *In the case of the authorization contained in section*
12 *2912(a) of the Military Construction Authorization Act for*
13 *Fiscal Year 2020 (division B of Public Law 116–92; 133*
14 *Stat. 1913) for Tyndall Air Force Base, Florida—*

15 (1) *for construction of Lodging Facilities Phases*
16 *1-2, as specified in such funding table and modified*
17 *by section 2306(a)(7) of the Military Construction*
18 *Authorization Act for Fiscal Year 2021 (division B of*
19 *Public Law 116–283; 134 Stat. 4302), the Secretary*
20 *of the Air Force may construct two emergency backup*
21 *generators;*

22 (2) *for construction of Dorm Complex Phases 1-*
23 *2, as specified in such funding table and modified by*
24 *section 2306(a)(8) of the Military Construction Au-*
25 *thorization Act for Fiscal Year 2021 (division B of*

1 *Public Law 116–283; 134 Stat. 4302), the Secretary*
2 *of the Air Force may construct an emergency backup*
3 *generator;*

4 *(3) for construction of Site Development, Utili-*
5 *ties, and Demo Phase 2, as specified in such funding*
6 *table and modified by section 2306(a)(6) of the Mili-*
7 *tary Construction Authorization Act for Fiscal Year*
8 *2021 (division B of Public Law 116–283; 134 Stat.*
9 *4302), the Secretary of the Air Force may construct—*

10 *(A) up to 6,248 lineal meters of storm water*
11 *utilities;*

12 *(B) up to 55,775 square meters of roads;*

13 *(C) up to 4,334 lineal meters of gas pipe-*
14 *line; and*

15 *(D) up to 28,958 linear meters of electrical;*

16 *(4) for construction of Tyndall AFB Gate Com-*
17 *plex, as specified in such funding table and modified*
18 *by section 2306(a)(9) of the Military Construction*
19 *Authorization Act for Fiscal Year 2021 (division B of*
20 *Public Law 116–283; 134 Stat. 4302), the Secretary*
21 *of the Air Force may construct up to 55,694 square*
22 *meters of roadway with serpentines; and*

23 *(5) for construction of Deployment Center/Flight*
24 *Line Dining/AAFES, as specified in such funding*
25 *table and modified by section 2306(a)(11) of the Mili-*

1 *tary Construction Authorization Act for Fiscal Year*
 2 *2021 (division B of Public Law 116–283; 134 Stat.*
 3 *4303), the Secretary of the Air Force may construct*
 4 *up to 164 square meters of AAFES (Shoppette).*

5 **TITLE XXIV—DEFENSE AGEN-**
 6 **CIES MILITARY CONSTRUC-**
 7 **TION**

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.

8 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 9 **TION AND LAND ACQUISITION PROJECTS.**

10 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 11 *propriated pursuant to the authorization of appropriations*
 12 *in section 2403(a) and available for military construction*
 13 *projects inside the United States as specified in the funding*
 14 *table in section 4601, the Secretary of Defense may acquire*
 15 *real property and carry out military construction projects*
 16 *for the installations or locations inside the United States,*
 17 *and in the amounts, set forth in the following table:*

Defense Agencies: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Redstone Arsenal</i>	<i>\$151,000,000</i>
<i>California</i>	<i>Naval Base Coronado</i>	<i>\$75,712,000</i>
<i>Florida</i>	<i>Hurlburt Field</i>	<i>\$9,100,000</i>
	<i>MacDill Air Force Base</i>	<i>\$50,000,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$34,470,000</i>
<i>Texas</i>	<i>Joint Base San Antonio</i>	<i>\$58,600,000</i>
<i>Virginia</i>	<i>Dam Neck</i>	<i>\$26,600,000</i>
	<i>Pentagon</i>	<i>\$18,000,000</i>

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 military con-
 4 struction projects outside the United States as specified in
 5 the funding table in section 4601, the Secretary of Defense
 6 may acquire real property and carry out military construc-
 7 tion projects for the installations or locations outside the
 8 United States, and in the amounts, set forth in the following
 9 table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
<i>Germany</i>	<i>Baumholder</i>	\$184,723,000
	<i>Wiesbaden</i>	\$104,779,000
<i>Japan</i>	<i>Yokota Air Base</i>	\$72,154,000

10 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
 11 **SERVATION INVESTMENT PROGRAM**
 12 **PROJECTS.**

13 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 14 propriated pursuant to the authorization of appropriations
 15 in section 2403(a) and available for energy conservation
 16 projects as specified in the funding table in section 4601,
 17 the Secretary of Defense may carry out energy conservation
 18 projects under chapter 173 of title 10, United States Code,
 19 for the installations or locations inside the United States,
 20 and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State or Territory	Installation or Location	Amount
<i>Alabama</i>	<i>Redstone Arsenal</i>	\$10,700,000

ERCIP Projects: Inside the United States—Continued

State or Territory	Installation or Location	Amount
California	Marine Corps Mountain Warfare Training 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 appropri-
3 ations 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 following
9 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, DEFENSE**
11 **AGENCIES.**

12 **(a) AUTHORIZATION OF APPROPRIATIONS.**—Funds are
13 hereby authorized to be appropriated for fiscal years begin-

1 *ning after September 30, 2022, for military construction,*
2 *land acquisition, and military family housing functions of*
3 *the Department of Defense (other than the military depart-*
4 *ments), as specified in the funding table in section 4601.*

5 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
6 *PROJECTS.—Notwithstanding the cost variations author-*
7 *ized by section 2853 of title 10, United States Code, and*
8 *any other cost variation authorized by law, the total cost*
9 *of all projects carried out under section 2401 of this Act*
10 *may not exceed the total amount authorized to be appro-*
11 *priated under subsection (a), as specified in the funding*
12 *table in section 4601.*

13 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
14 **TAIN FISCAL YEAR 2018 PROJECTS.**

15 (a) *EXTENSION.—Notwithstanding section 2002 of the*
16 *Military Construction Authorization Act for Fiscal Year*
17 *2018 (division B of Public Law 115–91; 131 Stat. 1817),*
18 *the authorization set forth in the table in subsection (b),*
19 *as provided in section 2401(b) of that Act (131 Stat. 1829),*
20 *for the projects specified in that table shall remain in effect*
21 *until October 1, 2023, or the date of the enactment of an*
22 *Act authorizing funds for military construction for fiscal*
23 *year 2024, whichever is later.*

24 (b) *TABLE.—The table referred to in subsection (a) is*
25 *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

1 **TITLE XXV—INTERNATIONAL**
2 **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.

3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 *The Secretary of Defense may make contributions for*
9 *the North Atlantic Treaty Organization Security Invest-*
10 *ment Program as provided in section 2806 of title 10,*
11 *United States Code, in an amount not to exceed the sum*
12 *of the amount authorized to be appropriated for this pur-*
13 *pose in section 2502 and the amount collected from the*
14 *North Atlantic Treaty Organization as a result of construc-*
15 *tion previously financed by the United States.*

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 *Funds are hereby authorized to be appropriated for fis-*
 3 *cal years beginning after September 30, 2022, for contribu-*
 4 *tions by the Secretary of Defense under section 2806 of title*
 5 *10, United States Code, for the share of the United States*
 6 *of the cost of projects for the North Atlantic Treaty Organi-*
 7 *zation Security Investment Program authorized by section*
 8 *2501 as specified in the funding table in section 4601.*

9 **Subtitle B—Host Country In-Kind**
 10 **Contributions**

11 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 12 **PROJECTS.**

13 *Pursuant to agreement with the Republic of Korea for*
 14 *required in-kind contributions, the Secretary of Defense*
 15 *may accept military construction projects for the installa-*
 16 *tions or locations in the Republic of Korea, and in the*
 17 *amounts, set forth in the following table:*

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
<i>Army</i>	<i>Camp Humphreys</i>	<i>Quartermaster Laundry/ Dry Cleaner Facility</i>	<i>\$24,000,000</i>
<i>Army</i>	<i>Camp Humphreys</i>	<i>MILVAN CONNEX Storage Yard</i>	<i>\$20,000,000</i>
<i>Navy</i>	<i>Camp Mujuk</i>	<i>Replace Ordnance Storage Magazines</i>	<i>\$150,000,000</i>
<i>Navy</i>	<i>Fleet Activities Chinhae</i>	<i>Water Treatment Plant Relocation</i>	<i>\$6,000,000</i>
<i>Air Force</i>	<i>Gimhae Air Base</i>	<i>Refueling Vehicle Shop</i>	<i>\$8,800,000</i>
<i>Air Force</i>	<i>Osan Air Base</i>	<i>Combined Air and Space Operations Intelligence Center</i>	<i>\$306,000,000</i>
<i>Air Force</i>	<i>Osan Air Base</i>	<i>Upgrade Electrical Distribution West, Phase 3 ..</i>	<i>\$235,000,000</i>

1 **SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CER-**
 2 **TAIN CONSTRUCTION PROJECT.**

3 *Section 2511 of the Military Construction Authoriza-*
 4 *tion Act for Fiscal Year 2022 (division B of Public Law*
 5 *117–81; 135 Stat. 2177) is amended—*

6 *(1) by striking “(a) AUTHORITY TO ACCEPT*
 7 *PROJECTS.—”; and*

8 *(2) by striking subsection (b).*

9 **TITLE XXVI—GUARD AND**
 10 **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.

11 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 12 **STRUCTION AND LAND ACQUISITION**
 13 **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 funding*
 17 *table in section 4601, the Secretary of the Army may ac-*
 18 *quire real property and carry out military construction*
 19 *projects for the Army National Guard locations inside the*

- 1 *United States, and in the amounts, set forth in the following*
 2 *table:*

Army National Guard

State or Territory	Location	Amount
<i>Alaska</i>	<i>Joint Base Elmendorf-Richardson</i>	<i>\$63,000,000</i>
<i>Arkansas</i>	<i>Camp Robinson</i>	<i>\$9,500,000</i>
<i>Delaware</i>	<i>River Road Training Site</i>	<i>\$16,000,000</i>
<i>Florida</i>	<i>Camp Blanding</i>	<i>\$24,700,000</i>
	<i>Gainesville</i>	<i>\$21,000,000</i>
	<i>Palm Coast Flagler RC FMS 9</i>	<i>\$12,000,000</i>
<i>Hawaii</i>	<i>Kalaheo</i>	<i>\$29,000,000</i>
<i>Indiana</i>	<i>Atlanta Readiness Center</i>	<i>\$20,000,000</i>
<i>Iowa</i>	<i>West Des Moines Armory</i>	<i>\$15,000,000</i>
<i>Michigan</i>	<i>Grayling Airfield</i>	<i>\$16,000,000</i>
<i>Minnesota</i>	<i>New Utm Armory and FMS</i>	<i>\$17,000,000</i>
<i>Nevada</i>	<i>Harry Reid Training Center</i>	<i>\$18,000,000</i>
<i>New York</i>	<i>Glenmore RD Armory/FMS 17</i>	<i>\$17,000,000</i>
<i>North Carolina</i>	<i>McLeansville Camp Burton Road</i>	<i>\$15,000,000</i>
<i>Oregon</i>	<i>Camp Umatilla</i>	<i>\$14,243,000</i>
<i>Puerto Rico</i>	<i>Arroyo Readiness Center</i>	<i>\$46,602,000</i>
	<i>Camp Santiago Joint Maneuver Training Center</i>	<i>\$136,500,000</i>
<i>West Virginia</i>	<i>Buckhannon Brushy Fork</i>	<i>\$14,000,000</i>
<i>Wyoming</i>	<i>Camp Guernsey</i>	<i>\$19,500,000</i>
	<i>TS NG Sheridan</i>	<i>\$14,800,000</i>

3 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 4 **AND LAND ACQUISITION PROJECTS.**

5 *Using amounts appropriated pursuant to the author-*
 6 *ization of appropriations in section 2606 and available for*
 7 *the National Guard and Reserve as specified in the funding*
 8 *table in section 4601, the Secretary of the Army may ac-*
 9 *quire real property and carry out military construction*
 10 *projects for the Army Reserve locations inside the United*
 11 *States, and in the amounts, set forth in the following table:*

Army Reserve

State or Territory	Location	Amount
<i>California</i>	<i>Camp Pendleton</i>	<i>\$13,000,000</i>
<i>Florida</i>	<i>Perrine</i>	<i>\$46,000,000</i>
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	<i>\$16,000,000</i>
<i>Puerto Rico</i>	<i>Fort Buchanan</i>	<i>\$24,000,000</i>
<i>Washington</i>	<i>Yakima</i>	<i>\$22,000,000</i>

Army Reserve—Continued

<i>State or Territory</i>	<i>Location</i>	<i>Amount</i>
<i>Wisconsin</i>	<i>Fort McCoy</i>	<i>\$64,000,000</i>

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 funding*
7 *table in section 4601, the Secretary of the Navy may ac-*
8 *quire 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, set*
11 *forth in the following table:*

Navy Reserve and Marine Corps Reserve

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Hawaii</i>	<i>Marine Corps Base Kaneohe Bay</i>	<i>\$116,964,000</i>
<i>Michigan</i>	<i>Marine Forces Reserve Battle Creek</i>	<i>\$27,702,000</i>
<i>Virginia</i>	<i>Marine Forces Reserve Dam Neck Vir-</i> <i>ginia Beach.</i>	<i>\$11,856,000</i>

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 funding*
17 *table in section 4601, the Secretary of the Air Force may*
18 *acquire real property and carry out military construction*
19 *projects for the Air National Guard locations inside the*

1 *United States, and in the amounts, set forth in the following*
 2 *table:*

Air National Guard

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Montgomery Regional Airport</i>	\$9,200,000
<i>Arizona</i>	<i>Morris Air National Guard Base</i>	\$12,000,000
.....	<i>Tucson International Airport</i>	\$11,700,000
<i>Florida</i>	<i>Jacksonville International Airport</i>	\$30,000,000
<i>Indiana</i>	<i>Fort Wayne International Airport</i>	\$16,500,000
<i>Ohio</i>	<i>Rickenbacker Air National Guard Base</i>	\$8,000,000
<i>Rhode Island</i>	<i>Quonset State Airport</i>	\$46,000,000
<i>Tennessee</i>	<i>McGhee-Tyson Airport</i>	\$31,000,000
<i>West Virginia</i>	<i>McLaughlin Air National Guard Base</i>	\$12,500,000

3 ***SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-***
 4 ***TION AND LAND ACQUISITION PROJECTS.***

5 *Using amounts appropriated pursuant to the author-*
 6 *ization of appropriations in section 2606 and available for*
 7 *the National Guard and Reserve as specified in the funding*
 8 *table in section 4601, the Secretary of the Air Force may*
 9 *acquire real property and carry out military construction*
 10 *projects for the Air Force Reserve locations inside the*
 11 *United States, and in the amounts, set forth in the following*
 12 *table:*

Air Force Reserve

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$8,000,000
<i>Mississippi</i>	<i>Keesler Air Force Base</i>	\$10,000,000
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	\$12,500,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$10,500,000

13 ***SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-***
 14 ***TIONAL GUARD AND RESERVE.***

15 *Funds are hereby authorized to be appropriated for fis-*
 16 *cal years beginning after September 30, 2022, for the costs*

1 *of acquisition, architectural and engineering services, and*
2 *construction of facilities for the Guard and Reserve Forces,*
3 *and for contributions therefor, under chapter 1803 of title*
4 *10, United States Code (including the cost of acquisition*
5 *of land for those facilities), as specified in the funding table*
6 *in section 4601.*

7 **SEC. 2607. CORRECTIONS TO AUTHORITY TO CARRY OUT**
8 **CERTAIN FISCAL YEAR 2022 PROJECTS.**

9 *The authorization table in section 2601 of the Military*
10 *Construction Authorization Act for Fiscal Year 2022 (divi-*
11 *sion B of Public Law 117–81; 135 Stat. 2178) is amend-*
12 *ed—*

13 *(1) in the item relating to Redstone Arsenal,*
14 *Alabama, by striking “Redstone Arsenal” and insert-*
15 *ing “Huntsville Readiness Center”;*

16 *(2) in the item relating to Jerome National*
17 *Guard Armory, Idaho, by striking “Jerome National*
18 *Guard Armory” and inserting “Jerome County Re-*
19 *gional Site”;*

20 *(3) in the item relating to Nickell Memorial Ar-*
21 *mory Topeka, Kansas, by striking “Nickell Memorial*
22 *Armory Topeka” and inserting “Topeka Forbes*
23 *Field”;*

24 *(4) in the item relating to Lake Charles National*
25 *Guard Readiness Center, Louisiana, by striking*

1 *“Lake Charles National Guard Readiness Center”*
2 *and inserting “Lake Charles Chennault Airport*
3 *NGLA”;*

4 (5) *in the item relating to Camp Grayling,*
5 *Michigan, by striking “Camp Grayling” and insert-*
6 *ing “Grayling Airfield”;*

7 (6) *in the item relating to Butte Military En-*
8 *trance Testing Site, Montana, by striking “Butte*
9 *Military Entrance Testing Site” and inserting “Sil-*
10 *ver Bow Readiness Center Land”;*

11 (7) *in the item relating to Mead Army National*
12 *Guard Readiness Center, Nebraska, by striking “Mead*
13 *Army National Guard Readiness Center” and insert-*
14 *ing “Mead TS/FMS 06/Utes 02”;*

15 (8) *in the item relating to Dickinson National*
16 *Guard Armory, North Dakota, by striking “Dickinson*
17 *National Guard Armory” and inserting “Dickinson*
18 *Complex”;*

19 (9) *in the item relating to Bennington National*
20 *Guard Armory, Vermont, by striking “Bennington*
21 *National Guard Armory” and inserting*
22 *“Bennington”;* *and*

23 (10) *in the item relating to Camp Ethan Allen*
24 *Training Site, Vermont, by striking “Camp Ethan*

1 *Allen Training Site” and inserting “National Guard*
 2 *Ethan Allen Air Force Base Training Site”.*

3 **SEC. 2608. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 4 **TAIN FISCAL YEAR 2018 PROJECTS.**

5 (a) *EXTENSION.*—Notwithstanding section 2002 of the
 6 *Military Construction Authorization Act for Fiscal Year*
 7 *2018 (division B of Public Law 115–91; 131 Stat. 1817),*
 8 *the authorizations set forth in the table in subsection (b),*
 9 *as provided in section 2604 of that Act (131 Stat. 1836),*
 10 *shall remain in effect until October 1, 2023, or the date*
 11 *of the enactment of an Act authorizing funds for military*
 12 *construction for fiscal year 2024, whichever is later.*

13 (b) *TABLE.*—The table referred to in subsection (a) is
 14 *as follows:*

Air Force: Extension of 2018 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Original Authorized Amount</i>
<i>Indiana</i>	<i>Hulman Regional Air- port</i>	<i>Construct Small Arms Range</i>	<i>\$8,000,000</i>
<i>South Dakota ...</i>	<i>Joe Foss Field</i>	<i>Aircraft Maintenance Shops</i>	<i>\$12,000,000</i>
<i>Wisconsin</i>	<i>Dane County Regional/ Airport Truax Field ..</i>	<i>Construct Small Arms Range</i>	<i>\$8,000,000</i>

15 **TITLE XXVII—BASE REALIGN-**
 16 **MENT AND CLOSURE ACTIVI-**
 17 **TIES**

Sec. 2701. Authorization of appropriations for base realignment and closure ac-
tivities funded through Department of Defense Base Closure Ac-
count.

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 BASE**
2 **REALIGNMENT AND CLOSURE ACTIVITIES**
3 **FUNDED THROUGH DEPARTMENT OF DE-**
4 **FENSE BASE CLOSURE ACCOUNT.**

5 *Funds are hereby authorized to be appropriated for fis-*
6 *cal years beginning after September 30, 2022, for base re-*
7 *alignment and closure activities, including real property*
8 *acquisition and military construction projects, as author-*
9 *ized by the Defense Base Closure and Realignment Act of*
10 *1990 (part A of title XXIX of Public Law 101–510; 10*
11 *U.S.C. 2687 note) and funded through the Department of*
12 *Defense Base Closure Account established by section 2906*
13 *of such Act (as amended by section 2711 of the Military*
14 *Construction Authorization Act for Fiscal Year 2013 (divi-*
15 *sion B of Public Law 112–239; 126 Stat. 2140)), as speci-*
16 *fied 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. 2687*

1 *note) is amended by adding at the end the following new*
2 *subparagraph:*

3 “(E) *To carry out the demolition or re-*
4 *moval of any building or structure under the*
5 *control of the Secretary of the Navy that is not*
6 *designated as historic under a Federal, State, or*
7 *local law and is located on a military installa-*
8 *tion closed or realigned under a base closure law*
9 *(as such term is defined in section 101 of title*
10 *10, United States Code) at which the sampling*
11 *or remediation of radiologically contaminated*
12 *materials has been the subject of substantiated*
13 *allegations of fraud, without regard to—*

14 “(i) *whether the building or structure*
15 *is radiologically impacted; or*

16 “(ii) *whether such demolition or re-*
17 *moval is carried out, as part of a response*
18 *action or otherwise, under the Defense Envi-*
19 *ronmental Restoration Program specified in*
20 *subparagraph (A) or CERCLA (as such*
21 *term is defined in section 2700 of title 10,*
22 *United States Code).”.*

23 (b) *FUNDING.—The amendment made by this section*
24 *may only be carried out using funds authorized to be appro-*
25 *priated 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 an*
 5 *additional Base Realignment and Closure (BRAC) round.*

6 **TITLE XXVIII—MILITARY CON-**
 7 **STRUCTION GENERAL PROVI-**
 8 **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 MHIPI 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 enactment*
 8 *of this Act and ending on December 1, 2025, section 2805*
 9 *of title 10, United States Code, shall be applied and admin-*
 10 *istered—*

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*

20 (ii) *in subparagraph (B), by sub-*
 21 *stituting “\$9,000,000” for “\$6,000,000”;*

22 *and*

1 (B) in paragraph (2), by substituting
2 “\$9,000,000” for “\$6,000,000”; and
3 (4) in subsection (f)(1), by substituting
4 “\$14,000,000” for “\$10,000,000”.

5 **SEC. 2802. MODIFICATION OF ANNUAL LOCALITY ADJUST-**
6 **MENT OF DOLLAR THRESHOLDS APPLICABLE**
7 **TO UNSPECIFIED MINOR MILITARY CON-**
8 **STRUCTION AUTHORITIES.**

9 Section 2805(f)(2) of title 10, United States Code, as
10 amended by this Act, is further amended—

11 (1) by striking “or the Commonwealth” and in-
12 serting “Wake Island, the Commonwealth”; and

13 (2) by inserting “, or a former United States
14 Trust Territory now in a Compact of Free Associa-
15 tion with the United States” after “Mariana Is-
16 lands”.

17 **SEC. 2803. PERMANENT AUTHORITY FOR DEFENSE LABORA-**
18 **TORY MODERNIZATION PROGRAM.**

19 (a) *IN GENERAL.*—Section 2805 of title 10, United
20 States Code, as amended by this Act, is further amended
21 by adding at the end the following new subsection:

22 “(g) *DEFENSE LABORATORY MODERNIZATION PRO-*
23 *GRAM.*—(1) Using amounts appropriated or otherwise
24 made available to the Department of Defense for research,
25 development, test, and evaluation, the Secretary of Defense

1 *may fund a military construction project described in para-*
2 *graph (4) at any of the following:*

3 “(A) *A Department of Defense science and tech-*
4 *nology reinvention laboratory (as designated under*
5 *section 4121(b) of this title).*

6 “(B) *A Department of Defense federally funded*
7 *research and development center that functions pri-*
8 *marily as a research laboratory.*

9 “(C) *A Department of Defense facility in sup-*
10 *port of a technology development program that is con-*
11 *sistent with the fielding of offset technologies as de-*
12 *scribed in section 218 of the National Defense Author-*
13 *ization Act for Fiscal Year 2016 (Public Law 114–*
14 *92; 10 U.S.C. note 4811).*

15 “(D) *A Department of Defense research, develop-*
16 *ment, test, and evaluation facility that is not des-*
17 *ignated as a science and technology reinvention lab-*
18 *oratory, but nonetheless is involved with develop-*
19 *mental test and evaluation.*

20 “(2) *Subject to the condition that a military construc-*
21 *tion project under paragraph (1) be authorized in a Mili-*
22 *tary Construction Authorization Act, the authority to carry*
23 *out the military construction project includes authority*
24 *for—*

1 “(A) surveys, site preparation, and advanced
2 planning and design;

3 “(B) acquisition, conversion, rehabilitation, and
4 installation of facilities;

5 “(C) acquisition and installation of equipment
6 and appurtenances integral to the project; acquisition
7 and installation of supporting facilities (including
8 utilities) and appurtenances incident to the project;
9 and

10 “(D) planning, supervision, administration, and
11 overhead expenses incident to the project.

12 “(3)(A) The Secretary of Defense shall include mili-
13 tary construction projects proposed to be carried out under
14 paragraph (1) in the budget justification documents for the
15 Department of Defense submitted to Congress in connection
16 with the budget for a fiscal year submitted under 1105 of
17 title 31.

18 “(B) Not less than 14 days prior to the first obligation
19 of funds described in paragraph (1) for a military construc-
20 tion project to be carried out under such paragraph, the
21 Secretary of Defense shall submit to the congressional de-
22 fense committees a notification providing an updated con-
23 struction description, cost, and schedule for the project and
24 any other matters regarding the project as the Secretary
25 considers appropriate.

1 “(4) *The authority provided by paragraph (1) to fund*
2 *military construction projects using amounts appropriated*
3 *or otherwise made available for research, development, test,*
4 *and evaluation is limited to military construction projects*
5 *that the Secretary of Defense, in the budget justification*
6 *documents exhibits submitted pursuant to paragraph*
7 *(3)(A), determines—*

8 “(A) *will support research and development ac-*
9 *tivities at laboratories described in paragraph (1);*

10 “(B) *will establish facilities that will have sig-*
11 *nificant potential for use by entities outside the De-*
12 *partment of Defense, including universities, indus-*
13 *trial partners, and other Federal agencies;*

14 “(C) *are endorsed for funding by more than one*
15 *military department or Defense Agency; and*

16 “(D) *cannot be fully funded within the thresholds*
17 *otherwise specified in this section.*

18 “(5) *The maximum amount of funds appropriated or*
19 *otherwise made available for research, development, test,*
20 *and evaluation that may be obligated in any fiscal year*
21 *for military construction projects under paragraph (1) is*
22 *\$150,000,000.*

23 “(6)(A) *In addition to the authority provided to the*
24 *Secretary of Defense under paragraph (1) to use amounts*
25 *appropriated or otherwise made available for research, de-*

1 *velopment, test, and evaluation for a military construction*
2 *project referred to in such subsection, the Secretary of the*
3 *military department concerned may use amounts appro-*
4 *priated or otherwise made available for research, develop-*
5 *ment, test, and evaluation to obtain architectural and engi-*
6 *neering services and to carry out construction design in*
7 *connection with such a project.*

8 “(B) *In the case of architectural and engineering serv-*
9 *ices and construction design to be undertaken under this*
10 *paragraph for which the estimated cost exceeds \$1,000,000,*
11 *the Secretary concerned shall notify the appropriate com-*
12 *mittees of Congress of the scope of the proposed project and*
13 *the estimated cost of such services before the initial obliga-*
14 *tion of funds for such services. The Secretary may then obli-*
15 *gate funds for such services only after the end of the 14-*
16 *day period beginning on the date on which the notification*
17 *is received by the committees in an electronic medium pur-*
18 *suant to section 480 of this title.”.*

19 (b) *APPLICABILITY.*—*Subsection (g) of section 2805 of*
20 *title 10, United States Code, as added by subsection (a),*
21 *shall apply with respect only to amounts appropriated after*
22 *the date of the enactment of this Act.*

23 (c) *CONFORMING REPEAL.*—*Section 2803 of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 2016 (Pub-*
25 *lic Law 114–92; 10 U.S.C. note prec. 4121) is repealed.*

1 **SEC. 2804. ELIMINATION OF SUNSET OF AUTHORITY TO**
2 **CONDUCT UNSPECIFIED MINOR MILITARY**
3 **CONSTRUCTION FOR LAB REVITALIZATION.**

4 *Section 2805(d) of title 10, United States Code, as*
5 *amended by this Act, is further amended by striking para-*
6 *graph (5).*

7 **SEC. 2805. MILITARY CONSTRUCTION PROJECTS FOR INNO-**
8 **VATION, RESEARCH, DEVELOPMENT, TEST,**
9 **AND EVALUATION.**

10 *(a) IN GENERAL.—Subchapter I of chapter 169 of title*
11 *10, United States Code, is amended by inserting after sec-*
12 *tion 2809 the following new section:*

13 **“§2810. Military construction projects for innovation,**
14 **research, development, test, and evalua-**
15 **tion**

16 *“(a) PROJECT AUTHORIZATION REQUIRED.—The Sec-*
17 *retary of Defense may carry out such military construction*
18 *projects for innovation, research, development, test, and*
19 *evaluation as are authorized by law, using funds appro-*
20 *priated or otherwise made available for that purpose.*

21 *“(b) SUBMISSION OF PROJECT PROPOSALS.—As part*
22 *of the defense budget materials for each fiscal year, the Sec-*
23 *retary of Defense shall include the following information*
24 *for each military construction project covered by subsection*

25 *(a):*

26 *“(1) The project title.*

1 “(2) *The location of the project.*

2 “(3) *A brief description of the scope of work.*

3 “(4) *A completed Department of Defense Form*
4 *1391 budget justification that includes the original*
5 *project cost estimate.*

6 “(5) *A current working cost estimate, if different*
7 *that the cost estimate contained in such Form 1391.*

8 “(6) *Such other information as the Secretary*
9 *considers appropriate.*

10 “(c) *BUDGET JUSTIFICATION DISPLAY.—The Sec-*
11 *retary of Defense shall include with the defense budget mate-*
12 *rials for each fiscal year a consolidated budget justification*
13 *display that individually identifies each military construc-*
14 *tion project covered by subsection (a) and the amount re-*
15 *quested for such project for such fiscal year.*

16 “(d) *APPLICATION TO MILITARY CONSTRUCTION*
17 *PROJECTS.—This section shall apply to military construc-*
18 *tion projects covered by subsection (a) for which a Depart-*
19 *ment of Defense Form 1391 is submitted to the appropriate*
20 *committees of Congress in connection with the budget of the*
21 *Department of Defense for fiscal year 2023 and thereafter.”.*

22 “(b) *CLERICAL AMENDMENT.—The table of sections at*
23 *the beginning of such subchapter is amended by inserting*
24 *after the item relating to section 2809 the following new*
25 *item:*

“2810. Military construction projects for innovation, research, development, test, and evaluation.”.

1 **SEC. 2806. SUPERVISION OF LARGE MILITARY CONSTRUC-**
2 **TION PROJECTS.**

3 *(a) SUPERVISION OF LARGE MILITARY CONSTRUCTION*
4 *PROJECTS.—Section 2851 of title 10, United States Code,*
5 *is amended—*

6 *(1) by redesignating subsection (d) as subsection*
7 *(e); and*

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

10 *“(d) REPORT ON SUPERVISION OF LARGE MILITARY*
11 *CONSTRUCTION PROJECTS.—Before the award of a contract*
12 *of a value greater than \$500,000,000 in connection with*
13 *a military construction project, the individual directing*
14 *and supervising such military construction project under*
15 *subsection (a) or the individual designated pursuant to sub-*
16 *section (b) (as applicable) shall submit to the appropriate*
17 *committees of Congress a report on the intended super-*
18 *vision, inspection, and overhead plan to manage such mili-*
19 *tary construction project. Each such report shall include the*
20 *following:*

21 *“(1) A determination of the overall funding in-*
22 *tended to manage the supervision, inspection, and*
23 *overhead of the military construction project.*

1 “(2) *An assessment of whether a Department of*
2 *Defense Field Activity directly reporting to such indi-*
3 *vidual should be established.*

4 “(3) *A description of the quality assurance ap-*
5 *proach to the military construction project.*

6 “(4) *The independent cost estimate described in*
7 *section 3221(b)(6)(A) of this title.*

8 “(5) *The overall staffing approach to oversee the*
9 *military construction project for each year of the con-*
10 *tract term.”.*

11 **(b) CONFORMING AMENDMENT TO DUTIES OF THE DI-**
12 **RECTOR OF COST ASSESSMENT AND PROGRAM EVALUA-**
13 **TION.—Section 3221(b)(6)(A) of title 10, United States**
14 *Code, is amended—*

15 (1) *in clause (iii), by striking “and” at the end;*
16 *and*

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

19 “(v) *any decision to enter into a con-*
20 *tract in connection with a military con-*
21 *struction project of a value greater than*
22 *\$500,000,000; and”.*

23 **(c) APPLICABILITY.—This section and the amendments**
24 *made by this section shall apply to contracts entered into*
25 *on or after the date of the enactment of this Act.*

1 **SEC. 2807. SPECIFICATION OF ASSISTANT SECRETARY OF**
2 **DEFENSE FOR ENERGY, INSTALLATIONS, AND**
3 **ENVIRONMENT AS CHIEF HOUSING OFFICER.**

4 *Subsection (a) of section 2851a of title 10, United*
5 *States Code, is amended to read as follows:*

6 *“(a) IN GENERAL.—The Assistant Secretary of Defense*
7 *for Energy, Installations, and Environment shall serve as*
8 *the Chief Housing Officer, who shall oversee family housing*
9 *and military unaccompanied housing under the jurisdic-*
10 *tion of the Department of Defense or acquired or constructed*
11 *under subchapter IV of this chapter (in this section referred*
12 *to as ‘covered housing units’).”*

13 **SEC. 2808. CLARIFICATION OF EXCEPTIONS TO LIMITA-**
14 **TIONS ON COST VARIATIONS FOR MILITARY**
15 **CONSTRUCTION PROJECTS AND MILITARY**
16 **FAMILY HOUSING PROJECTS.**

17 *Subparagraph (D) of section 2853(c)(1) of title 10,*
18 *United States Code, is amended to read as follows:*

19 *“(D) The Secretary concerned may not use the author-*
20 *ity provided by subparagraph (A) to waive the cost limita-*
21 *tion applicable to a military construction project with a*
22 *total authorized cost greater than \$500,000,000 or a mili-*
23 *tary family housing project with a total authorized cost*
24 *greater than \$500,000,000 if that waiver would increase the*
25 *project cost by more than 50 percent of the total authorized*
26 *cost of the project.”*

1 **SEC. 2809. USE OF OPERATION AND MAINTENANCE FUNDS**
2 **FOR CERTAIN CONSTRUCTION PROJECTS**
3 **OUTSIDE THE UNITED STATES.**

4 (a) *PERMANENT AUTHORITY.*—Section 2808 of the
5 *Military Construction Authorization Act for Fiscal Year*
6 *2004 (division B of Public Law 108–136; 117 Stat. 1723),*
7 *as most recently amended by section 2806 of the Military*
8 *Construction Authorization Act for Fiscal Year 2022 (divi-*
9 *sion B of Public Law 117–81; 135 Stat. 2190), is further*
10 *amended—*

11 (1) *in subsection (a)—*

12 (A) *by striking “, inside the area of respon-*
13 *sibility of the United States Central Command*
14 *or certain countries in the area of responsibility*
15 *of the United States Africa Command,”;*

16 (B) *by inserting “outside the United*
17 *States” after “construction project”; and*

18 (C) *in paragraph (2), by striking “, unless*
19 *the military installation is located in Afghani-*
20 *stan, for which projects using this authority may*
21 *be carried out at installations deemed as sup-*
22 *porting a long-term presence”; and*

23 (2) *in subsection (c)(1), by striking subpara-*
24 *graph (A) and redesignating subparagraphs (B) and*
25 *(C) as subparagraphs (A) and (B), respectively.*

1 (b) *CONFORMING AMENDMENTS.*—*Such section is fur-*
2 *ther amended—*

3 (1) *in subsection (b), by striking “subsection (f)”*
4 *and inserting “subsection (d)”;*

5 (2) *by striking subsection (e);*

6 (3) *by redesignating subsections (f) and (g) as*
7 *subsections (d) and (e), respectively;*

8 (4) *in subsection (e), as so redesignated, by strik-*
9 *ing “subsection (f)” and inserting “subsection (d)”;*
10 *and*

11 (5) *by striking subsections (h) and (i).*

12 (c) *CLERICAL AMENDMENTS.*—*Such section is further*
13 *amended as follows:*

14 (1) *The section heading for such section is*
15 *amended—*

16 (A) *by striking “TEMPORARY, LIMITED AU-*
17 *THORITY” and inserting “AUTHORITY” ; and*

18 (B) *by inserting “CERTAIN” before “CON-*
19 *STRUCTION PROJECTS”.*

20 (2) *The subsection heading for subsection (a) of*
21 *such section is amended by striking “TEMPORARY AU-*
22 *THORITY” and inserting “IN GENERAL”.*

23 (d) *CLASSIFICATION.*—*The Law Revision Counsel is*
24 *directed to classify section 2808 of the Military Construc-*
25 *tion Authorization Act for Fiscal Year 2004 (division B*

1 of *Public Law 108–136; 117 Stat. 1723*), as amended by
2 subsection (a), as a note following section 2804 of title 10,
3 *United States Code*.

4 **SEC. 2810. CONSIDERATION OF INSTALLATION OF INTE-**
5 **GRATED SOLAR ROOFING TO IMPROVE EN-**
6 **ERGY RESILIENCY OF MILITARY INSTALLA-**
7 **TIONS.**

8 *The Secretary of Defense shall amend the Unified Fa-*
9 *cilities Criteria/DoD Building Code (UFC 1–200–01) to re-*
10 *quire that planning and design for military construction*
11 *projects inside the United States include consideration of*
12 *the feasibility and cost-effectiveness of installing integrated*
13 *solar roofing as part of the project, for the purpose of—*

14 (1) *promoting on-installation energy security*
15 *and energy resilience;*

16 (2) *providing grid support to avoid energy dis-*
17 *ruptions; and*

18 (3) *facilitating implementation and greater use*
19 *of the authority provided by subsection (h) of section*
20 *2911 of title 10, United States Code.*

1 **SEC. 2811. REVISION OF UNIFIED FACILITIES GUIDE SPECI-**
2 **FICATIONS AND UNIFIED FACILITIES CRI-**
3 **TERIA TO INCLUDE SPECIFICATIONS ON USE**
4 **OF GAS INSULATED SWITCHGEAR AND CRI-**
5 **TERIA AND SPECIFICATIONS ON MICROGRIDS**
6 **AND MICROGRID CONVERTERS.**

7 (a) *GAS INSULATED SWITCHGEAR.*—Not later than
8 one year after the date of the enactment of this Act, the
9 Under Secretary of Defense for Acquisition and
10 Sustainment shall modify the Unified Facilities Guide
11 Specifications to include a distinct specification for me-
12 dium voltage gas insulated switchgear.

13 (b) *MICROGRIDS.*—Not later than one year after the
14 date of the enactment of this Act, the Under Secretary of
15 Defense for Acquisition and Sustainment shall—

16 (1) *modify the Unified Facilities Criteria to in-*
17 *clude criteria for microgrids; and*

18 (2) *modify the Unified Facilities Guide Speci-*
19 *fications to include specifications for microgrids and*
20 *microgrid controllers.*

21 **SEC. 2812. DETERMINATION AND NOTIFICATION RELATING**
22 **TO EXECUTIVE ORDERS THAT IMPACT COST**
23 **AND SCOPE OF WORK OF MILITARY CON-**
24 **STRUCTION PROJECTS.**

25 (a) *DETERMINATION AND UPDATE OF FORM 1391.*—
26 *Not later than 30 days after the date on which an Executive*

1 *order is signed by the President, the Secretary concerned*
2 *shall—*

3 (1) *determine whether implementation of the Ex-*
4 *ecutive order would cause a cost or scope of work var-*
5 *iation for a military construction project under the*
6 *jurisdiction of the Secretary concerned;*

7 (2) *assess the potential for life-cycle cost savings*
8 *associated with implementation of the Executive order*
9 *for such a project; and*

10 (3) *update the Department of Defense Form 1391*
11 *for each such project that has not been submitted for*
12 *congressional consideration, where such implementa-*
13 *tion would affect such cost or scope of work variation,*
14 *including—*

15 (A) *projects to be commenced in the next fis-*
16 *cal year beginning after the date on which the*
17 *Executive order was signed; and*

18 (B) *projects covered by the future-years de-*
19 *fense program submitted under section 221 of*
20 *title 10, United States Code.*

21 (b) *NOTIFICATION TO CONGRESS.—Not later than 10*
22 *days after determining under subsection (a)(1) that imple-*
23 *mentation of an Executive order would cause a cost or scope*
24 *of work variation for a military construction project, the*
25 *Secretary concerned shall submit to the congressional de-*

1 *fense committees a report indicating the estimated cost in-*
2 *creases, scope of work increases, life-cycle costs, and any*
3 *other impacts of such implementation.*

4 (c) *CERTIFICATION.*—*Along with the submission to*
5 *Congress of the budget of the President for a fiscal year*
6 *under section 1105(a) of title 31, United States Code, each*
7 *Secretary concerned shall certify to Congress that each De-*
8 *partment of Defense Form 1391 provided to Congress for*
9 *that fiscal year for a military construction project has been*
10 *updated with any cost or scope of work variation specified*
11 *in subsection (a)(1) with respect to an Executive order*
12 *signed during the four-year period preceding such certifi-*
13 *cation, including an indication of any cost increases for*
14 *such project that is directly attributable to such Executive*
15 *order.*

16 (d) *SECRETARY CONCERNED DEFINED.*—*In this sec-*
17 *tion, the term “Secretary concerned” has the meaning given*
18 *that term in section 101 of title 10, United States Code.*

19 **SEC. 2813. REQUIREMENT FOR INCLUSION OF DEPARTMENT**
20 **OF DEFENSE FORMS 1391 WITH ANNUAL**
21 **BUDGET SUBMISSION BY PRESIDENT.**

22 *Concurrently with the submission to Congress by the*
23 *President of the annual budget of the Department of Defense*
24 *for a fiscal year under section 1105(a) of title 31, United*
25 *States Code, the President shall include each Department*

1 *of Defense Form 1391, or successor similar form, for a mili-*
2 *tary construction project to be carried out during that fiscal*
3 *year.*

4 **SEC. 2814. USE OF INTEGRATED PROJECT DELIVERY CON-**
5 **TRACTS.**

6 (a) *IN GENERAL.*—*In fiscal year 2023, the Secretary*
7 *of the Army, the Secretary of the Navy, and the Secretary*
8 *of the Air Force shall each enter into at least one integrated*
9 *project delivery contract for the delivery of a military con-*
10 *struction project.*

11 (b) *INTEGRATED PROJECT DELIVERY CONTRACT DE-*
12 *FINED.*—*In this section, the term “integrated project deliv-*
13 *ery contract” means a single contract for the delivery of*
14 *a whole project that—*

15 (1) *includes, at a minimum, the Secretary con-*
16 *cerned, builder, and architect-engineer as parties that*
17 *are subject to the terms of the contract;*

18 (2) *aligns the interests of all the parties to the*
19 *contract with respect to the project costs and project*
20 *outcomes; and*

21 (3) *includes processes to ensure transparency*
22 *and collaboration among all parties to the contract*
23 *relating to project costs and project outcomes.*

1 ***Subtitle B—Military Housing***
2 ***Reforms***

3 ***SEC. 2821. STANDARDIZATION OF MILITARY INSTALLATION***
4 ***HOUSING REQUIREMENTS AND MARKET***
5 ***ANALYSES.***

6 (a) *IN GENERAL.*—*Subchapter II of chapter 169 of*
7 *title 10, United States Code, is amended by inserting after*
8 *section 2836 the following new section:*

9 ***“§2837. Housing Requirements and Market Analysis***

10 “(a) *IN GENERAL.*—*Not less frequently than once every*
11 *five years and in accordance with the requirements of this*
12 *section, the Secretary concerned shall conduct a Housing*
13 *Requirements and Market Analysis (in this section referred*
14 *to as an ‘HRMA’) for each military installation under the*
15 *jurisdiction of the Secretary concerned that is located in*
16 *the United States.*

17 “(b) *PRIORITIZATION OF INSTALLATIONS.*—

18 “(1) *IN GENERAL.*—*Except as provided in para-*
19 *graph (2), the Secretary concerned shall prioritize the*
20 *conduct of HRMAs for military installations—*

21 “(A) *for which an HRMA has not been con-*
22 *ducted during the five-year period preceding the*
23 *date of the enactment of this section; or*

24 “(B) *in locations with housing shortages.*

1 “(2) *EXISTING 5-YEAR REQUIREMENT.*—Para-
2 *graph (1) shall not apply to a military department*
3 *that required an HRMA to be conducted for each*
4 *military installation not less frequently than once*
5 *every five years before the date of the enactment of*
6 *this section.*

7 “(c) *SUBMITTAL TO CONGRESS.*—*The Secretary of De-*
8 *fense shall include with the budget materials for the Depart-*
9 *ment of Defense for fiscal year 2024 and each subsequent*
10 *fiscal year (as submitted to Congress pursuant to section*
11 *1105 of title 31, United States Code) a list of the military*
12 *installations for which the Secretary concerned plans to*
13 *conduct an HRMA during the fiscal year covered by such*
14 *budget materials.*

15 “(d) *HOUSING REQUIREMENTS AND MARKET ANAL-*
16 *YSIS.*—*The term ‘Housing Requirements and Market*
17 *Analysis’ or ‘HRMA’ means, with respect to a military in-*
18 *stallation, a structured analytical process under which an*
19 *assessment is made of both the suitability and availability*
20 *of the private sector rental housing market using assumed*
21 *specific standards related to affordability, location, features,*
22 *physical condition, and the housing requirements of the*
23 *total military population of such installation.”.*

24 “(b) *TIME FRAME.*—

1 (1) *IN GENERAL.*—During each of fiscal years
2 2023 through 2027, the Secretary concerned shall con-
3 duct an HRMA for 20 percent of the military instal-
4 lations under the jurisdiction of the Secretary con-
5 cerned located in the United States.

6 (2) *SUBMITTAL OF INFORMATION TO CON-*
7 *GRESS.*—Not later than January 15, 2023, the Sec-
8 retary concerned shall submit to the congressional de-
9 fense committees a list of military installations for
10 which the Secretary concerned plans to conduct an
11 HRMA during fiscal year 2023.

12 (c) *DEFINITIONS.*—In this section:

13 (1) The term “HRMA” means, with respect to a
14 military installation, a structured analytical process
15 under which an assessment is made of both the suit-
16 ability and availability of the private sector rental
17 housing market using assumed specific standards re-
18 lated to affordability, location, features, physical con-
19 dition, and the housing requirements of the total mili-
20 tary population of such installation.

21 (2) The term “military installation” has the
22 meaning given in section 2801 of title 10, United
23 States Code.

1 (3) *The term “Secretary concerned” has the*
2 *meaning given that term in section 101(a) of title 10,*
3 *United States Code.*

4 **SEC. 2822. NOTICE REQUIREMENT FOR MHPI GROUND**
5 **LEASE EXTENSIONS.**

6 *Section 2878 of title 10, United States Code, is amend-*
7 *ed by adding at the end the following new subsection:*

8 “(f) **NOTICE OF LEASE EXTENSIONS.**—(1) *The Sec-*
9 *retary concerned shall provide to the congressional defense*
10 *committees notice in writing and a briefing—*

11 “(A) *not later than 60 days after beginning ne-*
12 *gotiations with a lessor for the extension of the term*
13 *of any ground lease of property or facilities under*
14 *this section; and*

15 “(B) *not later than 90 days before extending the*
16 *term of any ground lease of property or facilities*
17 *under this section.*

18 “(2) *A notice and briefing required under paragraph*
19 *(1) shall include each of the following:*

20 “(A) *A description of any material differences*
21 *between the extended ground lease and the original*
22 *ground lease, including with respect to—*

23 “(i) *the length of the term of the lease, as*
24 *extended; and*

1 “(i) any new provisions that materially af-
2 fect the rights and responsibilities of the ground
3 lessor or the ground lessee under the original
4 ground lease.

5 “(B) The number of housing units or facilities
6 subject to the ground lease that, during the lease ex-
7 tension, are to be—

8 “(i) constructed;

9 “(ii) demolished; or

10 “(iii) renovated.

11 “(C) The source of any additional financing the
12 lessor has obtained, or intends to obtain, during the
13 term of the ground lease extension that will be used
14 for the development of the property or facilities sub-
15 ject to the ground lease.

16 “(D) The following information, displayed annu-
17 ally, for the five-year period preceding the date of the
18 notice and briefing:

19 “(i) The debt-to-net operating income ratio
20 for the property or facility subject to the ground
21 lease.

22 “(ii) The occupancy rates for the housing
23 units subject to the ground lease.

1 “(iii) An report on maintenance response
2 times and completion of maintenance requests
3 for the housing units subject to the ground lease.

4 “(iv) The occupancy rates and debt-to-net
5 operating income ratios of any other military
6 privatized housing initiative projects managed
7 by a company that controls, or that is under
8 common control with, the ground lessee entering
9 into the lease extension.”.

10 **SEC. 2823. ANNUAL BRIEFINGS ON MILITARY HOUSING PRI-**
11 **VATIZATION PROJECTS.**

12 Section 2884 of title 10, United States Code, is amend-
13 ed by adding at the end the following new subsection:

14 “(d) ANNUAL BRIEFINGS.—Not later than February 1
15 of each year, each Secretary concerned shall provide to the
16 Committees on Armed Services of the Senate and House of
17 Representatives a briefing on military housing privatiza-
18 tion projects under the jurisdiction of the Secretary. Such
19 briefing shall include, for the 12-month period preceding
20 the date of the briefing, each of the following:

21 “(1) The information described in paragraphs
22 (1) through (14) of subsection (c) with respect to all
23 military housing privatization projects under the ju-
24 risdiction of the Secretary.

1 “(2) A review of any such project that is ex-
2 pected to require the restructuring of a loan, includ-
3 ing any public or private loan.

4 “(3) For any such project expected to require re-
5 structuring, a timeline for when such restructuring is
6 expected to occur.

7 “(4) Such other information as the Secretary de-
8 termines appropriate.”.

9 **SEC. 2824. MOLD INSPECTION OF VACANT HOUSING UNITS.**

10 Section 2891a of title 10, United States Code, is
11 amended—

12 (1) by redesignating subsection (e) as subsection
13 (f); and

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

16 “(e) *REQUIREMENTS FOR SECRETARY CONCERNED.*—
17 The Secretary concerned shall be responsible for—

18 “(1) providing for a mold inspection of each va-
19 cant housing unit before any new tenant moves into
20 the unit; and

21 “(2) providing to the new tenant the results of
22 the inspection.”.

1 **SEC. 2825. IMPLEMENTATION OF RECOMMENDATIONS**
2 **FROM AUDIT OF MEDICAL CONDITIONS OF**
3 **RESIDENTS IN PRIVATIZED MILITARY HOUS-**
4 **ING.**

5 *Not later than March 1, 2023, the Secretary of Defense*
6 *shall implement the recommendations contained in the re-*
7 *port of the Inspector General of the Department of Defense*
8 *published on April 1, 2022, and titled “Audit of Medical*
9 *Conditions of Residents in Privatized Military Housing”*
10 *(DODIG–2022–078).*

11 ***Subtitle C—Real Property and***
12 ***Facilities Administration***

13 **SEC. 2831. AUTHORIZED LAND AND FACILITIES TRANSFER**
14 **TO SUPPORT CONTRACTS WITH FEDERALLY**
15 **FUNDED RESEARCH AND DEVELOPMENT CEN-**
16 **TERS.**

17 *(a) IN GENERAL.—Chapter 159 of title 10, United*
18 *States Code, is amended by inserting after section 2668a*
19 *the following new section:*

20 ***“§2669. Transfer of land and facilities to support con-***
21 ***tracts with federally funded research and***
22 ***development centers***

23 ***“(a) LEASE OF LAND, FACILITIES, AND IMPROVE-***
24 ***MENTS.—(1) The Secretary of a military department may***
25 ***lease, for no consideration, land, facilities, infrastructure,***
26 ***and improvements to a covered FFRDC if the lease is to***

1 *further the purposes of a contract between the Department*
2 *of Defense and the covered FFRDC.*

3 “(2) *A lease entered into under paragraph (1) shall*
4 *terminate on the earlier of the following dates:*

5 “(A) *The date that is 50 years after the date on*
6 *which the Secretary enters into the lease.*

7 “(B) *The date of the termination or non-renewal*
8 *of the contract between the Department of Defense and*
9 *the covered FFRDC related to the lease.*

10 “(b) *CONVEYANCE OF FACILITIES AND IMPROVE-*
11 *MENTS.—(1) The Secretary of a military department may*
12 *convey, for no consideration, ownership of facilities and im-*
13 *provements located on land leased to a covered FFRDC to*
14 *further the purposes of a contract between the Department*
15 *of Defense and the covered FFRDC.*

16 “(2) *The ownership of any facilities and improvements*
17 *conveyed by the Secretary of a military department or any*
18 *improvements made to the leased land by the covered*
19 *FFRDC under this subsection shall, as determined by the*
20 *Secretary of a military department, revert or transfer to*
21 *the United States upon the termination or non-renewal of*
22 *the underlying land lease.*

23 “(3) *Any facilities and improvements conveyed by the*
24 *Secretary of a military department shall be demolished by*
25 *the covered FFRDC as determined by such Secretary.*

1 “(c) *CONSTRUCTION STANDARDS.*—A lease entered
2 into under this section may provide that any facilities con-
3 structed on the leased land may be constructed using com-
4 mercial standards in a manner that provides force protec-
5 tion safeguards appropriate to the activities conducted in,
6 and the location of, such facilities.

7 “(d) *INAPPLICABILITY OF CERTAIN PROPERTY MAN-*
8 *AGEMENT LAWS.*—(1) The conveyance or lease of property
9 or facilities, improvements, and infrastructure under this
10 section shall not be subject to the following provisions of
11 law:

12 “(A) Section 2667 of this title.

13 “(B) Section 1302 of title 40.

14 “(C) Section 501 of the McKinney-Vento Home-
15 less Assistance Act (42 U.S.C. 11411).

16 “(2) Sections 2662 and 2802 of this title shall not
17 apply to any improvements or facilities constructed by the
18 covered FFRDC on land leased or conveyed to a covered
19 FFRDC described in subsection (a) or (b).

20 “(e) *COMPETITIVE PROCEDURES FOR SELECTION OF*
21 *CERTAIN LESSEES; EXCEPTION.*—If a proposed lease under
22 this section is with respect to a covered FFRDC, the use
23 of competitive procedures for the selection of the lessee is
24 not required and the provisions of chapter 33 of title 41,
25 United States Code, or chapter 221 of title 10, United

1 *States Code, and the related provisions of the Federal Ac-*
2 *quisition Regulation shall not apply.*

3 “(f) *COVERED FFRDC DEFINED.*—*In this section, the*
4 *term ‘covered FFRDC’ means a federally funded research*
5 *and development center that is sponsored by, and has en-*
6 *tered into a contract with, the Department of Defense.”.*

7 “(b) *CLERICAL AMENDMENT.*—*The table of sections for*
8 *chapter 159 of title 10, United States Code, is amended by*
9 *inserting after the item relating to section 2668a and in-*
10 *serting the following new item:*

*“2669. Transfer of land and facilities to support contracts with federally funded
research and development centers.”.*

11 **SEC. 2832. LIMITATION ON USE OF FUNDS PENDING COM-**
12 **PLETION OF MILITARY INSTALLATION RESIL-**
13 **IENCE COMPONENT OF MASTER PLANS FOR**
14 **AT-RISK MAJOR MILITARY INSTALLATIONS.**

15 *Of the funds authorized to be appropriated by this Act*
16 *or otherwise made available for fiscal year 2023 for the Of-*
17 *fice of the Secretary of Defense for administration and serv-*
18 *ice-wide activities, not more than 50 percent may be obli-*
19 *gated or expended until the date on which each Secretary*
20 *of a military department has satisfied the requirements of*
21 *section 2833 of the National Defense Authorization Act for*
22 *Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 2864*
23 *note).*

1 **SEC. 2833. PHYSICAL ENTRANCES TO CERTAIN MILITARY**
2 **INSTALLATIONS.**

3 *The Secretary of Defense shall ensure that, to the extent*
4 *practicable that—*

5 *(1) each military installation in the United*
6 *States has a designated main entrance that, at all*
7 *times, is manned by at least one member of the*
8 *Armed Forces or civilian employee of the Department*
9 *of Defense;*

10 *(2) the location of each such designated main en-*
11 *trance is published on a publicly accessible internet*
12 *website of the Department;*

13 *(3) in the case of a military installation in the*
14 *United States that has any additional entrance des-*
15 *ignated for commercial deliveries to the military in-*
16 *stallation, the location of such entrance (and any ap-*
17 *plicable days or hours of operation for such entrance)*
18 *is published on the same internet website as the*
19 *website referred to in paragraph (2); and*

20 *(4) the information required to be published on*
21 *the internet website under paragraph (2) is reviewed*
22 *and, as necessary, updated on a basis that is not less*
23 *frequent than annually.*

1 ***Subtitle D—Land Conveyances***

2 ***SEC. 2841. EXTENSION OF TIME FRAME FOR LAND CONVEY-***

3 ***ANCE, SHARPE ARMY DEPOT, LATHROP, CALI-***

4 ***FORNIA.***

5 *Section 2833(g) of the William M. (Mac) Thornberry*

6 *National Defense Authorization Act for Fiscal Year 2021*

7 *(Public Law 116–283) is amended by striking “one year”*

8 *and inserting “three years”.*

9 ***SEC. 2842. LAND CONVEYANCE, JOINT BASE CHARLESTON,***

10 ***SOUTH CAROLINA.***

11 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*

12 *Air Force (in this section referred to as the “Secretary”)*

13 *may convey to the City of North Charleston, South Carolina*

14 *(in this section referred to as the “City”) all right, title,*

15 *and interest of the United States in and to a parcel of real*

16 *property, including any improvements thereon, consisting*

17 *of approximately 26 acres known as the Old Navy Yard*

18 *at Joint Base Charleston, South Carolina, for the purpose*

19 *of permitting the City to use the property for economic de-*

20 *velopment.*

21 *(b) CONSIDERATION.—*

22 *(1) IN GENERAL.—As consideration for the con-*

23 *veyance under subsection (a), the City shall pay to*

24 *the Secretary an amount equal to not less than the*

25 *fair market value, as determined by the Secretary,*

1 *based on an appraisal of the property to be conveyed*
2 *under such subsection, which may consist of cash pay-*
3 *ment, in-kind consideration as described under para-*
4 *graph (3), or a combination thereof.*

5 (2) *SUFFICIENCY OF CONSIDERATION.—*

6 (A) *IN GENERAL.—Consideration paid to*
7 *the Secretary under paragraph (1) shall be in an*
8 *amount sufficient, as determined by the Sec-*
9 *retary, to provide replacement space for, and for*
10 *the relocation of, any personnel, furniture, fix-*
11 *tures, equipment, and personal property of any*
12 *kind belonging to any military department lo-*
13 *cated upon the property to be conveyed under*
14 *subsection (a).*

15 (B) *COMPLETION PRIOR TO CONVEYANCE.—*

16 *Any cash consideration shall be paid in full and*
17 *any in-kind consideration shall be complete, use-*
18 *able, and delivered to the satisfaction of the Sec-*
19 *retary at or prior to the conveyance under sub-*
20 *section (a).*

21 (3) *IN-KIND CONSIDERATION.—In-kind consider-*
22 *ation provided by the City under paragraph (1) may*
23 *include the acquisition, construction, provision, im-*
24 *provement, maintenance, repair, or restoration (in-*
25 *cluding environmental restoration), or combination*

1 *thereof, of any facilities or infrastructure with prox-*
2 *imity to Joint Base Charleston Weapons Station*
3 *(South Annex) and located on Joint Base Charleston,*
4 *that the Secretary considers acceptable.*

5 (4) *TREATMENT OF CASH CONSIDERATION RE-*
6 *CEIVED.—Any cash consideration received by the Sec-*
7 *retary under paragraph (1) shall be deposited in the*
8 *special account in the Treasury under subparagraph*
9 *(A) of section 572(b)(5) of title 40, United States*
10 *Code, and shall be available in accordance with sub-*
11 *paragraph (B)(ii) of such section.*

12 (c) *PAYMENT OF COSTS OF CONVEYANCE.—*

13 (1) *PAYMENT REQUIRED.—*

14 (A) *IN GENERAL.—The Secretary may re-*
15 *quire the City to cover all costs to be incurred*
16 *by the Secretary, or to reimburse the Secretary*
17 *for costs incurred by the Secretary, to carry out*
18 *the conveyance under subsection (a), including*
19 *survey costs, appraisal costs, costs related to en-*
20 *vironmental documentation, and any other ad-*
21 *ministrative costs related to the conveyance.*

22 (B) *REFUND OF AMOUNTS.—If amounts*
23 *paid by the City to the Secretary in advance ex-*
24 *ceed the costs actually incurred by the Secretary*
25 *to carry out the conveyance under subsection (a),*

1 *the Secretary shall refund the excess amount to*
2 *the City.*

3 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
4 *Amounts received under paragraph (1) as reimburse-*
5 *ment for costs incurred by the Secretary to carry out*
6 *the conveyance under subsection (a) shall be credited*
7 *to the fund or account that was used to cover the costs*
8 *incurred by the Secretary in carrying out the convey-*
9 *ance or to an appropriate fund or account currently*
10 *available to the Secretary for the purposes for which*
11 *the costs were paid. Amounts so credited shall be*
12 *merged with amounts in such fund or account and*
13 *shall be available for the same purposes, and to the*
14 *same conditions and limitations, as amounts in such*
15 *fund or account.*

16 (d) *DESCRIPTION OF PROPERTY.—The exact acreage*
17 *and legal description of the property to be conveyed under*
18 *subsection (a) shall be determined by a survey satisfactory*
19 *to the Secretary.*

20 (e) *CONDITION OF CONVEYANCE.—The conveyance*
21 *under subsection (a) shall be subject to all valid existing*
22 *rights and the City shall accept the property (and any im-*
23 *provements thereon) in its condition at the time of the con-*
24 *veyance (commonly known as a conveyance “as is”).*

1 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance under subsection (a) as*
4 *the Secretary considers appropriate to protect the interests*
5 *of the United States.*

6 (g) *OLD NAVY YARD DEFINED.*—*In this section, the*
7 *term “Old Navy Yard” includes the facilities used by the*
8 *Naval Information Warfare Center Atlantic, including*
9 *buildings 1602, 1603, 1639, 1648, and such other facilities,*
10 *infrastructure, and land along or near the Cooper River*
11 *waterfront at Joint Base Charleston as the Secretary con-*
12 *siders appropriate.*

13 **SEC. 2843. LAND CONVEYANCE, NAVAL AIR STATION**
14 **OCEANA, DAM NECK ANNEX, VIRGINIA BEACH,**
15 **VIRGINIA.**

16 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
17 *Navy may convey to the Hampton Roads Sanitation Dis-*
18 *trict (in this section referred to as the “HRSD”) all right,*
19 *title, and interest of the United States in and to a parcel*
20 *of installation real property, including any improvements*
21 *thereon, consisting of approximately 7.9 acres located at*
22 *Naval Air Station Oceana in Dam Neck Annex, Virginia*
23 *Beach, Virginia. The Secretary may void any land use re-*
24 *strictions associated with the property to be conveyed under*
25 *this subsection.*

1 **(b) CONSIDERATION.—**

2 **(1) AMOUNT AND DETERMINATION.—***As consider-*
3 *ation for the conveyance under subsection (a), the*
4 *HRSD shall pay to the Secretary of the Navy an*
5 *amount that is not less than the fair market value of*
6 *the property conveyed, as determined by the Sec-*
7 *retary. Such determination of fair market value shall*
8 *be final. In lieu of all or a portion of cash payment*
9 *of consideration, the Secretary may accept in-kind*
10 *consideration.*

11 **(2) TREATMENT OF CASH CONSIDERATION.—***The*
12 *Secretary of the Navy shall deposit any cash payment*
13 *received under paragraph (1) in the special account*
14 *in the Treasury established for the Secretary of the*
15 *Navy under of paragraph (1) of section 2667(e) of*
16 *title 10, United States Code. The entire amount de-*
17 *posited shall be available for use in accordance with*
18 *subparagraph (D) of such paragraph.*

19 **(c) PAYMENT OF COSTS OF CONVEYANCE.—**

20 **(1) PAYMENT REQUIRED.—***The Secretary of the*
21 *Navy shall require the HRSD to cover costs to be in-*
22 *curring by the Secretary, or to reimburse the Secretary*
23 *for costs incurred by the Secretary, to carry out the*
24 *conveyance under subsection (a), including survey*
25 *costs, costs related to environmental documentation,*

1 *and any other administrative costs related to the con-*
2 *veyance. If amounts are collected in advance of the*
3 *Secretary incurring the actual costs, and the amount*
4 *collected exceeds the costs actually incurred by the*
5 *Secretary to carry out the conveyance, the Secretary*
6 *shall refund the excess amount to the HRSD.*

7 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
8 *Amounts received as reimbursement under paragraph*
9 *(1) shall be credited to the fund or account that was*
10 *used to cover those costs incurred by the Secretary in*
11 *carrying out the conveyance. Amounts so credited*
12 *shall be merged with amounts in such fund or account*
13 *and shall be available for the same purposes, and sub-*
14 *ject to the same conditions and limitations, as*
15 *amounts in such fund or account.*

16 (d) *DESCRIPTION OF PROPERTY.—The exact acreage*
17 *and legal description of the parcel of real property to be*
18 *conveyed under subsection (a) shall be determined by a sur-*
19 *vey satisfactory to the Secretary of the Navy.*

20 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary of the Navy may require such additional terms and*
22 *conditions in connection with the conveyance under sub-*
23 *section (a) as the Secretary considers appropriate to protect*
24 *the interests of the United States.*

1 **SEC. 2844. LAND EXCHANGE, MARINE RESERVE TRAINING**
2 **CENTER, OMAHA, NEBRASKA.**

3 (a) *LAND EXCHANGE AUTHORIZED.*—The Secretary of
4 the Navy may convey to the Metropolitan Community Col-
5 lege Area, a political subdivision of the State of Nebraska
6 (in this section referred to as the “College”), all right, title,
7 and interest of the United States in and to a parcel of real
8 property, including improvements thereon, known as the
9 Marine Reserve Training Center in Omaha, Nebraska.

10 (b) *CONSIDERATION.*—As consideration for the convey-
11 ance under subsection (a), the College shall convey to the
12 Secretary of the Navy real property interests, either adja-
13 cent or proximate, to Offutt Air Force Base, Nebraska.

14 (c) *LAND EXCHANGE AGREEMENT.*—The Secretary of
15 the Navy and the College may enter into a land exchange
16 agreement to implement this section.

17 (d) *VALUATION.*—The value of each property interest
18 to be exchanged by the Secretary of the Navy and the College
19 described in subsections (a) and (b) shall be determined—

20 (1) by an independent appraiser selected by the
21 Secretary; and

22 (2) in accordance with the Uniform Appraisal
23 Standards for Federal Land Acquisitions and the
24 Uniform Standards of Professional Appraisal Prac-
25 tice.

26 (e) *CASH EQUALIZATION PAYMENTS.*—

1 (1) *TO THE SECRETARY.*—*If the value of the*
2 *property interests described in subsection (a) is great-*
3 *er than the value of the property interests described*
4 *in subsection (b), the values shall be equalized through*
5 *either of the following or a combination thereof:*

6 (A) *A cash equalization payment from the*
7 *College to the Department of the Navy.*

8 (B) *In-kind consideration provided by the*
9 *College, which may include the acquisition, con-*
10 *struction, provision, improvement, maintenance,*
11 *repair, or restoration (including environmental*
12 *restoration), or combination thereof, of any fa-*
13 *ilities or infrastructure, or delivery of services*
14 *relating to the needs of Marine Corps Reserve*
15 *Training Center Omaha.*

16 (2) *NO EQUALIZATION.*—*If the value of the prop-*
17 *erty interests described in subsection (b) is greater*
18 *than the value of the property interests described in*
19 *subsection (a), the Secretary may not make a cash*
20 *equalization payment to equalize the values.*

21 (f) *PAYMENT OF COSTS OF CONVEYANCE.*—

22 (1) *PAYMENT REQUIRED.*—*The Secretary of the*
23 *Navy shall require the College to pay all costs to be*
24 *incurred by the Secretary to carry out the exchange*
25 *of property interests under this section, including*

1 *such costs related to land survey, environmental docu-*
2 *mentation, real estate due diligence such as apprais-*
3 *als, and any other administrative costs related to the*
4 *exchange of property interests, including costs in-*
5 *curring preparing and executing a land exchange*
6 *agreement authorized under subsection (c). If amounts*
7 *are collected from the College in advance of the Sec-*
8 *retary incurring the actual costs and the amount col-*
9 *lected exceeds the costs actually incurred by the Sec-*
10 *retary to carry out the exchange of property interests,*
11 *the Secretary shall refund the excess amount to the*
12 *College.*

13 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
14 *Amounts received by the Secretary of the Navy under*
15 *paragraph (1) shall be used in accordance with sec-*
16 *tion 2695(c) of title 10, United States Code.*

17 (g) *DESCRIPTION OF PROPERTY.—The exact acreage*
18 *and legal description of the property interests to be ex-*
19 *changed under this section shall be determined by surveys*
20 *that are satisfactory to the Secretary of the Navy.*

21 (h) *CONVEYANCE AGREEMENT.—The exchange of real*
22 *property interests under this section shall be accomplished*
23 *using an appropriate legal instrument and upon terms and*
24 *conditions mutually satisfactory to the Secretary of the*
25 *Navy and the College, including such additional terms and*

1 *conditions as the Secretary considers appropriate to protect*
2 *the interests of the United States.*

3 (i) *EXEMPTION FROM SCREENING REQUIREMENTS*
4 *FOR ADDITIONAL FEDERAL USE.—The authority under*
5 *this section is exempt from the screening process required*
6 *under section 2696(b) of title 10, United States Code.*

7 **SEC. 2845. LAND CONVEYANCE, STARKVILLE, MISSISSIPPI.**

8 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
9 *Army (in this section referred to as the “Secretary”) may*
10 *convey to the City of Starkville, Mississippi (in this section*
11 *referred to as the “City”), all right, title, and interest of*
12 *the United States in and to a parcel of real property, in-*
13 *cluding improvements thereon, consisting of approximately*
14 *five acres, located at 343 Highway 12, Starkville, Mis-*
15 *issippi 39759, to be used for economic development pur-*
16 *poses.*

17 (b) *CONSIDERATION.—*

18 (1) *IN GENERAL.—As consideration for the con-*
19 *veyance of property under subsection (a), the City*
20 *shall pay to the United States an amount equal to the*
21 *fair market value of the property to be conveyed. The*
22 *Secretary shall determine the fair market value of the*
23 *property using an independent appraisal based on the*
24 *highest and best use of the property.*

1 (2) *DETERMINATION OF FAIR MARKET VALUE.*—
2 *The Secretary shall determine the fair market value*
3 *of the property to be conveyed under subsection (a)*
4 *using an independent appraisal based on the highest*
5 *and best use of the property.*

6 (3) *TREATMENT OF CONSIDERATION RE-*
7 *CEIVED.*—*Consideration received under paragraph (1)*
8 *shall be deposited in the special account in the Treas-*
9 *ury established under subsection (b) of section 572 of*
10 *title 40, United States Code, and shall be available in*
11 *accordance with paragraph (5)(B) of such subsection.*

12 (c) *PAYMENT OF COSTS OF CONVEYANCE.*—

13 (1) *PAYMENT.*—

14 (A) *IN GENERAL.*—*The Secretary may re-*
15 *quire the City to cover all costs (except costs for*
16 *environmental remediation of the property under*
17 *the Comprehensive Environmental Response,*
18 *Compensation and Liability Act 1980 (42*
19 *U.S.C. 9601 et seq.)) to be incurred by the Sec-*
20 *retary, or to reimburse the Secretary for costs in-*
21 *curring by the Secretary, to carry out the convey-*
22 *ance under subsection (a), including survey*
23 *costs, costs for environmental documentation,*
24 *and any other administrative costs related to the*
25 *conveyance.*

1 (B) *REFUND.*—*If amounts are collected*
2 *from the City under subparagraph (A) in ad-*
3 *vance of the Secretary incurring the actual costs,*
4 *and the amount collected exceeds the costs actu-*
5 *ally incurred by the Secretary to carry out the*
6 *conveyance under subsection (a), the Secretary*
7 *shall refund the excess amount to the City.*

8 (2) *TREATMENT OF AMOUNTS RECEIVED.*—
9 *Amounts received under paragraph (1) as reimburse-*
10 *ment for costs incurred by the Secretary to carry out*
11 *the conveyance under subsection (a) shall be credited*
12 *to the fund or account that was used to cover the costs*
13 *incurred by the Secretary in carrying out the convey-*
14 *ance, or to an appropriate fund or account currently*
15 *available to the Secretary for the purposes for which*
16 *the costs were paid. Amounts so credited shall be*
17 *merged with amounts in such fund or account and*
18 *shall be available for the same purposes, and subject*
19 *to the same conditions and limitations, as amounts in*
20 *such fund or account.*

21 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
22 *and legal description of the property to be conveyed under*
23 *subsection (a) shall be determined by a survey satisfactory*
24 *to the Secretary.*

1 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 2 *retary may require such additional terms and conditions*
 3 *in connection with the conveyance under subsection (a) as*
 4 *the Secretary considers appropriate to protect the interests*
 5 *of the United States.*

6 ***Subtitle E—Miscellaneous Studies***
 7 ***and Reports***

8 ***SEC. 2851. STUDY ON PRACTICES WITH RESPECT TO DEVELOPMENT OF MILITARY CONSTRUCTION PROJECTS.***

11 *(a) STUDY REQUIRED.—Not later than 90 days after*
 12 *the date of the enactment of this Act, the Secretary of De-*
 13 *fense shall seek to enter into an agreement with a federally*
 14 *funded research and development center for the conduct of*
 15 *a study on the practices of the Department of Defense with*
 16 *respect to the development of military construction projects.*

17 *(b) ELEMENTS.—An agreement under subsection (a)*
 18 *shall specify that the study conducted pursuant to the agree-*
 19 *ment shall address each of the following:*

20 *(1) Practices with respect to adoption of Unified*
 21 *Facilities Criteria changes and the inclusion of such*
 22 *changes into advanced planning, Department of De-*
 23 *fense Form 1391 documentation, and planning and*
 24 *design.*

1 (2) *Practices with respect to how sustainable ma-*
2 *terials, such as mass timber and low carbon concrete,*
3 *are assessed and included in advanced planning, De-*
4 *partment of Defense Form 1391 documentation, and*
5 *planning and design.*

6 (3) *Barriers to incorporating innovative tech-*
7 *niques, including 3D printed building techniques.*

8 (4) *Whether the Strategic Environmental Re-*
9 *search and Development Program (established under*
10 *section 2901 of title 10, United States Code) or the*
11 *Environmental Security Technology Certification*
12 *Program could be used to validate such sustainable*
13 *materials and innovative techniques to encourage the*
14 *use of such sustainable materials and innovative tech-*
15 *niques by the Army Corps of Engineers and the Naval*
16 *Facilities Engineering Systems Command.*

17 (c) *REPORT TO CONGRESS.—Not later than 60 days*
18 *after the completion of the study described in this section,*
19 *the Secretary of Defense shall submit to the congressional*
20 *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 enactment*
6 *of this Act, the Secretary of Defense shall submit to the con-*
7 *gressional defense committees a report analyzing the capac-*
8 *ity of the Department of Defense to provide survivors of*
9 *natural disasters with emergency short-term housing.*

10 **SEC. 2853. REPORTING ON LEAD SERVICE LINES AND LEAD**
11 **PLUMBING.**

12 *(a) INITIAL REPORT.—Not later than January 1,*
13 *2025, the Under Secretary of Defense for Acquisition and*
14 *Sustainment shall submit to the congressional defense com-*
15 *mittees a report that includes—*

16 *(1) a list of military installations (including*
17 *Government-owned family housing facilities), mili-*
18 *tary housing, and privatized military housing*
19 *projects that, as of the date of the report, are being*
20 *serviced by lead service lines or lead plumbing for the*
21 *purposes of receiving drinking water;*

22 *(2) an evaluation of whether military installa-*
23 *tions and privatized military housing projects are in*
24 *compliance with the Lead and Copper Rule and, to*
25 *the extent that such installations and projects are not*
26 *in compliance, an identification of—*

1 (A) *the name and location of each such in-*
2 *stallation or project that is not in compliance;*
3 *and*

4 (B) *the timeline and plan for bringing each*
5 *such installation or project into compliance; and*

6 (3) *an identification of steps and resources need-*
7 *ed to remove any remaining lead plumbing from*
8 *military installations and housing.*

9 (b) *INCLUSION OF INFORMATION IN ANNUAL RE-*
10 *PORT.—If, after reviewing the initial report required under*
11 *subsection (a), the Secretary of Defense finds that any mili-*
12 *tary installation or privatized family housing project is not*
13 *in compliance with the Lead and Copper Rule, the Sec-*
14 *retary shall include in the annual report on defense envi-*
15 *ronmental programs required under section 2711 of title 10,*
16 *United States Code, for each year after the year in which*
17 *the initial report is submitted, an update on the efforts of*
18 *the Secretary, including negotiations with privatized mili-*
19 *tary family housing providers, to fully comply with the*
20 *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, shall*
8 *provide a briefing to the Committees on Armed Services of*
9 *the Senate and the House of Representatives not later than*
10 *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(c) 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 further*
12 *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 training*
19 *of cadets enrolled in an independent Reserve Officer*
20 *Training Corps program at a covered educational in-*
21 *stitution.”; 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 sec-
2 tion 322 of the Higher Education Act of 1965
3 (20 U.S.C. 1061);

4 “(B) an 1890 Institution, as defined in sec-
5 tion 2 of the Agricultural Research, Extension,
6 and Education Reform Act of 1998 (7 U.S.C.
7 7601);

8 “(C) not affiliated with a consortium; and

9 “(D) located at least 40 miles from a major
10 military installation.”.

11 **SEC. 2863. INCLUSION OF INFRASTRUCTURE IMPROVE-**
12 **MENTS IDENTIFIED IN THE REPORT ON STRA-**
13 **TEGIC SEAPORTS IN DEFENSE COMMUNITY**
14 **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 to
22 receive assistance under this subsection, the Secretary shall
23 consider infrastructure improvements identified in the re-
24 port on strategic seaports required by section 3515 of the

1 *National Defense Authorization Act for Fiscal Year 2020*
2 *(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 insert-*
8 *ing “or on property under the jurisdiction of a Secretary*
9 *of a military department that is subject to a real estate*
10 *agreement (including a lease or easement)” after “installa-*
11 *tion”.*

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 Authoriza-*
18 *tion Act for Fiscal Year 2022 (Public Law 117–81; 10*
19 *U.S.C. 2802 note) is amended in the matter preceding sub-*
20 *paragraph (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; 10*
25 *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 Inter-*
7 *net website of the military department con-*
8 *cerned.*

9 “(B) *METHODOLOGY AND CRITERIA.—*

10 “(i) *AVAILABILITY.—Each Secretary of*
11 *a military department shall publish on the*
12 *website described in subparagraph (A) the*
13 *methodology and criteria each time such*
14 *Secretary establishes or updates a scorecard.*

15 “(ii) *PUBLIC COMMENT.—Each Sec-*
16 *retary of a military department shall estab-*
17 *lish a 60-day public comment period begin-*
18 *ning on each date of publication of such*
19 *methodology and criteria.”; and*

20 (2) *by adding at the end the following new para-*
21 *graph:*

22 “(4) *COORDINATION.—In establishing or updat-*
23 *ing a scorecard under this subsection, each Secretary*
24 *of the military department concerned shall coordinate*

1 *with the Secretary of Defense to ensure consistency*
2 *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”; and*
15 *(B) by adding at the end the following new*
16 *paragraph:*

17 “(3) *METHOD OF CONTRIBUTION.—Contributions*
18 *may be accepted under this subsection in any of the*
19 *forms referred to in section 2350k(c) of title 10,*
20 *United States Code.”; and*

21 (2) *in subsection (b), by striking “Contributions”*
22 *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 seek*
10 *to enter into a lease or use agreement with a category 3*
11 *subterranean training facility that—*

12 *(1) is located in close proximity (as determined*
13 *by the Secretary of Defense) to the home station of an*
14 *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 the*
24 *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, including*
4 *members a special operations force;*

5 (B) *personnel of combat support agencies,*
6 *including the Defense Threat Reduction Agency;*
7 *and*

8 (C) *such other personnel as the Secretary of*
9 *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 be*
14 *for a period of not less than 5 years.*

15 (d) *CATEGORY 3 SUBTERRANEAN TRAINING FACILITY*
16 *DEFINED.—In this section, the term “category 3 subterra-*
17 *nean training facility” means an underground structure*
18 *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 (Pub-*
25 *lic Law 117–81; 10 U.S.C. 2001 note prec.) is repealed.*

1 **SEC. 2870. LIMITATION ON USE OF FUNDS FOR CLOSURE OF**
2 **COMBAT READINESS TRAINING CENTERS.**

3 (a) *LIMITATION.*—None of the funds authorized to be
4 appropriated by this Act or otherwise made available for
5 fiscal year 2023 for the Air Force may be obligated or ex-
6 pended to close, or prepare to close, any combat readiness
7 training center.

8 (b) *WAIVER.*—The Secretary of the Air Force may
9 waive the limitation under subsection (a) with respect to
10 a combat readiness training center if the Secretary submits
11 to the congressional defense committees the following:

12 (1) *A certification that—*

13 (A) *the closure of the center would not be in*
14 *violation of section 2687 of title 10, United*
15 *States Code; and*

16 (B) *the support capabilities provided by the*
17 *center will not be diminished as a result of the*
18 *closure of the center.*

19 (2) *A report that includes—*

20 (A) *a detailed business case analysis for the*
21 *closure of the center; and*

22 (B) *an assessment of the effects the closure*
23 *of the center would have on training units of the*
24 *Armed Forces, including any active duty units*
25 *that may use the center.*

1 **SEC. 2871. REQUIRED INVESTMENTS IN IMPROVING CHILD**
2 **DEVELOPMENT CENTERS.**

3 (a) *INVESTMENTS IN CHILD DEVELOPMENT CEN-*
4 *TERS.*—*Of the total amount authorized to be appropriated*
5 *for fiscal year 2023 for the Department of Defense for Fa-*
6 *cilities Sustainment, Restoration, and Modernization ac-*
7 *tivities of a military department, the Secretary of that mili-*
8 *tary department shall reserve an amount greater than or*
9 *equal to one percent of the estimated replacement cost for*
10 *fiscal year 2023 of the total inventory of child development*
11 *centers under the jurisdiction of that Secretary for the pur-*
12 *pose of carrying out projects for the improvement of child*
13 *development centers.*

14 (b) *CHILD DEVELOPMENT CENTER DEFINED.*—*In this*
15 *section, the term “child development center” has meaning*
16 *given the term “military child development center” in sec-*
17 *tion 1800(1) of title 10, United States Code.*

18 **SEC. 2872. INTERAGENCY REGIONAL COORDINATOR FOR**
19 **RESILIENCE PILOT PROJECT.**

20 (a) *PILOT PROJECT.*—*The Secretary of Defense shall*
21 *carry out a pilot program under which the Secretary shall*
22 *establish within the Department of Defense four Interagency*
23 *Regional Coordinators. Each Interagency Regional Coordi-*
24 *nator shall be responsible for improving the resilience of a*
25 *community that supports a military installation and serv-*

1 *ing as a model for enhancing community resilience before*
2 *disaster strikes.*

3 **(b) SELECTION.**—*Each Interagency Regional Coordi-*
4 *nator shall support military installations and surrounding*
5 *communities within a geographic area, with at least one*
6 *such Coordinator serving each of the East, West, and Gulf*
7 *coasts. For purposes of the project, the Secretary shall select*
8 *geographic areas—*

9 **(1)** *with significant sea level rise and recurrent*
10 *flooding that prevents members of the Armed Forces*
11 *from reaching their posts or jeopardizes military*
12 *readiness; and*

13 **(2)** *where communities have collaborated on*
14 *multi-jurisdictional climate adaptation planning ef-*
15 *forts, including such collaboration with the Army*
16 *Corps of Engineers Civil Works Department and*
17 *through Joint Land Use Studies.*

18 **(c) COLLABORATION.**—*In carrying out the pilot*
19 *project, the Secretary shall build on existing efforts through*
20 *collaboration with State and local entities, including emer-*
21 *gency management, transportation, planning, housing,*
22 *community development, natural resource managers, and*
23 *governing bodies and with the heads of appropriate Federal*
24 *departments and agencies.*

1 **SEC. 2873. ACCESS TO MILITARY INSTALLATIONS FOR**
2 **HOMELAND SECURITY INVESTIGATIONS PER-**
3 **SONNEL IN GUAM.**

4 *The commander of a military installation located in*
5 *Guam shall grant to an officer or employee of Homeland*
6 *Security Investigations the same access to such military in-*
7 *stallation such commander grants to an officer or employee*
8 *of U.S. Customs and Border Protection or of the Federal*
9 *Bureau of Investigation.*

10 **SEC. 2874. PROHIBITION ON JOINT USE OF HOMESTEAD AIR**
11 **RESERVE BASE WITH CIVIL AVIATION.**

12 *On or before September 30, 2026, the Secretary of the*
13 *Air Force may not enter into an agreement that would pro-*
14 *vide for or permit the joint use of Homestead Air Reserve*
15 *Base, Homestead, Florida, by the Air Force and civil air-*
16 *craft.*

17 **SEC. 2875. ELECTRICAL CHARGING CAPABILITY CONSTRUC-**
18 **TION REQUIREMENTS RELATING TO PARKING**
19 **FOR FEDERAL GOVERNMENT MOTOR VEHI-**
20 **CLES.**

21 *(a) IN GENERAL.—If the Secretary concerned develops*
22 *plans for a project to construct any facility that includes*
23 *or will include parking for covered motor vehicles, the Sec-*
24 *retary concerned shall include in any Department of De-*
25 *fense Form 1391, or successor form, submitted to Congress*
26 *for that project—*

1 (1) *the provision of electric vehicle charging ca-*
2 *pability at the facility adequate to provide electrical*
3 *charging, concurrently, for not less than 15 percent of*
4 *all covered motor vehicles planned to be parked at the*
5 *facility;*

6 (2) *the inclusion of the cost of constructing such*
7 *capability in the overall cost of the project; and*

8 (3) *an analysis of whether a parking structure*
9 *or lot will be the primary charging area for covered*
10 *motor vehicles or if another area, such as public*
11 *works or the motor pool, will be the primary charging*
12 *area.*

13 **(b) DEFINITIONS.—***In this section:*

14 (1) *The term “covered motor vehicle” means a*
15 *Federal Government motor vehicle, including a motor*
16 *vehicle leased by the Federal Government.*

17 (2) *The term “Secretary concerned” means—*

18 (A) *the Secretary of a military department*
19 *with respect to facilities under the jurisdiction of*
20 *that Secretary; and*

21 (B) *the Secretary of Defense with respect to*
22 *matters concerning the Defense Agencies and fa-*
23 *cilities of a reserve component owned by a State*
24 *rather than the United States.*

1 **TITLE XXIX—FALLON RANGE**
 2 **TRAINING COMPLEX**

Subtitle A—Fallon Range Training Complex

- Sec. 2901. Military land withdrawal for Fallon Range Training Complex.*
Sec. 2902. Numu Neve 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.

3 **Subtitle A—Fallon Range Training**
 4 **Complex**

5 **SEC. 2901. MILITARY LAND WITHDRAWAL FOR FALLON**
 6 **RANGE TRAINING COMPLEX.**

7 *The Military Land Withdrawals Act of 2013 (Public*
 8 *Law 113–66; 127 Stat. 1025) is amended by adding at the*
 9 *end the following:*

10 **“Subtitle G—Fallon Range**
 11 **Training Complex, Nevada**

12 **“SEC. 2981. WITHDRAWAL AND RESERVATION OF PUBLIC**
 13 **LAND.**

14 **“(a) WITHDRAWAL.—**

1 “(1) *BOMBING RANGES*.—Subject to valid rights
2 in existence on the date of enactment of this subtitle,
3 and except as otherwise provided in this subtitle, the
4 land established as the B–16, B–17, B–19, and B–20
5 Ranges, as referred to in subsection (b), and all other
6 areas within the boundary of such land as depicted
7 on the map entitled ‘Churchill County Proposed
8 Fallon Range Training Complex Modernization and
9 Lands Bill’ and dated November 30, 2022, which may
10 become subject to the operation of the public land
11 laws, are withdrawn from all forms of—

12 “(A) entry, appropriation, or disposal
13 under the public land laws;

14 “(B) location, entry, and patent under the
15 mining laws; and

16 “(C) disposition under all laws relating to
17 mineral and geothermal leasing or mineral ma-
18 terials.

19 “(2) *DIXIE VALLEY TRAINING AREA*.—The land
20 and interests in land within the boundaries estab-
21 lished at the Dixie Valley Training Area, as referred
22 to in subsection (b), are withdrawn from all forms
23 of—

24 “(A) entry, appropriation, or disposal
25 under the public land laws; and

1 “(B) location, entry, and patent under the
2 mining laws.

3 “(b) *DESCRIPTION OF LAND.*—The public land and in-
4 terests in land withdrawn and reserved by this section com-
5 prise approximately 790,825 acres of land in Churchill
6 County, Lyon County, Mineral County, Pershing County,
7 and Nye County, Nevada, as generally depicted as ‘Pro-
8 posed *FRTC Modernization*’ and ‘Existing Navy With-
9 drawal Areas’ on the map entitled ‘Churchill County Pro-
10 posed *Fallon Range Training Complex Modernization and*
11 *Lands Bill*’, dated November 30, 2022, and filed in accord-
12 ance with section 2912. The ranges in the Fallon Range
13 Training Complex described in this subsection are identi-
14 fied as B–16, B–17, B–19, B–20, Dixie Valley Training
15 Area and the Shoal Site.

16 “(c) *PURPOSE OF WITHDRAWAL AND RESERVATION.*—

17 “(1) *BOMBING RANGES.*—The land withdrawn
18 by subsection (a)(1) is reserved for use by the Sec-
19 retary of the Navy for—

20 “(A) aerial testing and training, bombing,
21 missile firing, electronic warfare, tactical combat
22 maneuvering, and air support;

23 “(B) ground combat tactical maneuvering
24 and firing; and

1 “(C) other defense-related purposes that
2 are—

3 “(i) consistent with the purposes speci-
4 fied in the preceding paragraphs; and

5 “(ii) authorized under section 2914.

6 “(2) *DIXIE VALLEY TRAINING AREA*.—The land
7 withdrawn by subsection (a)(2) is reserved for use by
8 the Secretary of the Navy for—

9 “(A) aerial testing and training, electronic
10 warfare, tactical combat maneuvering, and air
11 support; and

12 “(B) ground combat tactical maneuvering.

13 “(d) *INAPPLICABILITY OF GENERAL PROVISIONS*.—
14 Notwithstanding section 2911(a) and except as otherwise
15 provided in this subtitle, sections 2913 and 2914 shall not
16 apply to the land withdrawn by subsection (a)(2).

17 “**SEC. 2982. MANAGEMENT OF WITHDRAWN AND RESERVED**
18 **LAND.**

19 “(a) *MANAGEMENT BY THE SECRETARY OF THE*
20 *NAVY*.—During the duration of the withdrawal under sec-
21 tion 2981, the Secretary of the Navy shall manage the land
22 withdrawn and reserved comprising the B–16, B–17, B–
23 19, and B–20 Ranges for the purposes described in section
24 2981(c)—

25 “(1) in accordance with—

1 “(A) an integrated natural resources man-
2 agement plan prepared and implemented under
3 title I of the Sikes Act (16 U.S.C. 670a et seq.);

4 “(B) a written agreement between the Sec-
5 retary of the Navy and the Governor of Nevada
6 that provides for a minimum of 15 days annu-
7 ally for big game hunting on portions of the B-
8 17 Range consistent with military training re-
9 quirements;

10 “(C) a programmatic agreement between the
11 Secretary of the Navy and the Nevada State His-
12 toric Preservation Officer and other parties, as
13 appropriate, regarding management of historic
14 properties as the properties relate to operation,
15 maintenance, training, and construction at the
16 Fallon Range Training Complex;

17 “(D) written agreements between the Sec-
18 retary of the Navy and affected Indian tribes
19 and other stakeholders to accommodate access by
20 Indian tribes and State and local governments to
21 the B-16, B-17, B-19, and B-20 Ranges con-
22 sistent with military training requirements and
23 public safety;

24 “(E) a written agreement entered into by
25 the Secretary of the Navy and affected Indian

1 *tribes that provides for regular, guaranteed ac-*
2 *cess, consisting of a minimum of 4 days per*
3 *month, for affected Indian tribes; and*

4 *“(F) any other applicable law; and*

5 *“(2) in a manner that—*

6 *“(A) provides that any portion of the land*
7 *withdrawn by section 2981(a) that is located*
8 *outside of the Weapons Danger Zone, as deter-*
9 *mined by the Secretary of the Navy, shall be re-*
10 *linquished to the Secretary of the Interior and*
11 *managed under all applicable public land laws;*

12 *“(B) ensures that the Secretary of the Navy*
13 *avoids target placement and training within—*

14 *“(i) biologically sensitive areas, as*
15 *mapped in the Record of Decision for the*
16 *Fallon Range Training Complex Mod-*
17 *ernization Final Environmental Impact*
18 *Statement dated March 12, 2020; and*

19 *“(ii) to the maximum extent prac-*
20 *ticable, areas that have cultural, religious,*
21 *and archaeological resources of importance*
22 *to affected Indian tribes;*

23 *“(C) ensures that access is provided for spe-*
24 *cial events, administrative, cultural, educational,*

1 *wildlife management, and emergency manage-*
2 *ment purposes; and*

3 *“(D) provides that within the B–17 Range*
4 *the placement of air to ground ordnance targets*
5 *shall be prohibited throughout the entirety of the*
6 *withdrawal in the areas identified as the ‘Monte*
7 *Cristo Range Protection Area’ on the map enti-*
8 *tled ‘Churchill County Proposed Fallon Range*
9 *Training Complex Modernization and Lands*
10 *Bill’ and dated November 30, 2022.*

11 *“(b) MANAGEMENT BY THE SECRETARY OF THE INTE-*
12 *RIOR.—*

13 *“(1) IN GENERAL.—During the duration of the*
14 *withdrawal under section 2981, the Secretary of the*
15 *Interior shall manage the land withdrawn and re-*
16 *served comprising the Dixie Valley Training Area*
17 *and the Shoal Site for the applicable purposes de-*
18 *scribed in section 2981(c) in accordance with—*

19 *“(A) the Federal Land Policy and Manage-*
20 *ment Act of 1976 (43 U.S.C. 1701 et seq.);*

21 *“(B) the Record of Decision for the Fallon*
22 *Range Training Complex Modernization Final*
23 *Environmental Impact Statement dated March*
24 *12, 2020;*

25 *“(C) this subtitle; and*

1 “(D) any other applicable law.

2 “(2) CONSULTATION WITH SECRETARY OF THE
3 NAVY.—Prior to authorizing any use of the land com-
4 prising the Dixie Valley Training Area or Shoal Site
5 withdrawn and reserved by section 2981, the Sec-
6 retary of the Interior shall consult with the Secretary
7 of the Navy. Such consultation shall include—

8 “(A) informing the Secretary of the Navy of
9 the pending authorization request so that the
10 Secretary of the Navy and the Secretary of the
11 Interior may work together to preserve the train-
12 ing environment; and

13 “(B) prior to authorizing any installation
14 or use of mobile or stationary equipment used to
15 transmit and receive radio signals, obtaining
16 permission from the Secretary of the Navy to au-
17 thorize the use of such equipment.

18 “(3) AGREEMENT.—The Secretary of the Navy
19 and the Secretary of the Interior shall enter into an
20 agreement describing the roles and responsibilities of
21 each Secretary with respect to the management and
22 use of the Dixie Valley Training Area and Shoal Site
23 to ensure no closure of an existing county road and
24 no restrictions or curtailment on public access for the
25 duration of the withdrawal while preserving the

1 *training environment and in accordance with this*
2 *subsection.*

3 “(4) *ACCESS.*—*The land comprising the Dixie*
4 *Valley Training Area withdrawn and reserved by sec-*
5 *tion 2981(a)(2) shall remain open for public access*
6 *for the duration of the withdrawal.*

7 “(5) *AUTHORIZED USES.*—*Subject to applicable*
8 *laws and policy, the following uses are permitted in*
9 *the Dixie Valley Training Area for the duration of*
10 *the withdrawal:*

11 “(A) *Livestock grazing.*

12 “(B) *Geothermal exploration and develop-*
13 *ment west of State Route 121, as managed by*
14 *the Bureau of Land Management in coordina-*
15 *tion with the Secretary of the Navy.*

16 “(C) *Exploration and development of sal-*
17 *able minerals or other fluid or leasable minerals,*
18 *as managed by the Bureau of Land Management*
19 *in coordination with the Secretary of the Navy.*

20 “(6) *INFRASTRUCTURE.*—*The Secretary of the*
21 *Navy and the Secretary of the Interior shall allow*
22 *water and utility infrastructure within the Dixie Val-*
23 *ley Training Area withdrawn by section 2981(a)(2)*
24 *as described in sections 2995(a)(4) and 2996.*

1 “(c) *LIMITATION ON USE OF LAND PRIOR TO COMPLE-*
2 *TION OF COMMITMENTS.*—

3 “(1) *IN GENERAL.*—*The Secretary of the Navy*
4 *shall not make operational use of the expanded area*
5 *of the B–16, B–17, or B–20 Ranges, as depicted on*
6 *the map entitled ‘Churchill County Proposed Fallon*
7 *Range Training Complex Modernization and Lands*
8 *Bill’ and dated November 30, 2022, that were not*
9 *subject to previous withdrawals comprising the Fallon*
10 *Range Training Complex which are withdrawn and*
11 *reserved by section 2981 until the Secretary of the*
12 *Navy and the Secretary of the Interior certify in*
13 *writing to the Committee on Armed Services, the*
14 *Committee on Energy and Natural Resources, and the*
15 *Committee on Indian Affairs of the Senate and the*
16 *Committee on Armed Services and the Committee on*
17 *Natural Resources of the House of Representatives on*
18 *the completion of the commitments pertaining to each*
19 *range from the Record of Decision for the Fallon*
20 *Range Training Complex Modernization Final Envi-*
21 *ronmental Impact Statement dated March 12, 2020,*
22 *and the provisions of this subtitle. The Secretary of*
23 *the Navy and the Secretary of the Interior may sub-*
24 *mit certifications for individual ranges to allow oper-*

1 *ational use of a specific range prior to completion of*
2 *commitments related to other ranges.*

3 “(2) *PUBLIC ACCESS.*—*Public access to the exist-*
4 *ing Pole Line Road shall be maintained until comple-*
5 *tion of construction of an alternate route as specified*
6 *by section 2991(a)(2)(B).*

7 “(3) *PAYMENT.*—*Not later than 1 year after the*
8 *date of enactment of this subtitle, subject to the avail-*
9 *ability of appropriations, from amounts appropriated*
10 *to the Secretary of the Navy for operation and main-*
11 *tenance, the Secretary of the Navy shall transfer to*
12 *Churchill County, Nevada, \$20,000,000 for deposit in*
13 *an account designated by Churchill County, Nevada,*
14 *to resolve the loss of public access and multiple use*
15 *within Churchill County, Nevada.*

16 **“SEC. 2983. ORDNANCE LANDING OUTSIDE TARGET AREAS.**

17 *“The Secretary of the Navy, in the administration of*
18 *an Operational Range Clearance program, shall ensure that*
19 *tracked ordnance (bombs, missiles, and rockets) known to*
20 *have landed outside a target area in the B-17 and B-20*
21 *Ranges is removed within 180 days of the event and, to*
22 *the extent practicable, tracked ordnance known to have*
23 *landed within the Monte Cristo Range Protection Area de-*
24 *scribed in section 2982(a)(2)(D) shall be removed within*
25 *45 days of the event. The Secretary of the Navy shall report*

1 *to the Fallon Range Training Complex Intergovernmental*
2 *Executive Committee directed by section 3011(a)(5) of the*
3 *Military Lands Withdrawal Act of 1999 (title XXX of Pub-*
4 *lic Law 106–65; 113 Stat. 885; 134 Stat. 4349) not less*
5 *frequently than annually, instances in which ordnance land*
6 *outside target areas and the status of efforts to clear such*
7 *ordnance.*

8 **“SEC. 2984. RELATIONSHIP TO OTHER RESERVATIONS.**

9 “(a) *B–16 AND B–20 RANGES.—To the extent the*
10 *withdrawal and reservation made by section 2981 for the*
11 *B–16 and B–20 Ranges withdraws land currently with-*
12 *drawn and reserved for use by the Bureau of Reclamation,*
13 *the reservation made by section 2981 shall be the primary*
14 *reservation for public safety management actions only, and*
15 *the existing Bureau of Reclamation reservation shall be the*
16 *primary reservation for all other management actions. The*
17 *Secretary of the Navy shall enter into an agreement with*
18 *the Secretary of the Interior to ensure continued access to*
19 *the B–16 and B–20 Ranges by the Bureau of Reclamation*
20 *to conduct management activities consistent with the pur-*
21 *poses for which the Bureau of Reclamation withdrawal was*
22 *established.*

23 “(b) *SHOAL SITE.—The Secretary of Energy shall re-*
24 *main responsible and liable for the subsurface estate and*
25 *all activities of the Secretary of Energy at the Shoal Site*

1 *withdrawn and reserved by Public Land Order Number*
2 *2771, as amended by Public Land Order Number 2834.*

3 **“SEC. 2985. INTEGRATED NATURAL RESOURCES MANAGE-**
4 **MENT PLAN.**

5 “(a) *PREPARATION REQUIRED.*—

6 “(1) *PREPARATION; DEADLINE.*—*Within 2 years*
7 *after the date of enactment of this subtitle, the Sec-*
8 *retary of the Navy shall update the current integrated*
9 *natural resources management plan for the land with-*
10 *drawn and reserved by section 2981.*

11 “(2) *COORDINATION.*—*The Secretary of the Navy*
12 *shall prepare the integrated natural resources man-*
13 *agement plan in coordination with the Secretary of*
14 *the Interior, the State of Nevada, Churchill County,*
15 *Nevada, other impacted counties in the State of Ne-*
16 *vada, and affected Indian tribes.*

17 “(b) *RESOLUTION OF CONFLICTS.*—

18 “(1) *IN GENERAL.*—*Any disagreement among the*
19 *parties referred to in subsection (a) concerning the*
20 *contents or implementation of the integrated natural*
21 *resources management plan prepared under that sub-*
22 *section or an amendment to the management plan*
23 *shall be resolved by the Secretary of the Navy, the*
24 *Secretary of the Interior, and the State of Nevada,*
25 *acting through—*

1 “(A) *the State Director of the Nevada State*
2 *Office of the Bureau of Land Management;*

3 “(B) *the Commanding Officer of Naval Air*
4 *Station Fallon, Nevada;*

5 “(C) *the State Director of the Nevada De-*
6 *partment of Wildlife;*

7 “(D) *if appropriate, the Regional Director*
8 *of the Pacific Southwest Region of the United*
9 *States Fish and Wildlife Service; and*

10 “(E) *if appropriate, the Regional Director*
11 *of the Western Region of the Bureau of Indian*
12 *Affairs.*

13 “(2) *CONSULTATION.—Prior to the resolution of*
14 *any conflict under paragraph (1), the Secretary of the*
15 *Navy shall consult with the Intergovernmental Execu-*
16 *utive Committee in accordance with section 3011(a)(5)*
17 *of the Military Lands Withdrawal Act of 1999 (title*
18 *XXX of Public Law 106–65; 113 Stat. 885; 134 Stat.*
19 *4349).*

20 “(c) *ELEMENTS OF PLAN.—Subject to subsection (b),*
21 *the integrated natural resources management plan under*
22 *subsection (a)—*

23 “(1) *shall be prepared and implemented in ac-*
24 *cordance with the Sikes Act (16 U.S.C. 670 et seq.);*

25 “(2) *shall include provisions for—*

1 “(A) proper management and protection of
2 the natural resources of the land; and

3 “(B) sustainable use by the public of such
4 resources to the extent consistent with the mili-
5 tary purposes for which the land is withdrawn
6 and reserved;

7 “(3) shall coordinate access with the Nevada De-
8 partment of Wildlife to manage hunting, fishing, and
9 trapping on the land where compatible with the mili-
10 tary mission;

11 “(4) shall provide for livestock grazing and agri-
12 cultural out-leasing on the land, if appropriate—

13 “(A) in accordance with section 2667 of
14 title 10, United States Code; and

15 “(B) at the discretion of the Secretary of the
16 Navy;

17 “(5) shall identify current test and target impact
18 areas and related buffer or safety zones on the land;

19 “(6) shall provide that the Secretary of the
20 Navy—

21 “(A) shall take necessary actions to prevent,
22 suppress, manage, and rehabilitate brush and
23 range fires occurring on land withdrawn or
24 owned within the Fallon Range Training Com-
25 plex and fires resulting from military activities

1 *outside the withdrawn or owned land of the*
2 *Fallon Range Training Complex; and*

3 “(B) notwithstanding section 2465 of title
4 10, United States Code—

5 “(i) may obligate funds appropriated
6 or otherwise available to the Secretary of
7 the Navy to enter into memoranda of under-
8 standing, cooperative agreements, and con-
9 tracts for fire management; and

10 “(ii) shall reimburse the Secretary of
11 the Interior for costs incurred under this
12 paragraph;

13 “(7) shall provide that all gates, fences, and bar-
14 riers constructed after the date of enactment of this
15 subtitle shall be designed and erected, to the max-
16 imum extent practicable and consistent with military
17 security, safety, and sound wildlife management use,
18 to allow for wildlife access;

19 “(8) if determined appropriate by the Secretary
20 of the Navy, the Secretary of the Interior, and the
21 State of Nevada after review of any existing manage-
22 ment plans applicable to the land, shall incorporate
23 the existing management plans;

24 “(9) shall include procedures to ensure that—

1 “(A) the periodic reviews of the integrated
2 natural resources management plan required by
3 the Sikes Act (16 U.S.C. 670 et seq.) are con-
4 ducted jointly by the Secretary of the Navy, the
5 Secretary of the Interior, and the State of Ne-
6 vada; and

7 “(B) affected counties and affected Indian
8 tribes and the public are provided a meaningful
9 opportunity to comment on any substantial revi-
10 sions to the plan that may be proposed pursuant
11 to such a review;

12 “(10) shall provide procedures to amend the inte-
13 grated natural resources management plan as nec-
14 essary;

15 “(11) shall allow access to, and ceremonial use
16 of, Tribal sacred sites to the extent consistent with the
17 military purposes for which the land is withdrawn
18 and reserved by section 2981(a); and

19 “(12) shall provide for timely consultation with
20 affected Indian tribes.

21 **“SEC. 2986. USE OF MINERAL MATERIALS.**

22 “Notwithstanding any other provision of this subtitle
23 or of the Act of July 31, 1947 (commonly known as the
24 Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary
25 of the Navy may use sand, gravel, or similar mineral mate-

1 *rials resources of the type subject to disposition under that*
2 *Act from land withdrawn and reserved by this subtitle if*
3 *use of such resources is required for construction needs on*
4 *the land.*

5 **“SEC. 2987. TRIBAL ACCESS AGREEMENT AND CULTURAL**
6 **RESOURCES SURVEY.**

7 *“(a) TRIBAL ACCESS AGREEMENT.—*

8 *“(1) IN GENERAL.—Not later than 120 days*
9 *after the date of enactment of this subtitle, the Sec-*
10 *retary of the Navy and the Secretary of the Interior*
11 *shall enter into an agreement with each affected In-*
12 *dian tribe for the purpose of establishing continued,*
13 *regular, and timely access to the land withdrawn and*
14 *reserved by section 2981, including all land subject to*
15 *previous withdrawals under section 3011(a) of the*
16 *Military Lands Withdrawal Act of 1999 (title XXX of*
17 *Public Law 106–65; 113 Stat. 885), for cultural, reli-*
18 *gious, gathering and ceremonial uses by affected In-*
19 *dian tribes.*

20 *“(2) ACCESS.—The Secretary of the Navy*
21 *shall—*

22 *“(A) provide access in accordance with the*
23 *agreement entered into under paragraph (1);*
24 *and*

1 “(B) to the extent practicable and consistent
2 with operational, safety, and security needs, seek
3 to minimize notice from the affected Indian tribe
4 and chaperoning requirements for Tribal access.

5 “(3) *RESOLUTION OF CONFLICTS.*—If an affected
6 Indian tribe provides written comments to the Sec-
7 retary of the Navy or the Secretary of the Interior
8 proposing changes or additions to the agreement en-
9 tered into under paragraph (1) and the proposals are
10 not incorporated in the final agreement, the Secretary
11 concerned shall—

12 “(A) respond in writing to the affected In-
13 dian tribe explaining a clear, identifiable ration-
14 ale why the proposed change was not incor-
15 porated; and

16 “(B) share the written responses under sub-
17 paragraph (A) with the Committee on Armed
18 Services of the House of Representatives, the
19 Committee on Natural Resources of the House of
20 Representatives, the Committee on Armed Serv-
21 ices of the Senate, and the Committee on Indian
22 Affairs of the Senate.

23 “(b) *ETHNOGRAPHIC STUDY.*—The Secretary of the
24 Navy, in consultation with the State of Nevada and appro-
25 priate Tribal governments, shall conduct an ethnographic

1 *study of the expanded Fallon Range Training Complex to*
2 *assess the importance of that area to Indian tribes and the*
3 *religious and cultural practices of those Indian tribes.*

4 “(c) *CULTURAL RESOURCES SURVEY.*—

5 “(1) *SURVEY.*—*The Secretary of the Navy, after*
6 *consultation with affected Indian tribes and review of*
7 *data, studies, and reports in the possession of such In-*
8 *dian tribes, shall conduct a cultural resources survey*
9 *of the land withdrawn and reserved by section 2981*
10 *for each of the expanded areas of the B–16, B–17, and*
11 *B–20 Ranges that were not subject to previous sur-*
12 *veys in support of the Record of Decision for the*
13 *Fallon Range Training Complex Modernization Final*
14 *Environmental Impact Statement dated March 12,*
15 *2020, and previous withdrawals comprising the*
16 *Fallon Range Training Complex that includes pedes-*
17 *trian field surveys and the inventory and identifica-*
18 *tion of specific sites containing cultural, religious,*
19 *and archaeological resources of importance to affected*
20 *Indian tribes.*

21 “(2) *RESULTS.*—*Not later than 2 years after the*
22 *date of enactment of this subtitle, the Secretary of the*
23 *Navy shall provide the results of the survey conducted*
24 *under paragraph (1) to affected Indian tribes for re-*

1 *view and comment prior to concluding survey activi-*
2 *ties.*

3 “(3) *INCLUSION IN AGREEMENT.*—*The agreement*
4 *under subsection (a) shall include access to the spe-*
5 *cific sites identified by the survey conducted under*
6 *paragraph (1) by affected Indian tribes, including*
7 *proper disposition or protection of, and any requested*
8 *access to, any identified burial sites, in accordance*
9 *with the Native American Graves Protection and Re-*
10 *patriation Act (25 U.S.C. 3001 et seq.).*

11 “(4) *LIMITATION ON USE OF LAND PRIOR TO*
12 *COMPLETION OF SURVEY.*—*The Secretary of the Navy*
13 *shall not make operational use of the expanded areas*
14 *of the B–16, B–17, and B–20 Ranges that were not*
15 *subject to previous withdrawals comprising the Fallon*
16 *Range Training Complex until the date of completion*
17 *of the survey required by paragraph (1).*

18 “(d) *PARTICIPATION OF AFFECTED INDIAN TRIBES.*—
19 *In conducting an ethnographic study or cultural resources*
20 *survey under subsection (b) or (c), the Secretary of the Navy*
21 *shall coordinate with, and provide for the participation of,*
22 *each applicable affected Indian tribe.*

23 “(e) *AGREEMENT TO MITIGATE ADVERSE EFFECTS.*—
24 *The Secretary of the Navy, the Secretary of the Interior,*
25 *and affected Indian tribes shall enter into an agreement*

1 *consistent with section 306108 of title 54, United States*
2 *Code, that identifies actions to avoid, minimize, or mitigate*
3 *adverse effects to sites identified in subsection (c), including*
4 *adverse effects from noise. Using the results of surveys con-*
5 *ducted under subsection (c), the Navy shall, in coordination*
6 *with affected Indian tribes and to the extent practicable,*
7 *avoid placing targets or other range infrastructure in cul-*
8 *turally sensitive areas. The Navy shall avoid placement of*
9 *targets in known sensitive habitat, cultural, or historic*
10 *areas within the Monte Cristo Mountains.*

11 “(f) *REPORT.*—*Not later than 1 year after the date on*
12 *which each of the agreements required under this section*
13 *have been entered into and the survey and study required*
14 *under this section have been completed, the Secretary of the*
15 *Navy and the Secretary of the Interior shall jointly submit*
16 *to Congress a report describing—*

17 “(1) *the access protocols established by the agree-*
18 *ment under subsection (a);*

19 “(2) *the results of the ethnographic study con-*
20 *ducted under subsection (b);*

21 “(3) *the results of the cultural resources survey*
22 *under subsection (c); and*

23 “(4) *actions to be taken to avoid, minimize, or*
24 *mitigate adverse effects to sites on the land with-*
25 *drawn and reserved by section 2981.*

1 “(g) *PUBLIC AVAILABILITY.*—*Information concerning*
2 *the nature and specific location of a cultural resource shall*
3 *be exempt from disclosure under section 552 of title 5 and*
4 *any other law unless the Secretary of the Navy, in consulta-*
5 *tion with affected Indian tribes, determines that disclosure*
6 *would—*

7 “(1) *further the purposes of this section;*

8 “(2) *not create risk of harm to or theft or de-*
9 *struction of the cultural resource or the site con-*
10 *taining the cultural resource; and*

11 “(3) *be in accordance with other applicable*
12 *laws.*”.

13 **“SEC. 2988. RESOLUTION OF WALKER RIVER PAIUTE TRIBE**
14 **CLAIMS.**

15 “(a) *PAYMENT TO TRIBE.*—*Not later than 1 year after*
16 *the date of enactment of this subtitle and subject to the*
17 *availability of appropriations, the Secretary of the Navy*
18 *shall transfer \$20,000,000 of amounts appropriated to the*
19 *Secretary of the Navy for operation and maintenance to*
20 *an account designated by the Walker River Paiute Tribe*
21 *(referred to in this section as the ‘Tribe’) to resolve the*
22 *claims of the Tribe against the United States for the con-*
23 *tamination, impairment, and loss of use of approximately*
24 *6,000 acres of land that is within the boundaries of the res-*
25 *ervation of the Tribe.*

1 “(b) *LIMITATION ON USE OF LAND PRIOR TO COMPLE-*
2 *TION OF PAYMENT.*—*The Secretary of the Navy shall not*
3 *make operational use of the expanded areas of the B–16,*
4 *B–17, and B–20 Ranges that were not subject to previous*
5 *withdrawals comprising the Fallon Range Training Com-*
6 *plex and that are withdrawn and reserved by section 2981*
7 *until the date on which the amount is transferred under*
8 *subsection (a).*

9 “(c) *ADDITIONAL TRUST LAND.*—

10 “(1) *ENVIRONMENTAL SITE ASSESSMENT.*—*Not*
11 *later than 1 year after the date of enactment of this*
12 *subtitle and prior to taking the land described in*
13 *paragraph (4) into trust for the benefit of the Tribe*
14 *under paragraph (3)(A), the Director of the Bureau*
15 *of Indian Affairs (referred to in this subsection as the*
16 *‘Director’)* shall complete an environmental site as-
17 *essment to determine with respect to the land—*

18 “(A) *the likelihood of the presence of haz-*
19 *ardous substance-related or other environmental*
20 *liability; and*

21 “(B) *if the Director determines the presence*
22 *of hazardous substance-related or other environ-*
23 *mental liability is likely under subparagraph*
24 *(A)—*

1 “(i) *the extent of the contamination*
2 *caused by such hazardous substance or other*
3 *environmental liability; and*

4 “(ii) *whether that liability can be re-*
5 *mediated by the United States.*

6 “(2) *CONTAMINATED LAND.—*

7 “(A) *IN GENERAL.—If the Director deter-*
8 *mines pursuant to the environmental site assess-*
9 *ment completed under paragraph (1) that there*
10 *is a likelihood of the presence of hazardous sub-*
11 *stance-related or other environmental liability on*
12 *the land described in paragraph (4), the Director*
13 *shall consult with the Tribe on whether the land*
14 *is still suitable for transfer into trust for the ben-*
15 *efit of the Tribe.*

16 “(B) *DETERMINATION.—If the Tribe deter-*
17 *mines land identified as contaminated under*
18 *subparagraph (A) is still suitable to take into*
19 *trust for the benefit of the Tribe, the Director,*
20 *notwithstanding any other provision of law,*
21 *shall take the land into trust for the benefit of*
22 *the Tribe in accordance with paragraph (3).*

23 “(3) *LAND TO BE HELD IN TRUST FOR THE*
24 *TRIBE; IDENTIFICATION OF ALTERNATIVE LAND.—*

1 “(A) *IN GENERAL.*—*If the Tribe determines*
2 *pursuant to paragraph (2) that the land de-*
3 *scribed in paragraph (4) should be taken into*
4 *trust for the benefit of the Tribe (including if*
5 *such land is determined to be contaminated),*
6 *subject to valid existing rights, all right, title,*
7 *and interest of the United States in and to the*
8 *land shall be—*

9 “(i) *held in trust by the United States*
10 *for the benefit of the Tribe; and*

11 “(ii) *made part of the existing reserva-*
12 *tion of the Tribe.*

13 “(B) *IDENTIFICATION OF SUITABLE AND*
14 *COMPARABLE ALTERNATIVE LAND.*—*If the Tribe*
15 *determines pursuant to paragraph (2), due to*
16 *discovered environmental issues that the land de-*
17 *scribed in paragraph (4) is not suitable to be*
18 *taken into trust for the benefit of the Tribe, not*
19 *later than 1 year after the date on which the*
20 *Tribe makes that determination, the Director*
21 *and the Tribe shall enter into an agreement to*
22 *identify suitable and comparable alternative*
23 *land in relative distance and located in the same*
24 *county as the land described in paragraph (4) to*

1 *be withdrawn from Federal use and taken into*
2 *trust for the benefit of the Tribe.*

3 “(C) *ENVIRONMENTAL LIABILITY.*—

4 “(i) *IN GENERAL.*—*Notwithstanding*
5 *any other provision of law, the United*
6 *States shall not be liable for any soil, sur-*
7 *face water, groundwater, or other contami-*
8 *nation resulting from the disposal, release,*
9 *or presence of any environmental contami-*
10 *nation on any portion of the land described*
11 *in paragraph (4) that occurred on or before*
12 *the date on which the land was taken into*
13 *trust for the benefit of the Tribe. The United*
14 *States shall not fund or take any action to*
15 *remediate such land after such land has*
16 *been so taken into trust.*

17 “(ii) *ENVIRONMENTAL CONTAMINATION*
18 *DESCRIPTION.*—*An environmental contami-*
19 *nation described in clause (i) includes any*
20 *oil or petroleum products, hazardous sub-*
21 *stances, hazardous materials, hazardous*
22 *waste, pollutants, toxic substances, solid*
23 *waste, or any other environmental contami-*
24 *nation or hazard as defined in any Federal*
25 *law or law of the State of Nevada.*

1 “(4) *LAND DESCRIBED.*—Subject to paragraph
2 (5), the land to be held in trust for the benefit of the
3 Tribe under paragraph (3)(A) is the approximately
4 8,170 acres of Bureau of Land Management and Bu-
5 reau of Reclamation land located in Churchill and
6 Mineral Counties, Nevada, as generally depicted on
7 the map entitled ‘Walker River Paiute Trust Lands’
8 and dated April 19, 2022, and more particularly de-
9 scribed as follows:

10 “(A) *FERNLEY EAST PARCEL.*—The fol-
11 lowing land in Churchill County, Nevada:

12 “(i) All land held by the Bureau of
13 Reclamation in T. 20 N., R. 26 E., sec. 28,
14 Mount Diablo Meridian.

15 “(ii) All land held by the Bureau of
16 Reclamation in T. 20 N., R. 26 E., sec. 36,
17 Mount Diablo Meridian.

18 “(B) *WALKER LAKE PARCEL.*—The fol-
19 lowing land in Mineral County, Nevada:

20 “(i) All land held by the Bureau of
21 Land Management in T. 11 N., R. 29 E.,
22 secs. 35 and 36, Mount Diablo Meridian.

23 “(ii) All land held by the Bureau of
24 Reclamation in T. 10 N., R. 30 E., secs. 4,

1 5, 6, 8, 9, 16, 17, 20, 21, 28, 29, 32, and
2 33, *Mount Diablo Meridian*.

3 “(iii) *All land held by the Bureau of*
4 *Land Management in T. 10.5 N., R. 30 E.,*
5 *secs. 31 and 32, Mount Diablo Meridian.*

6 “(5) *ADMINISTRATION.—*

7 “(A) *SURVEY.—Not later than 180 days*
8 *after the date of enactment of this subtitle, the*
9 *Secretary of the Interior (referred to in this*
10 *paragraph as the ‘Secretary’) shall complete a*
11 *survey to fully describe, and adequately define*
12 *the boundaries of, the land described in para-*
13 *graph (4).*

14 “(B) *LEGAL DESCRIPTION.—*

15 “(i) *IN GENERAL.—Upon completion of*
16 *the survey required under subparagraph*
17 *(A), the Secretary shall publish in the Fed-*
18 *eral Register a legal description of the land*
19 *described in paragraph (4).*

20 “(ii) *TECHNICAL CORRECTIONS.—Be-*
21 *fore the date of publication of the legal de-*
22 *scription under this subparagraph, the Sec-*
23 *retary may correct any technical or clerical*
24 *errors in the legal description as the Sec-*
25 *retary determines appropriate.*

1 “(iii) *EFFECT.*—*Effective beginning on*
 2 *the date of publication of the legal descrip-*
 3 *tion under this subparagraph, the legal de-*
 4 *scription shall be considered to be the offi-*
 5 *cial legal description of the land to be held*
 6 *in trust for the benefit of the Tribe under*
 7 *paragraph (3)(A).*

8 “(6) *USE OF TRUST LAND.*—*The land taken into*
 9 *trust under paragraph (3)(A) shall not be eligible, or*
 10 *considered to have been taken into trust, for class II*
 11 *gaming or class III gaming (as those terms are de-*
 12 *fined in section 4 of the Indian Gaming Regulatory*
 13 *Act (25 U.S.C. 2703)).*

14 “(d) *ELIGIBILITY FOR FEDERAL AND FEDERALLY*
 15 *FUNDED PROGRAMS.*—*Funds paid to the Tribe pursuant*
 16 *to this section, including any interest or investment income*
 17 *earned, may not be treated as income or resources or other-*
 18 *wise used as the basis for denying or reducing the basis*
 19 *for Federal financial assistance or other Federal benefit (in-*
 20 *cluding under the Social Security Act (42 U.S.C. 301 et*
 21 *seq.)) to which the Tribe, a member of the Tribe, or a house-*
 22 *hold would otherwise be entitled.*

23 **“SEC. 2989. LAND TO BE HELD IN TRUST FOR THE FALLON**
 24 **PAIUTE SHOSHONE TRIBE.**

25 “(a) *LAND TO BE HELD IN TRUST.*—

1 “(1) *IN GENERAL.*—Subject to valid existing
2 rights, all right, title, and interest of the United
3 States in and to the land described in paragraph (2)
4 shall be—

5 “(A) held in trust by the United States for
6 the benefit of the Fallon Paiute Shoshone Tribe;
7 and

8 “(B) made part of the reservation of the
9 Fallon Paiute Shoshone Tribe.

10 “(2) *DESCRIPTION OF LAND.*—The land referred
11 to in paragraph (1) is the approximately 10,000
12 acres of land administered by the Bureau of Land
13 Management and the Bureau of Reclamation, as gen-
14 erally depicted as ‘Reservation Expansion Land’ on
15 the map entitled ‘Churchill County Proposed Fallon
16 Range Training Complex Modernization and Lands
17 Bill’ and dated November 30, 2022.

18 “(3) *SURVEY.*—Not later than 180 days after the
19 date of enactment of this subtitle, the Secretary of the
20 Interior shall complete a survey of the boundary lines
21 to establish the boundaries of the land taken into trust
22 under paragraph (1).

23 “(4) *USE OF TRUST LAND.*—The land taken into
24 trust under this section shall not be eligible, or con-
25 sidered to have been taken into trust, for class II gam-

1 *ing or class III gaming (as those terms are defined*
2 *in section 4 of the Indian Gaming Regulatory Act (25*
3 *U.S.C. 2703)).*

4 *“(5) COOPERATIVE AGREEMENT.—On request by*
5 *the Fallon Paiute Shoshone Tribe, the Secretary of the*
6 *Interior shall enter into a cooperative agreement with*
7 *the Fallon Paiute Shoshone Tribe to provide assist-*
8 *ance in the management of the land taken into trust*
9 *under this section for cultural protection and con-*
10 *servation management purposes.*

11 **“SEC. 2990. NUMU NEWE CULTURAL CENTER.**

12 *“(a) IN GENERAL.—Subject to the availability of ap-*
13 *propriations from amounts appropriated to the Secretary*
14 *of the Navy for operation and maintenance, the Secretary*
15 *of the Navy shall provide financial assistance to a cultural*
16 *center established and operated by the Fallon Paiute Sho-*
17 *shone Tribe and located on the Reservation of the Fallon*
18 *Paiute Shoshone Tribe, the purpose of which is to help sus-*
19 *tain Numu Newe knowledge, culture, language, and identity*
20 *associated with aboriginal land and traditional ways of life*
21 *for the Fallon Paiute Shoshone Tribe and other affected In-*
22 *dian tribes (referred to in this section as the ‘Center’).*

23 *“(b) STUDIES AND INVENTORIES.—The Center shall*
24 *integrate information developed in the cultural resources*

1 *inventories and ethnographic studies carried out under sec-*
2 *tion 2987.*

3 “(c) *TRANSFER.*—*Not later than 1 year after the date*
4 *of enactment of this subtitle and subject to the availability*
5 *of appropriations, the Secretary of the Navy shall transfer*
6 *to an account designated by the Fallon Paiute Shoshone*
7 *Tribe—*

8 “(1) *\$10,000,000 for the development and con-*
9 *struction of the Center; and*

10 “(2) *\$10,000,000 to endow operations of the Cen-*
11 *ter.*

12 “(d) *LIMITATION ON USE OF LAND PRIOR TO COMPLE-*
13 *TION OF PAYMENT.*—*The Secretary of the Navy shall not*
14 *make operational use of the expanded areas of the B–16,*
15 *B–17, and B–20 Ranges that were not subject to previous*
16 *withdrawals comprising the Fallon Range Training Com-*
17 *plex and that are withdrawn and reserved by section 2981*
18 *until the date on which the amounts are transferred under*
19 *subsection (c).*

20 “**SEC. 2991. ROAD RECONSTRUCTION AND TREATMENT OF**
21 **EXISTING ROADS AND RIGHTS-OF-WAY.**

22 “(a) *ROAD RECONSTRUCTION.*—*Subject to the avail-*
23 *ability of appropriations, the Secretary of the Navy shall*
24 *be responsible for the timely—*

25 “(1) *reconstruction of—*

1 “(A) *Lone Tree Road leading to the B-16*
2 *Range; and*

3 “(B) *State Highway 361; and*

4 “(2) *relocation of—*

5 “(A) *Sand Canyon and Red Mountain*
6 *Roads, consistent with alternative 2A, as de-*
7 *scribed in the Final FRTC Road Realignment*
8 *Study dated March 14, 2022; and*

9 “(B) *Pole Line Road, consistent with alter-*
10 *native 3B, as described in the Final FRTC Road*
11 *Realignment Study dated March 14, 2022.*

12 “(b) *LIMITATION ON USE OF LAND PRIOR TO COMPLE-*
13 *TION OF REQUIREMENTS.—In accordance with section*
14 *2982(c)(1), the Secretary of the Navy shall not make oper-*
15 *ational use of the expanded areas of the B-16, B-17, and*
16 *B-20 Ranges that were not subject to previous withdrawals*
17 *comprising the Fallon Range Training Complex and that*
18 *are withdrawn and reserved by section 2981 until the date*
19 *on which the Secretary of the Navy determines that each*
20 *of the requirements of subsection (a) have been met.*

21 “(c) *EXISTING ROADS AND RIGHTS-OF-WAY; AC-*
22 *CESS.—*

23 “(1) *IN GENERAL.—The withdrawal and reserva-*
24 *tion of land made by section 2981 shall not be con-*

1 *strued to affect the following roads and associated*
2 *rights-of-way:*

3 *“(A) United States Highways 50 and 95.*

4 *“(B) State Routes 121 and 839.*

5 *“(C) The Churchill County, Nevada, roads*
6 *identified as Simpson Road, East County Road,*
7 *Earthquake Fault Road, and Fairview Peak*
8 *Road.*

9 *“(2) ACCESS.—Any road identified on the map*
10 *described in section 2981(b) as an existing minor*
11 *county road shall be available for managed access*
12 *consistent with the purposes of the withdrawal.*

13 *“(d) NEW RIGHTS-OF-WAY.—The Secretary of the*
14 *Navy, in coordination with the Secretary of the Interior,*
15 *shall be responsible for the timely grant of new rights-of-*
16 *way for Sand Canyon and Red Mountain Road, Pole Line*
17 *Road, and East County Road to the appropriate County.*

18 *“(e) I–11 CORRIDORS.—The Secretary of the Interior*
19 *shall manage the land located within the ‘Churchill County*
20 *Preferred I–11 Corridor’ and ‘NDOT I–11 Corridor’ as de-*
21 *picted on the map entitled ‘Churchill County Proposed*
22 *Fallon Range Training Complex Modernization and Lands*
23 *Bill’ and dated November 30, 2022, in accordance with this*
24 *section.*

1 “(f) *PUBLIC AVAILABILITY OF MAP.*—A copy of the
2 map described in section 2981(b) shall be on file and avail-
3 able for public inspection in the appropriate offices of the
4 Bureau of Land Management.

5 “(g) *WITHDRAWAL OF LAND.*—Subject to any valid
6 rights in existence on the date of enactment of this subtitle,
7 the land located within the corridors depicted as ‘Utility
8 and Infrastructure Corridors’ on the map entitled ‘Church-
9 ill County Proposed Fallon Range Training Complex Mod-
10 ernization and Lands Bill’ and dated November 30, 2022,
11 is withdrawn from—

12 “(1) location and entry under the mining laws;
13 and

14 “(2) disposition under all laws pertaining to
15 mineral and geothermal leasing or mineral materials.

16 “(h) *TERMINATION OF WITHDRAWAL.*—A withdrawal
17 under subsection (g) shall terminate on the date on which—

18 “(1) the Secretary of the Interior, in coordina-
19 tion with Churchill County, Nevada, terminates the
20 withdrawal; or

21 “(2) the applicable corridor or land is patented.

22 “(i) *REVISED STATUTES SECTION 2477 CLAIMS.*—The
23 withdrawal and reservation of land by section 2981 shall
24 not affect the ability of Churchill County, Nevada, to seek
25 adjudication of claims under section 2477 of the Revised

1 *Statutes (43 U.S.C. 932), as in effect prior to being repealed*
2 *by section 706(a) of the Federal Land Policy and Manage-*
3 *ment Act of 1976 (Public Law 94-579; 90 Stat. 2793).*

4 “(j) *TREATMENT OF THE WEST-WIDE ENERGY COR-*
5 *RIDOR.*—

6 “(1) *IN GENERAL.*—*Nothing in section 2981*
7 *shall be construed to restrict the development of high*
8 *voltage electrical power utility lines within the por-*
9 *tion of the designated West-Wide Energy Corridor*
10 *that is located outside of the B-16 Range.*

11 “(2) *TRANSMISSION LINE.*—*The Secretary of the*
12 *Navy shall allow 1 transmission line within that por-*
13 *tion of the designated West-Wide Energy Corridor*
14 *that is located within the B-16 Range nearest the ex-*
15 *isting transmission line adjacent to the western*
16 *boundary of the B-16 Range.*

17 “(3) *FUTURE TRANSMISSION LINE.*—*If the Sec-*
18 *retary of the Navy and the Secretary of the Interior*
19 *determine that additional transmission lines cannot*
20 *be accommodated outside of the B-16 Range, to the*
21 *extent practicable, the Secretary of the Navy shall*
22 *allow the construction of a new transmission line as*
23 *close as practicable to the existing transmission line.*

1 **“SEC. 2992. SAGE GROUSE STUDY.**

2 “(a) *IN GENERAL.*—*The Secretary of the Navy, in con-*
3 *sultation with the Secretary of the Interior and the State*
4 *of Nevada, shall conduct a study to further assess greater*
5 *sage grouse reactions to military overflights within the*
6 *Fallon Range Training Complex.*

7 “(b) *DETERMINATION.*—*If the Secretary of the Navy*
8 *determines under the study under subsection (a) that great-*
9 *er sage grouse in the Fallon Range Training Complex are*
10 *significantly impacted by aircraft overflights, the Secretary*
11 *of the Navy shall implement adaptive management activi-*
12 *ties, in coordination with the State of Nevada and the*
13 *United States Fish and Wildlife Service.*

14 **“SEC. 2993. TREATMENT OF LIVESTOCK GRAZING PERMITS.**

15 “(a) *IN GENERAL.*—*The Secretary of the Navy shall*
16 *notify holders of grazing allotments impacted by the with-*
17 *drawal and reservation of land by section 2981 and, if*
18 *practicable, assist the holders of the grazing allotments in*
19 *obtaining replacement forage.*

20 “(b) *REVISIONS TO ALLOTMENT PLANS.*—*The Sec-*
21 *retary of the Navy shall reimburse the Secretary of the Inte-*
22 *rior for grazing program-related administrative costs rea-*
23 *sonably incurred by the Bureau of Land Management due*
24 *to the withdrawal and reservation of land by section 2981.*

25 “(c) *ALTERNATIVE TO REPLACEMENT FORAGE.*—*If re-*
26 *placement forage cannot be identified under subsection (a),*

1 *the Secretary of the Navy shall make full and complete pay-*
2 *ments to Federal grazing permit holders for all losses suf-*
3 *fered by the permit holders as a result of the withdrawal*
4 *or other use of former Federal grazing land for national*
5 *defense purposes pursuant to the Act of June 28, 1934 (com-*
6 *monly known as the ‘Taylor Grazing Act’) (48 Stat. 1269,*
7 *chapter 865; 43 U.S.C. 315 et seq.).*

8 “(d) NOTIFICATION AND PAYMENT.—The Secretary of
9 *the Navy shall—*

10 “(1) *notify, by certified mail, holders of grazing*
11 *allotments that are terminated; and*

12 “(2) *compensate the holders of grazing allotments*
13 *described in paragraph (1) for authorized permanent*
14 *improvements associated with the allotments.*

15 “(e) PAYMENT.—For purposes of calculating and mak-
16 *ing a payment to a Federal grazing permit holder under*
17 *this section (including the conduct of any appraisals re-*
18 *quired to calculate the amount of the payment)—*

19 “(1) *the Secretary of the Navy shall consider the*
20 *permanent loss of the applicable Federal grazing per-*
21 *mit; and*

22 “(2) *the amount of the payment shall not be lim-*
23 *ited 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 OF**
3 **THE NAVY.**

4 “(a) *TRANSFER REQUIRED.*—Subject to subsection (b),
5 the Secretary of the Navy shall transfer to the Secretary
6 of the Interior, at no cost, administrative jurisdiction of
7 the approximately 86 acres of a noncontiguous parcel of
8 land as depicted on the map entitled ‘Churchill County Pro-
9 posed Fallon Range Training Complex Modernization and
10 Lands Bill’ and dated November 30, 2022, acquired by the
11 Department of the Navy in Churchill County, Nevada, for
12 inclusion in the Sand Mountain Recreation Area.

13 “(b) *CERTIFICATION WITH RESPECT TO ENVIRON-*
14 *MENTAL HAZARDS.*—Prior to transferring land under sub-
15 section (a), the Secretary of the Navy shall certify that the
16 land to be transferred under that subsection is free from
17 environmental hazards.

18 **“SEC. 2995. REDUCTION OF IMPACT OF FALLON RANGE**
19 **TRAINING COMPLEX MODERNIZATION.**

20 “(a) *IN GENERAL.*—Consistent with the Record of De-
21 cision for the Fallon Range Training Complex Moderniza-
22 tion Final Environmental Impact Statement dated March
23 12, 2020, the Secretary of the Navy shall carry out the fol-
24 lowing additional mitigations and other measures not oth-
25 erwise included in other sections of this Act to reduce the
26 impact of the modernization of the Fallon Range Training

1 *Complex by the Secretary of the Navy on the land and local*
2 *community:*

3 “(1) *Develop Memoranda of Agreement or other*
4 *binding protocols, in coordination with agencies, af-*
5 *ected Indian tribes, and other stakeholders, for—*

6 “(A) *management of that portion of Bureau*
7 *of Reclamation infrastructure in the B–16 and*
8 *B–20 Ranges that will be closed to public access*
9 *but will continue to be managed for flood control;*
10 *and*

11 “(B) *access for research, resource manage-*
12 *ment, and other activities within the B–16, B–*
13 *17, B–19, and B–20 Ranges.*

14 “(2) *Establish wildlife-friendly configured four-*
15 *wire fencing, on coordination with the Nevada De-*
16 *partment of Wildlife, to restrict access to the smallest*
17 *possible area necessary to ensure public safety and to*
18 *minimize impacts on wildlife from fencing.*

19 “(3) *Subject to the availability of appropria-*
20 *tions—*

21 “(A) *purchase the impacted portion of the*
22 *Great Basin Transmission Company (formerly*
23 *named the ‘Paiute Pipeline Company’) pipeline*
24 *within the B–17 Range; and*

1 “(B) pay for the relocation of the pipeline
2 acquired under subparagraph (A) to a location
3 south of the B–17 Range.

4 “(4) Accommodate permitting and construction
5 of additional utility and infrastructure projects with-
6 in 3 corridors running parallel to the existing north-
7 south power line in proximity to Nevada Route 121,
8 existing east-west power line north of Highway 50,
9 and the area immediately north of Highway 50 as
10 shown on the map entitled ‘Churchill County Pro-
11 posed Fallon Range Training Complex Modernization
12 and Lands Bill’ and dated November 30, 2022, sub-
13 ject to the requirement that any project authorized
14 under this paragraph shall complete appropriate Fed-
15 eral and State permitting requirements prior to the
16 accommodation under this paragraph.

17 “(5)(A) Notify holders of mining claims im-
18 pacted by the modernization by certified mail.

19 “(B) Make payments to the holders of min-
20 ing claims described in subparagraph (A), sub-
21 ject to the availability of appropriations.

22 “(6) Allow a right-of-way to accommodate I–11
23 (which could also include a transmission line) if a
24 route is chosen by Churchill County, Nevada, or the

1 *State of Nevada that overlaps the northeast corner of*
2 *the withdrawal area for the B-16 Range.*

3 “(7) *Revise the applicable range operations man-*
4 *ual—*

5 “(A) *to include Crescent Valley and Eureka*
6 *as noise-sensitive areas; and*

7 “(B) *to implement a 5-nautical-mile buffer*
8 *around the towns of Crescent Valley and Eureka.*

9 “(8) *Implement a 3-nautical-mile airspace exclu-*
10 *sion zone over the Gabbs, Eureka, and Crescent Valley*
11 *airports.*

12 “(9) *Extend the Visual Flight Rules airspace*
13 *corridor through the newly established Military Oper-*
14 *ations Areas on the east side of the Dixie Valley*
15 *Training Area.*

16 “(10) *Notify affected water rights holders by cer-*
17 *tified mail and, if water rights are adversely affected*
18 *by the modernization and cannot be otherwise miti-*
19 *gated, acquire existing and valid State water rights.*

20 “(11) *Allow Nevada Department of Wildlife ac-*
21 *cess for spring and wildlife guzzler monitoring and*
22 *maintenance.*

23 “(12) *Implement management practices and*
24 *mitigation measures specifically designed to reduce or*

1 *avoid potential impacts on surface water and ground-*
2 *water, such as placing targets outside of washes.*

3 *“(13) Develop and implement a wildland fire*
4 *management plan with the State of Nevada to ensure*
5 *wildland fire prevention, suppression, and restoration*
6 *activities are addressed, as appropriate, for the entire*
7 *expanded range complex.*

8 *“(14) To the maximum extent practicable and if*
9 *compatible with mission training requirements, avoid*
10 *placing targets in biologically sensitive areas identi-*
11 *fied by the Nevada Department of Wildlife.*

12 *“(15) Fund 2 conservation law enforcement offi-*
13 *cer positions at Naval Air Station Fallon.*

14 *“(16) Post signs warning the public of any con-*
15 *tamination, harm, or risk associated with entry into*
16 *the withdrawal land.*

17 *“(17) Enter into an agreement for compensation*
18 *from the Secretary of the Navy to Churchill County,*
19 *Nevada, and the counties of Lyon, Nye, Mineral, and*
20 *Pershing in the State of Nevada to offset any reduc-*
21 *tions made in payments in lieu of taxes.*

22 *“(18) Review, in consultation with affected In-*
23 *dian tribes, and disclose any impacts caused by the*
24 *activities of the Secretary of the Navy at Fox Peak,*
25 *Medicine Rock, and Fairview Mountain.*

1 “(19) *Consult with affected Indian tribes to*
2 *mitigate, to the maximum extent practicable, any im-*
3 *pacts disclosed under paragraph (18).*

4 “(b) *LIMITATION ON USE OF LAND PRIOR TO COMPLE-*
5 *TION OF REQUIREMENTS.—In accordance with section*
6 *2982(c)(1), the Secretary of the Navy shall not make oper-*
7 *ational use of the expanded areas of the B–16, B–17, and*
8 *B–20 Ranges that were not subject to previous withdrawals*
9 *comprising the Fallon Range Training Complex and that*
10 *are withdrawn and reserved by section 2981 until the date*
11 *on which the Secretary of the Navy determines that each*
12 *of the requirements of subsection (a) have been met.*

13 **“SEC. 2996. DIXIE VALLEY WATER PROJECT.**

14 “(a) *CONTINUATION OF PROJECT.—The withdrawal of*
15 *land authorized by section 2981(a)(2) shall not interfere*
16 *with the Churchill County Dixie Valley Water Project.*

17 “(b) *PERMITTING.—On application by Churchill*
18 *County, Nevada, the Secretary of the Navy shall concur*
19 *with the Churchill County Dixie Valley Water Project and,*
20 *in collaboration with the Secretary of the Interior, complete*
21 *any permitting necessary for the Dixie Valley Water*
22 *Project, subject to the public land laws and environmental*
23 *review, including regulations.*

24 “(c) *COMPENSATION.—Subject to the availability of*
25 *appropriations, the Secretary of the Navy shall compensate*

1 *Churchill County, Nevada, for any cost increases for the*
2 *Dixie Valley Water Project that result from any design fea-*
3 *tures required by the Secretary of the Navy to be included*
4 *in the Dixie Valley Water Project.*

5 **“SEC. 2997. EXPANSION OF INTERGOVERNMENTAL EXECU-**
6 **TIVE COMMITTEE ON JOINT USE BY DEPART-**
7 **MENT OF THE NAVY AND DEPARTMENT OF**
8 **THE INTERIOR OF FALLON RANGE TRAINING**
9 **COMPLEX.**

10 *“The Secretary of the Navy and the Secretary of the*
11 *Interior shall expand the membership of the Fallon Range*
12 *Training Complex Intergovernmental Executive Committee*
13 *directed by section 3011(a)(5) of the Military Lands With-*
14 *drawal Act of 1999 (title XXX of Public Law 106–65; 113*
15 *Stat. 885; 134 Stat. 4349) relating to the management of*
16 *the natural and cultural resources of the withdrawal land*
17 *to include representatives of Eureka County, Nevada, the*
18 *Nevada Department of Agriculture, and the Nevada Divi-*
19 *sion of Minerals.*

20 **“SEC. 2998. TRIBAL LIAISON OFFICE.**

21 *“The Secretary of the Navy shall establish and main-*
22 *tain a dedicated Tribal liaison position at Naval Air Sta-*
23 *tion Fallon.*

1 **“SEC. 2999. TERMINATION OF PRIOR WITHDRAWAL.**

2 *“Notwithstanding section 2842 of the William M.*
3 *(Mac) Thornberry National Defense Authorization Act for*
4 *Fiscal Year 2021 (Public Law 116–283) and section 3015*
5 *of the Military Lands Withdrawal Act of 1999 (title XXX*
6 *of Public Law 106–65), the withdrawal and reservation*
7 *under section 3011(a) of that Act is terminated.*

8 **“SEC. 2999A. DURATION OF WITHDRAWAL AND RESERVA-**
9 **TION.**

10 *“The withdrawal and reservation of public land by*
11 *section 2981 shall terminate on November 6, 2047.”.*

12 **SEC. 2902. NUMU NEWE SPECIAL MANAGEMENT AREA.**

13 *(a) DEFINITIONS.—In this section:*

14 *(1) MANAGEMENT PLAN.—The term “manage-*
15 *ment plan” means the management plan for the Spe-*
16 *cial Management Area developed under subsection (d).*

17 *(2) SECRETARY.—The term “Secretary” means*
18 *the Secretary of the Interior.*

19 *(3) SPECIAL MANAGEMENT AREA.—The term*
20 *“Special Management Area” means the Numu Newe*
21 *Special Management Area established by subsection*
22 *(b).*

23 *(b) ESTABLISHMENT.—To protect, conserve, and en-*
24 *hance the unique and nationally important historic, cul-*
25 *tural, archaeological, natural, and educational resources of*
26 *the Numu Newe traditional homeland, subject to valid exist-*

1 *ing rights, there is established in Churchill and Mineral*
2 *Counties, Nevada, the Numu Neve Special Management*
3 *Area, to be administered by the Secretary.*

4 (c) *AREA INCLUDED.—The Special Management Area*
5 *shall consist of the approximately 217,845 acres of public*
6 *land in Churchill and Mineral Counties, Nevada, adminis-*
7 *tered by the Bureau of Land Management, as depicted on*
8 *the map entitled “Churchill County Proposed Fallon Range*
9 *Training Complex Modernization and Lands Bill” and*
10 *dated November 30, 2022.*

11 (d) *MANAGEMENT PLAN.—*

12 (1) *IN GENERAL.—Not later than 2 years after*
13 *the date of enactment of this Act, the Secretary shall*
14 *develop a comprehensive management plan for the*
15 *long-term management of the Special Management*
16 *Area.*

17 (2) *CONSULTATION.—In developing and imple-*
18 *menting the management plan, the Secretary shall*
19 *consult with—*

20 (A) *appropriate Federal, Tribal, State, and*
21 *local governmental entities; and*

22 (B) *interested members of the public.*

23 (3) *REQUIREMENTS.—The management plan*
24 *shall—*

1 (A) describe the appropriate uses of the Spe-
2 cial Management Area;

3 (B) with respect to any land within the
4 Special Management Area that is withdrawn
5 and reserved for military uses, ensure that man-
6 agement of the Special Management Area is con-
7 sistent with the purposes under section
8 2981(c)(2) of the Military Land Withdrawals
9 Act of 2013 (as added by section 2901 of this
10 title) for which the land is withdrawn and re-
11 served;

12 (C) authorize the use of motor vehicles in
13 the Special Management Area, where appro-
14 priate, including providing for the maintenance
15 of existing roads;

16 (D) incorporate any provision of an appli-
17 cable land and resource management plan that
18 the Secretary considers to be appropriate;

19 (E) ensure, to the maximum extent prac-
20 ticable, the protection and preservation of tradi-
21 tional cultural and religious sites within the
22 Special Management Area;

23 (F) to the maximum extent practicable,
24 carefully and fully integrate the traditional and
25 historical knowledge and special expertise of the

1 *Fallon Paiute Shoshone Tribe and other affected*
2 *Indian tribes;*

3 *(G) consistent with subparagraph (D), en-*
4 *sure public access to Federal land within the*
5 *Special Management Area for hunting, fishing,*
6 *and other recreational purposes;*

7 *(H) not affect the allocation, ownership, in-*
8 *terest, or control, as in existence on the date of*
9 *enactment of this Act, of any water, water right,*
10 *or any other valid existing right; and*

11 *(I) be reviewed not less frequently than an-*
12 *nually by the Secretary to ensure the manage-*
13 *ment plan is meeting the requirements of this*
14 *section.*

15 *(e) MILITARY OVERFLIGHTS.—Nothing in this section*
16 *restricts or precludes—*

17 *(1) low-level overflights of military aircraft over*
18 *the Special Management Area, including military*
19 *overflights that can be seen or heard within the Spe-*
20 *cial Management Area;*

21 *(2) flight testing and evaluation; or*

22 *(3) the designation or creation of new units of*
23 *special use airspace, or the establishment of military*
24 *flight training routes, over the Special Management*
25 *Area.*

1 **SEC. 2903. NATIONAL CONSERVATION AREAS.**

2 (a) NUMUNAA NOBE NATIONAL CONSERVATION
3 AREA.—

4 (1) DEFINITIONS.—*In this subsection:*

5 (A) CONSERVATION AREA.—*The term “Con-*
6 *servation Area” means the Numunaa Nobe Na-*
7 *tional Conservation Area established by para-*
8 *graph (2).*

9 (B) MANAGEMENT PLAN.—*The term “man-*
10 *agement plan” means the management plan for*
11 *the Conservation Area developed under para-*
12 *graph (3)(B).*

13 (C) SECRETARY.—*The term “Secretary”*
14 *means the Secretary of the Interior.*

15 (2) ESTABLISHMENT.—

16 (A) IN GENERAL.—*To conserve, protect, and*
17 *enhance for the benefit and enjoyment of present*
18 *and future generations the cultural, archae-*
19 *ological, natural, wilderness, scientific, geologi-*
20 *cal, historical, biological, wildlife, educational,*
21 *recreational, and scenic resources of the Con-*
22 *servation Area, subject to valid existing rights,*
23 *there is established the Numunaa Nobe National*
24 *Conservation Area in the State of Nevada, to be*
25 *administered by the Secretary.*

26 (B) AREA INCLUDED.—

1 (i) *IN GENERAL.*—*The Conservation*
2 *Area shall consist of approximately 160,224*
3 *acres of public land in Churchill County,*
4 *Nevada, as generally depicted on the map*
5 *entitled “Churchill County Proposed Fallon*
6 *Range Training Complex Modernization*
7 *and Lands Bill” and dated November 30,*
8 *2022.*

9 (ii) *AVAILABILITY OF MAP.*—*The map*
10 *described in clause (i) shall be on file and*
11 *available for public inspection in the appro-*
12 *priate offices of the Bureau of Land Man-*
13 *agement.*

14 (3) *MANAGEMENT.*—

15 (A) *IN GENERAL.*—*The Secretary shall ad-*
16 *minister the Conservation Area in a manner*
17 *that conserves, protects, and enhances the re-*
18 *sources of the Conservation Area—*

19 (i) *in accordance with—*

20 (I) *this subsection;*

21 (II) *the Federal Land Policy and*
22 *Management Act of 1976 (43 U.S.C.*
23 *1701 et seq.); and*

24 (III) *any other applicable law;*
25 *and*

1 (ii) as a component of the National
2 Landscape Conservation System.

3 (B) MANAGEMENT PLAN.—

4 (i) IN GENERAL.—Not later than 2
5 years after the date of enactment of this Act,
6 the Secretary shall develop a management
7 plan for the Conservation Area.

8 (ii) CONSULTATION.—In developing the
9 management plan, the Secretary shall con-
10 sult with—

11 (I) appropriate Federal, State,
12 Tribal, and local governmental entities;
13 and

14 (II) members of the public.

15 (iii) REQUIREMENTS.—The manage-
16 ment plan shall—

17 (I) describe the appropriate uses
18 of the Conservation Area;

19 (II) in accordance with para-
20 graph (5), authorize the use of motor
21 vehicles in the Conservation Area,
22 where appropriate, including for the
23 maintenance of existing roads; and

24 (III) incorporate any provision of
25 an applicable land and resource man-

1 *agement plan that the Secretary con-*
2 *siders to be appropriate, to include the*
3 *Search and Rescue Training Coopera-*
4 *tive Agreement between the Bureau of*
5 *Land Management and the Naval*
6 *Strike and Air Warfare Training Cen-*
7 *ter dated July 6, 1998, and the Carson*
8 *City District BLM Administrative*
9 *Guide to Military Activities on and*
10 *Over the Public Lands dated January*
11 *25, 2012.*

12 *(4) USES.—The Secretary shall allow only those*
13 *uses of the Conservation Area that the Secretary de-*
14 *termines would further the purposes of the Conserva-*
15 *tion Area.*

16 *(5) MOTORIZED VEHICLES.—Except as needed*
17 *for administrative purposes, planned military activi-*
18 *ties authorized by paragraph (3)(B)(iii)(III), or to*
19 *respond to an emergency, the use of motorized vehicles*
20 *in the Conservation Area shall be permitted only on*
21 *roads and trails designated for the use of motorized*
22 *vehicles by the management plan.*

23 *(6) WITHDRAWAL.—*

1 (A) *IN GENERAL.*—Subject to valid existing
2 rights, all public land in the Conservation Area
3 is withdrawn from—

4 (i) all forms of entry, appropriation,
5 and disposal under the public land laws;

6 (ii) location, entry, and patent under
7 the mining laws; and

8 (iii) disposition under all laws relat-
9 ing to mineral and geothermal leasing or
10 mineral materials.

11 (B) *ADDITIONAL LAND.*—If the Secretary
12 acquires mineral or other interests in a parcel of
13 land within the Conservation Area after the date
14 of enactment of this Act, the parcel is withdrawn
15 from operation of the laws referred to in sub-
16 paragraph (A) on the date of acquisition of the
17 parcel.

18 (7) *HUNTING, FISHING, AND TRAPPING.*—

19 (A) *IN GENERAL.*—Subject to subparagraph
20 (B), nothing in this subsection affects the juris-
21 diction of the State of Nevada with respect to
22 fish and wildlife, including hunting, fishing, and
23 trapping in the Conservation Area.

24 (B) *LIMITATIONS.*—

1 (i) *REGULATIONS.*—*The Secretary may*
2 *designate by regulation areas in which, and*
3 *establish periods during which, no hunting,*
4 *fishing, or trapping will be permitted in the*
5 *Conservation Area, for reasons of public*
6 *safety, administration, or compliance with*
7 *applicable laws.*

8 (ii) *CONSULTATION REQUIRED.*—*Ex-*
9 *cept in an emergency, the Secretary shall*
10 *consult with the appropriate State agency*
11 *and notify the public before taking any ac-*
12 *tion under clause (i).*

13 (8) *GRAZING.*—*In the case of land included in*
14 *the Conservation Area on which the Secretary per-*
15 *mitted, as of the date of enactment of this Act, live-*
16 *stock grazing, the livestock grazing shall be allowed to*
17 *continue, subject to applicable laws (including regula-*
18 *tions).*

19 (9) *NO BUFFER ZONES.*—

20 (A) *IN GENERAL.*—*Nothing in this sub-*
21 *section creates a protective perimeter or buffer*
22 *zone around the Conservation Area.*

23 (B) *ACTIVITIES OUTSIDE CONSERVATION*
24 *AREA.*—*The fact that an activity or use on land*
25 *outside the Conservation Area can be seen or*

1 *heard within the Conservation Area shall not*
2 *preclude the activity or use outside the boundary*
3 *of the Conservation Area.*

4 (10) *MILITARY OVERFLIGHTS.*—*Nothing in this*
5 *subsection restricts or precludes—*

6 (A) *low-level overflights of military aircraft*
7 *over the Conservation Area, including military*
8 *overflights that can be seen or heard within the*
9 *Conservation Area;*

10 (B) *flight testing and evaluation; or*

11 (C) *the designation or creation of new units*
12 *of special use airspace, or the establishment of*
13 *military flight training routes, over the Con-*
14 *servation Area.*

15 (10) *EFFECT ON WATER RIGHTS.*—*Nothing in*
16 *this subsection constitutes an express or implied res-*
17 *ervation of any water rights with respect to the Con-*
18 *servation Area.*

19 (b) *PISTONE-BLACK MOUNTAIN NATIONAL CONSERVA-*
20 *TION AREA.*—

21 (1) *DEFINITIONS.*—*In this subsection:*

22 (A) *CONSERVATION AREA.*—*The term “Con-*
23 *servation Area” means the Pistone-Black Moun-*
24 *tain National Conservation Area established by*
25 *paragraph (2)(A).*

1 (B) *SECRETARY.*—*The term “Secretary”*
2 *means the Secretary of the Interior.*

3 (C) *TRIBE.*—*The term “Tribe” means the*
4 *Walker River Paiute Tribe.*

5 (2) *ESTABLISHMENT.*—

6 (A) *IN GENERAL.*—*To protect, conserve, and*
7 *enhance the unique and nationally important*
8 *historic, cultural, archaeological, natural, and*
9 *educational resources of the Pistone Site on*
10 *Black Mountain, subject to valid existing rights,*
11 *there is established in Mineral County, Nevada,*
12 *the Pistone-Black Mountain National Conserva-*
13 *tion Area.*

14 (B) *AREA INCLUDED.*—

15 (i) *IN GENERAL.*—*The Conservation*
16 *Area shall consist of the approximately*
17 *3,415 acres of public land in Mineral Coun-*
18 *ty, Nevada, administered by the Bureau of*
19 *Land Management, as depicted on the map*
20 *entitled “Black Mountain/Pistone Archae-*
21 *ological District” and dated May 12, 2020.*

22 (ii) *AVAILABILITY OF MAP.*—*The map*
23 *described in clause (i) shall be on file and*
24 *available for public inspection in the appro-*

1 *priate offices of the Bureau of Land Man-*
2 *agement.*

3 (3) *MANAGEMENT.*—

4 (A) *IN GENERAL.*—*The Secretary shall*
5 *manage the Conservation Area—*

6 (i) *in a manner that conserves, pro-*
7 *pects, and enhances the resources and values*
8 *of the Conservation Area, including the re-*
9 *sources and values described in paragraph*
10 *(2)(A);*

11 (ii) *in accordance with—*

12 (I) *this subsection;*

13 (II) *the Federal Land Policy and*
14 *Management Act of 1976 (43 U.S.C.*
15 *1701 et seq.); and*

16 (III) *any other applicable law;*

17 *and*

18 (iii) *as a component of the National*
19 *Landscape Conservation System.*

20 (B) *USES.*—*The Secretary shall allow only*
21 *those uses of the Conservation Area that the Sec-*
22 *retary determines would further the purposes of*
23 *the Conservation Area.*

1 (C) *TRIBAL CULTURAL RESOURCES.*—*In*
2 *administering the Conservation Area, the Sec-*
3 *retary shall provide for—*

4 (i) *access to and use of cultural re-*
5 *sources by the Tribe at the Conservation*
6 *Area; and*

7 (ii) *the protection from disturbance of*
8 *the cultural resources and burial sites of the*
9 *Tribe located in the Conservation Area.*

10 (D) *COOPERATIVE AGREEMENTS.*—*The Sec-*
11 *retary may, in a manner consistent with this*
12 *subsection, enter into cooperative agreements*
13 *with the State of Nevada, affected Indian tribes,*
14 *and institutions and organizations to carry out*
15 *the purposes of this subsection, subject to the re-*
16 *quirement that the Tribe shall be a party to any*
17 *cooperative agreement entered into under this*
18 *subparagraph.*

19 (4) *MANAGEMENT PLAN.*—

20 (A) *IN GENERAL.*—*Not later than 2 years*
21 *after the date of enactment of this Act, the Sec-*
22 *retary shall develop a management plan for the*
23 *Conservation Area.*

1 (B) *CONSULTATION.*—*In developing the*
2 *management plan required under subparagraph*
3 *(A), the Secretary shall consult with—*

4 (i) *appropriate State, Tribal, and local*
5 *governmental entities; and*

6 (ii) *members of the public.*

7 (C) *REQUIREMENTS.*—*The management*
8 *plan developed under subparagraph (A) shall—*

9 (i) *describe the appropriate uses and*
10 *management of the Conservation Area;*

11 (ii) *incorporate, as appropriate, deci-*
12 *sions contained in any other management*
13 *or activity plan for the land in or adjacent*
14 *to the Conservation Area;*

15 (iii) *take into consideration any infor-*
16 *mation developed in studies of the land and*
17 *resources in or adjacent to the Conservation*
18 *Area; and*

19 (iv) *provide for a cooperative agree-*
20 *ment with the Tribe to address the histor-*
21 *ical, archaeological, and cultural values of*
22 *the Conservation Area.*

23 (5) *WITHDRAWAL.*—

1 (A) *IN GENERAL.*—Subject to valid existing
2 rights, all public land in the Conservation Area
3 is withdrawn from—

4 (i) all forms of entry, appropriation,
5 and disposal under the public land laws;

6 (ii) location, entry, and patent under
7 the mining laws; and

8 (iii) disposition under all laws relat-
9 ing to mineral and geothermal leasing or
10 mineral materials.

11 (B) *ADDITIONAL LAND.*—If the Secretary
12 acquires mineral or other interests in a parcel of
13 land within the Conservation Area after the date
14 of enactment of this Act, the parcel is withdrawn
15 from operation of the laws referred to in sub-
16 paragraph (A) on the date of acquisition of the
17 parcel.

18 (6) *HUNTING, FISHING, AND TRAPPING.*—

19 (A) *IN GENERAL.*—Subject to subparagraph
20 (B), nothing in this subsection affects the juris-
21 diction of the State of Nevada with respect to
22 fish and wildlife, including hunting, fishing, and
23 trapping in the Conservation Area.

24 (B) *LIMITATIONS.*—

1 (i) *REGULATIONS.*—*The Secretary may*
2 *designate by regulation areas in which, and*
3 *establish periods during which, no hunting,*
4 *fishing, or trapping will be permitted in the*
5 *Conservation Area, for reasons of public*
6 *safety, administration, or compliance with*
7 *applicable laws.*

8 (ii) *CONSULTATION REQUIRED.*—*Ex-*
9 *cept in an emergency, the Secretary shall*
10 *consult with the appropriate State agency*
11 *and notify the public before taking any ac-*
12 *tion under clause (i).*

13 (7) *GRAZING.*—*In the case of land included in*
14 *the Conservation Area on which the Secretary per-*
15 *mitted, as of the date of enactment of this Act, live-*
16 *stock grazing, the livestock grazing shall be allowed to*
17 *continue, subject to applicable laws (including regula-*
18 *tions).*

19 (8) *NO BUFFER ZONES.*—

20 (A) *IN GENERAL.*—*Nothing in this sub-*
21 *section creates a protective perimeter or buffer*
22 *zone around the Conservation Area.*

23 (B) *ACTIVITIES OUTSIDE CONSERVATION*
24 *AREA.*—*The fact that an activity or use on land*
25 *outside the Conservation Area can be seen or*

1 *heard within the Conservation Area shall not*
2 *preclude the activity or use outside the boundary*
3 *of the Conservation Area.*

4 (9) *MILITARY OVERFLIGHTS.*—*Nothing in this*
5 *subsection restricts or precludes—*

6 (A) *low-level overflights of military aircraft*
7 *over the Conservation Area, including military*
8 *overflights that can be seen or heard within the*
9 *Conservation Area;*

10 (B) *flight testing and evaluation; or*

11 (C) *the designation or creation of new units*
12 *of special use airspace, or the establishment of*
13 *military flight training routes, over the Con-*
14 *servation Area.*

15 (10) *EFFECT ON WATER RIGHTS.*—*Nothing in*
16 *this subsection constitutes an express or implied res-*
17 *ervation of any water rights with respect to the Con-*
18 *servation Area.*

19 **SEC. 2904. COLLABORATION WITH STATE AND COUNTY.**

20 *It is the sense of Congress that the Secretary of the*
21 *Navy and Secretary of the Interior should collaborate with*
22 *the State of Nevada, Churchill County, Nevada, the city of*
23 *Fallon, Nevada, and affected Indian tribes with the goal*
24 *of preventing catastrophic wildfire and resource damage in*

1 *the land withdrawn or owned within the Fallon Range*
2 *Training Complex.*

3 **SEC. 2905. WILDERNESS AREAS IN CHURCHILL COUNTY, NE-**
4 **VADA.**

5 (a) *DEFINITIONS.—In this section:*

6 (1) *SECRETARY.—The term “Secretary” means*
7 *the Secretary of the Interior.*

8 (2) *WILDERNESS AREA.—The term “wilderness*
9 *area” means a wilderness area designated by sub-*
10 *section (b)(1).*

11 (b) *ADDITIONS TO NATIONAL WILDERNESS PRESERVA-*
12 *TION SYSTEM.—*

13 (1) *ADDITIONS.—In accordance with the Wilder-*
14 *ness Act (16 U.S.C. 1131 et seq.), the following par-*
15 *cels of Federal land in Churchill County, Nevada, are*
16 *designated as wilderness and as components of the*
17 *National Wilderness Preservation System:*

18 (A) *CLAN ALPINE MOUNTAINS WILDER-*
19 *NESS.—Certain Federal land managed by the*
20 *Bureau of Land Management, comprising ap-*
21 *proximately 128,362 acres, as generally depicted*
22 *on the map entitled “Churchill County Proposed*
23 *Fallon Range Training Complex Modernization*
24 *and Lands Bill” and dated November 30, 2022,*

1 *which shall be known as the “Clan Alpine Moun-*
2 *tains Wilderness”.*

3 (B) *DESATOYA MOUNTAINS WILDERNESS.—*
4 *Certain Federal land managed by the Bureau of*
5 *Land Management, comprising approximately*
6 *32,537 acres, as generally depicted on the map*
7 *entitled “Churchill County Proposed Fallon*
8 *Range Training Complex Modernization and*
9 *Lands Bill” and dated November 30, 2022,*
10 *which shall be known as the “Desatoya Moun-*
11 *tains Wilderness”.*

12 (C) *CAIN MOUNTAIN WILDERNESS.—Certain*
13 *Federal land managed by the Bureau of Land*
14 *Management, comprising approximately 7,664*
15 *acres, as generally depicted on the map entitled*
16 *“Churchill County Proposed Fallon Range*
17 *Training Complex Modernization and Lands*
18 *Bill” and dated November 30, 2022, which shall*
19 *be known as the “Cain Mountain Wilderness”.*

20 (2) *BOUNDARY.—The boundary of any portion of*
21 *a wilderness area that is bordered by a road shall be*
22 *at least 150 feet from the edge of the road.*

23 (3) *MAP AND LEGAL DESCRIPTION.—*

24 (A) *IN GENERAL.—As soon as practicable*
25 *after the date of enactment of this Act, the Sec-*

1 *retary shall prepare a map and legal description*
2 *of each wilderness area.*

3 *(B) EFFECT.—Each map and legal descrip-*
4 *tion prepared under subparagraph (A) shall*
5 *have the same force and effect as if included in*
6 *this section, except that the Secretary may cor-*
7 *rect clerical and typographical errors in the map*
8 *or legal description.*

9 *(C) AVAILABILITY.—Each map and legal*
10 *description prepared under subparagraph (A)*
11 *shall be on file and available for public inspec-*
12 *tion in the appropriate offices of the Bureau of*
13 *Land Management.*

14 *(4) WITHDRAWAL.—Subject to valid existing*
15 *rights, each wilderness area is withdrawn from—*

16 *(A) all forms of entry, appropriation, and*
17 *disposal under the public land laws;*

18 *(B) location, entry, and patent under the*
19 *mining laws; and*

20 *(C) operation of the mineral leasing and*
21 *geothermal leasing laws.*

22 *(c) MANAGEMENT.—Subject to valid existing rights,*
23 *each wilderness area shall be administered by the Secretary*
24 *in accordance with the Wilderness Act (16 U.S.C. 1131 et*
25 *seq.), except that—*

1 (1) *any reference in that Act to the effective date*
2 *of that Act shall be considered to be a reference to the*
3 *date of enactment of this Act; and*

4 (2) *any reference in that Act to the Secretary of*
5 *Agriculture shall be considered to be a reference to the*
6 *Secretary of the Interior.*

7 (d) *LIVESTOCK.—The grazing of livestock in a wilder-*
8 *ness area administered by the Bureau of Land Manage-*
9 *ment, if established as of the date of enactment of this Act,*
10 *shall be allowed to continue, subject to such reasonable regu-*
11 *lations, policies, and practices as the Secretary considers*
12 *necessary, in accordance with—*

13 (1) *section 4(d)(4) of the Wilderness Act (16*
14 *U.S.C. 1133(d)(4)); and*

15 (2) *the guidelines set forth in Appendix A of the*
16 *report of the Committee on Interior and Insular Af-*
17 *airs of the House of Representatives accompanying*
18 *H.R. 2570 of the 101st Congress (House Report 101-*
19 *405).*

20 (e) *INCORPORATION OF ACQUIRED LAND AND INTER-*
21 *ESTS.—Any land or interest in land within the boundaries*
22 *of a wilderness area that is acquired by the United States*
23 *after the date of enactment of this Act shall be added to*
24 *and administered as part of the wilderness area within*
25 *which the acquired land or interest is located.*

1 (f) *WATER RIGHTS.*—

2 (1) *FINDINGS.*—Congress finds that—

3 (A) *the wilderness areas—*

4 (i) *are located in the semiarid region*
5 *of the Great Basin region; and*

6 (ii) *include ephemeral and perennial*
7 *streams;*

8 (B) *the hydrology of the wilderness areas is*
9 *predominantly characterized by complex flow*
10 *patterns and alluvial fans with impermanent*
11 *channels;*

12 (C) *the subsurface hydrogeology of the re-*
13 *gion in which the wilderness areas are located is*
14 *characterized by—*

15 (i) *groundwater subject to local and re-*
16 *gional flow gradients; and*

17 (ii) *unconfined and artesian condi-*
18 *tions;*

19 (D) *the wilderness areas are generally not*
20 *suitable for use or development of new water re-*
21 *source facilities; and*

22 (E) *because of the unique nature and hy-*
23 *drology of the desert land in the wilderness*
24 *areas, it is possible to provide for proper man-*
25 *agement and protection of the wilderness areas*

1 *and other values of land in ways different from*
2 *those used in other laws.*

3 (2) *STATUTORY CONSTRUCTION.—Nothing in this*
4 *subsection—*

5 (A) *constitutes an express or implied res-*
6 *ervation by the United States of any water or*
7 *water rights with respect to the wilderness areas;*

8 (B) *affects any water rights in the State of*
9 *Nevada (including any water rights held by the*
10 *United States) in existence on the date of enact-*
11 *ment of this Act;*

12 (C) *establishes a precedent with regard to*
13 *any future wilderness designations;*

14 (D) *affects the interpretation of, or any des-*
15 *ignation made under, any other Act; or*

16 (E) *limits, alters, modifies, or amends any*
17 *interstate compact or equitable apportionment*
18 *decree that apportions water among and between*
19 *the State of Nevada and other States.*

20 (3) *NEVADA WATER LAW.—The Secretary shall*
21 *follow the procedural and substantive requirements of*
22 *Nevada State law in order to obtain and hold any*
23 *water rights not in existence on the date of enactment*
24 *of this Act with respect to the wilderness areas.*

25 (4) *NEW PROJECTS.—*

1 (A) *DEFINITION OF WATER RESOURCE FA-*
2 *CILITY.—*

3 (i) *IN GENERAL.—In this paragraph,*
4 *the term “water resource facility” means ir-*
5 *rigation and pumping facilities, reservoirs,*
6 *water conservation works, aqueducts, ca-*
7 *nals, ditches, pipelines, wells, hydropower*
8 *projects, transmission and other ancillary*
9 *facilities, and other water diversion, stor-*
10 *age, and carriage structures.*

11 (ii) *EXCLUSION.—In this paragraph,*
12 *the term “water resource facility” does not*
13 *include wildlife guzzlers.*

14 (B) *RESTRICTION ON NEW WATER RE-*
15 *SOURCE FACILITIES.—Except as otherwise pro-*
16 *vided in this section, on and after the date of en-*
17 *actment of this Act, neither the President nor*
18 *any other officer, employee, or agent of the*
19 *United States shall fund, assist, authorize, or*
20 *issue a license or permit for the development of*
21 *any new water resource facility within a wilder-*
22 *ness area.*

23 (g) *WILDFIRE, INSECTS, AND DISEASE.—In accord-*
24 *ance with section 4(d)(1) of the Wilderness Act (16 U.S.C.*
25 *1133(d)(1)), the Secretary may take such measures in a wil-*

1 *derness area as are necessary for the control of fire, insects,*
2 *and diseases (including, as the Secretary determines to be*
3 *appropriate, the coordination of the activities with a State*
4 *or local agency).*

5 *(h) DATA COLLECTION.—Subject to such terms and*
6 *conditions as the Secretary may prescribe, nothing in this*
7 *section precludes the installation and maintenance of hy-*
8 *drologic, meteorological, or climatological collection devices*
9 *in a wilderness area, if the Secretary determines that the*
10 *devices and access to the devices are essential to flood warn-*
11 *ing, flood control, or water reservoir operation activities.*

12 *(i) MILITARY OVERFLIGHTS.—Nothing in this section*
13 *restricts or precludes—*

14 *(1) low-level overflights of military aircraft over*
15 *a wilderness area, including military overflights that*
16 *can be seen or heard within a wilderness area;*

17 *(2) flight testing and evaluation; or*

18 *(3) the designation or creation of new units of*
19 *special use airspace, or the establishment of military*
20 *flight training routes, over a wilderness area.*

21 *(j) WILDLIFE MANAGEMENT.—*

22 *(1) IN GENERAL.—In accordance with section*
23 *4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),*
24 *nothing in this chapter affects or diminishes the juris-*
25 *isdiction of the State of Nevada with respect to fish and*

1 *wildlife management, including the regulation of*
2 *hunting, fishing, and trapping, in the wilderness*
3 *areas.*

4 (2) *MANAGEMENT ACTIVITIES.*—*In furtherance of*
5 *the purposes and principles of the Wilderness Act (16*
6 *U.S.C. 1131 et seq.), the Secretary may conduct any*
7 *management activities in the wilderness areas that*
8 *are necessary to maintain or restore fish and wildlife*
9 *populations and the habitats to support the popu-*
10 *lations, if the activities are carried out—*

11 (A) *consistent with relevant wilderness*
12 *management plans; and*

13 (B) *in accordance with—*

14 (i) *the Wilderness Act (16 U.S.C. 1131*
15 *et seq.); and*

16 (ii) *appropriate policies, such as those*
17 *set forth in Appendix B of the report of the*
18 *Committee on Interior and Insular Affairs*
19 *of the House of Representatives accom-*
20 *panying H.R. 2570 of the 101st Congress*
21 *(House Report 101–405), including the oc-*
22 *casional and temporary use of motorized ve-*
23 *hicles, if the use, as determined by the Sec-*
24 *retary, would promote healthy, viable, and*
25 *more naturally distributed wildlife popu-*

1 *lations that would enhance wilderness val-*
2 *ues with the minimal impact necessary to*
3 *reasonably accomplish those tasks.*

4 (3) *EXISTING ACTIVITIES.*—*In accordance with*
5 *section 4(d)(1) of the Wilderness Act (16 U.S.C.*
6 *1133(d)(1)) and in accordance with appropriate poli-*
7 *cies such as those set forth in Appendix B of the Com-*
8 *mittee on Interior and Insular Affairs of the House*
9 *of Representatives accompanying H.R. 2570 of the*
10 *101st Congress (House Report 101–405), the State*
11 *may continue to use aircraft (including helicopters)*
12 *to survey, capture, transplant, monitor, and provide*
13 *water for wildlife populations.*

14 (4) *WILDLIFE WATER DEVELOPMENT*
15 *PROJECTS.*—*Subject to subsection (f), the Secretary*
16 *shall authorize structures and facilities, including ex-*
17 *isting structures and facilities, for wildlife water de-*
18 *velopment projects, including guzzlers, in the wilder-*
19 *ness areas if—*

20 (A) *the structures and facilities would, as*
21 *determined by the Secretary, enhance wilderness*
22 *values by promoting healthy, viable, and more*
23 *naturally distributed wildlife populations; and*

1 (B) *the visual impacts of the structures and*
2 *facilities on the wilderness areas can reasonably*
3 *be minimized.*

4 (5) *HUNTING, FISHING, AND TRAPPING.—*

5 (A) *IN GENERAL.—The Secretary may des-*
6 *ignate areas in which, and establish periods dur-*
7 *ing which, for reasons of public safety, adminis-*
8 *tration, or compliance with applicable laws, no*
9 *hunting, fishing, or trapping will be permitted*
10 *in the wilderness areas.*

11 (B) *CONSULTATION.—Except in emer-*
12 *gencies, the Secretary shall consult with the ap-*
13 *propriate State agency and notify the public be-*
14 *fore taking any action under subparagraph (A).*

15 (6) *COOPERATIVE AGREEMENT.—*

16 (A) *IN GENERAL.—The State of Nevada, in-*
17 *cluding a designee of the State, may conduct*
18 *wildlife management activities in the wilderness*
19 *areas—*

20 (i) *in accordance with the terms and*
21 *conditions specified in the cooperative*
22 *agreement between the Secretary and the*
23 *State entitled “Memorandum of Under-*
24 *standing between the Bureau of Land Man-*
25 *agement and the Nevada Department of*

1 *Wildlife Supplement No. 9*” and signed No-
2 *vember and December 2003, including any*
3 *amendments to the cooperative agreement*
4 *agreed to by the Secretary and the State of*
5 *Nevada; and*

6 *(ii) subject to all applicable laws (in-*
7 *cluding regulations).*

8 *(B) REFERENCES.—For the purposes of this*
9 *subsection, any references to Clark County, Ne-*
10 *vada, in the cooperative agreement described this*
11 *paragraph shall be considered to be a reference*
12 *to Churchill or Lander County, Nevada, as ap-*
13 *plicable.*

14 **SEC. 2906. RELEASE OF WILDERNESS STUDY AREAS.**

15 *(a) FINDING.—Congress finds that, for the purposes of*
16 *section 603(c) of the Federal Land Policy and Management*
17 *Act of 1976 (43 U.S.C. 1782(c)), the public land in Church-*
18 *ill County, Nevada, that is administered by the Bureau of*
19 *Land Management in the following areas has been ade-*
20 *quately studied for wilderness designation:*

21 *(1) The Stillwater Range Wilderness Study*
22 *Area.*

23 *(2) The Job Peak Wilderness Study Area.*

24 *(3) The Clan Alpine Mountains Wilderness*
25 *Study Area.*

1 (4) *That portion of the Augusta Mountains Wil-*
2 *derness Study Area located in Churchill County, Ne-*
3 *vada.*

4 (5) *That portion of the Desatoya Mountains Wil-*
5 *derness Study Area located in Churchill County, Ne-*
6 *vada.*

7 (6) *Any portion of any other wilderness study*
8 *area located in Churchill County, Nevada, that is not*
9 *a wilderness area.*

10 (b) *RELEASE.—The portions of the public land de-*
11 *scribed in subsection (a) not designated as wilderness by*
12 *section 2905(b)—*

13 (1) *are no longer subject to section 603(c) of the*
14 *Federal Land Policy and Management Act of 1976*
15 *(43 U.S.C. 1782(c)); and*

16 (2) *shall be managed in accordance with—*

17 (A) *land management plans adopted under*
18 *section 202 of that Act (43 U.S.C. 1712); and*

19 (B) *existing cooperative conservation agree-*
20 *ments.*

21 **SEC. 2907. LAND CONVEYANCES AND EXCHANGES.**

22 (a) *DEFINITIONS.—In this section:*

23 (1) *CITY.—The term “City” means the city of*
24 *Fallon, Nevada.*

1 (2) *PUBLIC PURPOSE.*—*The term “public pur-*
2 *pose” includes any of the following:*

3 (A) *The construction and operation of a*
4 *new fire station for Churchill County, Nevada.*

5 (B) *The operation or expansion of an exist-*
6 *ing wastewater treatment facility for Churchill*
7 *County, Nevada.*

8 (C) *The operation or expansion of existing*
9 *gravel pits and rock quarries of Churchill Coun-*
10 *ty, Nevada.*

11 (D) *The operation or expansion of an exist-*
12 *ing City landfill.*

13 (b) *PUBLIC PURPOSE CONVEYANCES.*—

14 (1) *IN GENERAL.*—*Notwithstanding section 202*
15 *of the Federal Land Policy and Management Act of*
16 *1976 (43 U.S.C. 1712), the Secretary of the Interior*
17 *shall convey, subject to valid existing rights and para-*
18 *graph (2), for no consideration, all right, title, and*
19 *interest of the United States in approximately 6,892*
20 *acres of Federal land to Churchill County, Nevada,*
21 *and 212 acres of land to the City identified as “Pub-*
22 *lic Purpose Conveyances to Churchill County and*
23 *City of Fallon” on the map entitled “Churchill Coun-*
24 *ty Proposed Fallon Range Training Complex Mod-*

1 *ernization and Lands Bill” and dated November 30,*
2 *2022.*

3 (2) *USE.—Churchill County, Nevada, and the*
4 *City shall use the Federal land conveyed under para-*
5 *graph (1) for public purposes and the construction*
6 *and operation of public recreational facilities.*

7 (3) *REVERSIONARY INTEREST.—If a parcel of*
8 *Federal land conveyed to Churchill County, Nevada,*
9 *under paragraph (1) ceases to be used for public*
10 *recreation or other public purposes consistent with the*
11 *Act of June 14, 1926 (commonly known as the*
12 *“Recreation and Public Purposes Act”; 43 U.S.C. 869*
13 *et seq.), the parcel of Federal land shall, at the discre-*
14 *tion of the Secretary of the Interior, revert to the*
15 *United States.*

16 (4) *GRAVEL PIT AND ROCK QUARRY ACCESS.—*
17 *Churchill County, Nevada, shall provide at no cost to*
18 *the Department of the Interior access to and use of*
19 *any existing gravel pits and rock quarries conveyed*
20 *to Churchill County, Nevada, under this section.*

21 (c) *EXCHANGE.—The Secretary of the Interior shall*
22 *seek to enter into an agreement for an exchange with*
23 *Churchill County, Nevada, for the land identified as*
24 *“Churchill County Conveyance to the Department of Inte-*
25 *rior” in exchange for the land administered by the Sec-*

1 *retary of the Interior identified as “Department of Interior*
2 *Conveyance to Churchill County” on the map entitled*
3 *“Churchill County Proposed Fallon Range Training Com-*
4 *plex Modernization and Lands Bill” and dated November*
5 *30, 2022.*

6 **SEC. 2908. CHECKERBOARD RESOLUTION.**

7 *(a) IN GENERAL.—The Secretary of the Interior, in*
8 *consultation with Churchill County, Nevada, and land-*
9 *owners in Churchill County, Nevada, and after providing*
10 *an opportunity for public comment, shall seek to consolidate*
11 *Federal land and non-Federal land ownership in Churchill*
12 *County, Nevada.*

13 *(b) LAND EXCHANGES.—*

14 *(1) LAND EXCHANGE AUTHORITY.—To the extent*
15 *practicable, the Secretary of the Interior shall offer to*
16 *exchange land identified for exchange under para-*
17 *graph (3) for private land in Churchill County, Ne-*
18 *vada, that is adjacent to Federal land in Churchill*
19 *County, Nevada, if the exchange would consolidate*
20 *land ownership and facilitate improved land manage-*
21 *ment in Churchill County, Nevada, as determined by*
22 *the Secretary of the Interior.*

23 *(2) APPLICABLE LAW.—Except as otherwise pro-*
24 *vided in this section, a land exchange under this sec-*
25 *tion shall be conducted in accordance with—*

1 (A) *section 206 of the Federal Land Policy*
2 *and Management Act of 1976 (43 U.S.C. 1716);*
3 *and*

4 (B) *any other applicable law.*

5 (3) *IDENTIFICATION OF FEDERAL LAND FOR EX-*
6 *CHANGE.—The Secretary of the Interior shall identify*
7 *appropriate Federal land in Churchill County, Ne-*
8 *vada, to offer for exchange from Federal land identi-*
9 *fied as potentially suitable for disposal in an applica-*
10 *ble resource management plan and managed by—*

11 (A) *the Commissioner of Reclamation; or*

12 (B) *the Director of the Bureau of Land*
13 *Management.*

14 (c) *EQUAL VALUE LAND EXCHANGES.—*

15 (1) *IN GENERAL.—Land to be exchanged under*
16 *this section shall be of equal value, based on apprais-*
17 *als prepared in accordance with—*

18 (A) *the Uniform Standards for Professional*
19 *Land Acquisitions; and*

20 (B) *the Uniform Standards of Professional*
21 *Appraisal Practice.*

22 (2) *USE OF MASS APPRAISALS.—*

23 (A) *IN GENERAL.—Subject to subparagraph*
24 *(B), the Secretary of the Interior may use a*
25 *mass appraisal to determine the value of land to*

1 *be exchanged under this section, if the Secretary*
2 *of the Interior determines that the land to be*
3 *subject to the mass appraisal is of similar char-*
4 *acter and value.*

5 *(B) EXCLUSION.—The Secretary of the Inte-*
6 *rior shall exclude from a mass appraisal under*
7 *subparagraph (A) any land, the value of which*
8 *is likely to exceed \$250 per acre, as determined*
9 *by the Secretary of the Interior.*

10 *(C) AVAILABILITY.—The Secretary of the*
11 *Interior shall make the results of a mass ap-*
12 *praisal conducted under subparagraph (A) avail-*
13 *able to the public.*

14 *(d) FUNDING ELIGIBILITY.—Section 4(e)(3)(A) of the*
15 *Southern Nevada Public Land Management Act of 1998*
16 *(Public Law 105–263; 31 U.S.C. 6901 note) is amended—*

17 *(1) in clause (iv) by inserting “Churchill,” after*
18 *“Lincoln,”;*

19 *(2) in clause (x) by striking “Nevada; and” and*
20 *inserting “Nevada;”;*

21 *(3) in clause (xi) by striking “paragraph*
22 *(2)(A).” and inserting “paragraph (2)(A); and”;* and

23 *(4) by adding at the end the following:*

24 *“(xii) reimbursement of costs incurred*
25 *by the Secretary in the identification, im-*

1 *plementation, and consolidation of Federal*
2 *and non-Federal lands in Churchill County*
3 *in accordance with section 2908 of division*
4 *B of the James M. Inhofe National Defense*
5 *Authorization Act for Fiscal Year 2023.”.*

6 ***Subtitle B—Lander County Eco-***
7 ***nomie Development and Con-***
8 ***servation***

9 ***SEC. 2911. DEFINITIONS.***

10 *In this subtitle:*

11 (1) *COUNTY.*—*The term “County” means Lander*
12 *County, Nevada.*

13 (2) *SECRETARY.*—*The term “Secretary” means*
14 *the Secretary of the Interior.*

15 (3) *STATE.*—*The term “State” means the State*
16 *of Nevada.*

17 ***PART I—LANDER COUNTY PUBLIC PURPOSE***

18 ***LAND CONVEYANCES***

19 ***SEC. 2921. DEFINITIONS.***

20 *In this part:*

21 (1) *MAP.*—*The term “Map” means the map enti-*
22 *tled “Lander County Selected Lands” and dated Au-*
23 *gust 4, 2020.*

24 (2) *SECRETARY CONCERNED.*—*The term “Sec-*
25 *retary concerned” means—*

1 (A) *the Secretary, with respect to land*
2 *under the jurisdiction of the Secretary; and*

3 (B) *the Secretary of Agriculture, acting*
4 *through the Chief of the Forest Service, with re-*
5 *spect to National Forest System land.*

6 **SEC. 2922. CONVEYANCES TO LANDER COUNTY, NEVADA.**

7 (a) *CONVEYANCE FOR WATERSHED PROTECTION,*
8 *RECREATION, AND PARKS.—Notwithstanding the land use*
9 *planning requirements of sections 202 and 203 of the Fed-*
10 *eral Land Policy and Management Act of 1976 (43 U.S.C.*
11 *1712, 1713), not later than 60 days after the date on which*
12 *the County identifies and selects the parcels of Federal land*
13 *for conveyance to the County from among the parcels identi-*
14 *fied on the Map as “Lander County Parcels BLM and*
15 *USFS” and dated August 4, 2020, the Secretary concerned*
16 *shall convey to the County, subject to valid existing rights*
17 *and for no consideration, all right, title, and interest of the*
18 *United States in and to the identified parcels of Federal*
19 *land (including mineral rights) for use by the County for*
20 *watershed protection, recreation, and parks.*

21 (b) *CONVEYANCE FOR AIRPORT FACILITY.—*

22 (1) *IN GENERAL.—Notwithstanding the land use*
23 *planning requirements of sections 202 and 203 of the*
24 *Federal Land Policy and Management Act of 1976*
25 *(43 U.S.C. 1712, 1713), the Secretary concerned shall*

1 convey to the County, subject to valid existing rights,
2 including mineral rights, all right, title, and interest
3 of the United States in and to the parcels of Federal
4 land identified on the Map as “Kingston Airport” for
5 the purpose of improving the relevant airport facility
6 and related infrastructure.

7 (2) *COSTS.*—The only costs for the conveyance to
8 be paid by the County under paragraph (1) shall be
9 the survey costs relating to the conveyance.

10 (c) *SURVEY.*—The exact acreage and legal description
11 of any parcel of Federal land to be conveyed under sub-
12 section (a) or (b) shall be determined by a survey satisfac-
13 tory to the Secretary concerned and the County.

14 (d) *REVERSIONARY INTEREST.*—If a parcel of Federal
15 land conveyed to the County under subsections (a) or (b)
16 ceases to be used for public recreation or other public pur-
17 poses consistent with the Act of June 14, 1926 (commonly
18 known as the “Recreation and Public Purposes Act”; 43
19 U.S.C. 869 et seq.), the parcel of Federal land shall, at the
20 discretion of the Secretary of the Interior, revert to the
21 United States.

22 (e) *MAP, ACREAGE ESTIMATES, AND LEGAL DESCRIP-*
23 *TIONS.*—

24 (1) *MINOR ERRORS.*—The Secretary concerned
25 and the County may, by mutual agreement—

1 (A) *make minor boundary adjustments to*
2 *the parcels of Federal land to be conveyed under*
3 *subsection (a) or (b); and*

4 (B) *correct any minor errors in—*

5 (i) *the Map; or*

6 (ii) *an acreage estimate or legal de-*
7 *scription of any parcel of Federal land con-*
8 *veyed under subsection (a) or (b).*

9 (2) *CONFLICT.—If there is a conflict between the*
10 *Map, an acreage estimate, or a legal description of*
11 *Federal land conveyed under subsection (a) or (b), the*
12 *Map shall control unless the Secretary concerned and*
13 *the County mutually agree otherwise.*

14 (3) *AVAILABILITY.—The Secretary shall make the*
15 *Map available for public inspection in—*

16 (A) *the Office of the Nevada State Director*
17 *of the Bureau of Land Management; and*

18 (B) *the Bureau of Land Management Battle*
19 *Mountain Field Office.*

20 **PART II—LANDER COUNTY WILDERNESS AREAS**

21 **SEC. 2931. DEFINITIONS.**

22 *In this part:*

23 (1) *MAP.—The term “Map” means the map enti-*
24 *tled “Lander County Wilderness Areas Proposal” and*
25 *dated April 19, 2021.*

1 (2) *WILDERNESS AREA.*—*The term “wilderness*
2 *area” means a wilderness area designated by section*
3 *2932(a).*

4 **SEC. 2932. DESIGNATION OF WILDERNESS AREAS.**

5 (a) *IN GENERAL.*—*In accordance with the Wilderness*
6 *Act (16 U.S.C. 1131 et seq.), the following land in the State*
7 *of Nevada is designated as wilderness and as components*
8 *of the National Wilderness Preservation System:*

9 (1) *CAIN MOUNTAIN WILDERNESS.*—*Certain Fed-*
10 *eral land managed by the Director of the Bureau of*
11 *Land Management, comprising approximately 6,386*
12 *acres, generally depicted as “Cain Mountain Wilder-*
13 *ness” on the Map, which shall be part of the Cain*
14 *Mountain Wilderness designated by section 2905(b) of*
15 *this title.*

16 (2) *DESATOYA MOUNTAINS WILDERNESS.*—*Cer-*
17 *tain Federal land managed by the Director of the Bu-*
18 *reau of Land Management, comprising approximately*
19 *7,766 acres, generally depicted as “Desatoya Moun-*
20 *tains Wilderness” on the Map, which shall be part of*
21 *the Desatoya Mountains Wilderness designated by sec-*
22 *tion 2905(b) of this title.*

23 (b) *MAP AND LEGAL DESCRIPTION.*—

24 (1) *IN GENERAL.*—*As soon as practicable after*
25 *the date of enactment of this Act, the Secretary shall*

1 *file with, and make available for inspection in, the*
2 *appropriate offices of the Bureau of Land Manage-*
3 *ment, a map and legal description of each wilderness*
4 *area.*

5 (2) *EFFECT.*—*Each map and legal description*
6 *filed under paragraph (1) shall have the same force*
7 *and effect as if included in this chapter, except that*
8 *the Secretary may correct clerical and typographical*
9 *errors in the map or legal description.*

10 (c) *ADMINISTRATION OF WILDERNESS AREAS.*—*The*
11 *wilderness areas designated in subsection (a) shall be ad-*
12 *ministered in accordance with the Wilderness Act (16*
13 *U.S.C. 1131 et seq.) and the wilderness management provi-*
14 *sions in section 2905 of this title.*

15 **SEC. 2933. RELEASE OF WILDERNESS STUDY AREAS.**

16 (a) *FINDING.*—*Congress finds that, for the purposes of*
17 *section 603(c) of the Federal Land Policy and Management*
18 *Act of 1976 (43 U.S.C. 1782(c)), the following public land*
19 *in the County has been adequately studied for wilderness*
20 *designation:*

21 (1) *The approximately 10,777 acres of the Au-*
22 *gusta Mountain Wilderness Study Area within the*
23 *County that has not been designated as wilderness by*
24 *section 2902(a) of this title.*

1 (2) *The approximately 1,088 acres of the*
 2 *Desatoya Wilderness Study Area within the County*
 3 *that has not been designated as wilderness by section*
 4 *2902(a) of this title.*

5 (b) *RELEASE.—The public land described in sub-*
 6 *section (a)—*

7 (1) *is no longer subject to section 603(c) of the*
 8 *Federal Land Policy and Management Act of 1976*
 9 *(43 U.S.C. 1782(c)); and*

10 (2) *shall be managed in accordance with the ap-*
 11 *plicable land use plans adopted under section 202 of*
 12 *the Federal Land Policy and Management Act of*
 13 *1976 (43 U.S.C. 1712).*

14 ***DIVISION C—DEPARTMENT OF***
 15 ***ENERGY NATIONAL SECURITY***
 16 ***AUTHORIZATIONS AND***
 17 ***OTHER AUTHORIZATIONS***
 18 ***TITLE XXXI—DEPARTMENT OF***
 19 ***ENERGY NATIONAL SECURITY***
 20 ***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 require-
ments 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 are*
 6 *hereby authorized to be appropriated to the Department of*
 7 *Energy for fiscal year 2023 for the activities of the National*
 8 *Nuclear Security Administration in carrying out programs*
 9 *as specified in the funding table in section 4701.*

10 *(b) AUTHORIZATION OF NEW PLANT PROJECTS.—*
 11 *From funds referred to in subsection (a) that are available*
 12 *for carrying out plant projects, the Secretary of Energy*

1 *may carry out new plant projects for the National Nuclear*
2 *Security Administration as follows:*

3 *Project 23–D–516, Energetic Materials Charac-*
4 *terization Facility, Los Alamos National Laboratory,*
5 *Los Alamos, New Mexico, \$19,000,000.*

6 *Project 23–D–517, Electrical Power Capacity*
7 *Upgrade, Los Alamos National Laboratory, Los Ala-*
8 *mos, New Mexico, \$24,000,000.*

9 *Project 23–D–518, Plutonium Modernization*
10 *Operations & Waste Management Office Building,*
11 *Los Alamos National Laboratory, Los Alamos, New*
12 *Mexico, \$48,500,000.*

13 *Project 23–D–519, Special Materials Facility,*
14 *Y–12 National Security Complex, Oak Ridge, Ten-*
15 *nessee, \$49,500,000.*

16 *Project 23–D–533, Component Test Complex*
17 *Project, Bettis Atomic Power Laboratory, West Miff-*
18 *lin, Pennsylvania, \$57,420,000.*

19 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

20 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
21 *hereby authorized to be appropriated to the Department of*
22 *Energy for fiscal year 2023 for defense environmental*
23 *cleanup activities in carrying out programs as specified in*
24 *the funding table in section 4701.*

1 **(b) AUTHORIZATION OF NEW PLANT PROJECTS.**—
2 *From funds referred to in subsection (a) that are available*
3 *for carrying out plant projects, the Secretary of Energy*
4 *may carry out, for defense environmental cleanup activities,*
5 *the following new plant projects:*

6 *Project 23–D–402, Calcine Construction, Idaho*
7 *National Laboratory, Idaho Falls, Idaho,*
8 *\$10,000,000.*

9 *Project 23–D–403, Hanford 200 West Area Tank*
10 *Farms Risk Management Project, Office of River Pro-*
11 *tection, Richland, Washington, \$4,408,000.*

12 *Project 23–D–404, 181D Export Water System*
13 *Reconfiguration and Upgrade, Hanford Site, Rich-*
14 *land, Washington, \$6,770,000.*

15 *Project 23–D–405, 181B Export Water System*
16 *Reconfiguration and Upgrade, Hanford Site, Rich-*
17 *land, Washington, \$480,000.*

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 *Funds are hereby authorized to be appropriated to the*
20 *Department of Energy for fiscal year 2023 for other defense*
21 *activities in carrying out programs as specified in the fund-*
22 *ing table in section 4701.*

1 **SEC. 3104. NUCLEAR ENERGY.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Energy for fiscal year 2023 for nuclear en-*
4 *ergy as specified in the funding table in section 4701.*

5 **Subtitle B—Program Authoriza-**
6 **tions, Restrictions, and Limita-**
7 **tions**

8 **SEC. 3111. REQUIREMENTS FOR SPECIFIC REQUEST FOR**
9 **NEW OR MODIFIED NUCLEAR WEAPONS.**

10 *Section 4209 of the Atomic Energy Defense Act (50*
11 *U.S.C. 2529) is amended—*

12 *(1) in subsection (a)—*

13 *(A) in paragraph (1), by inserting “beyond*
14 *phase 1 or phase 6.1 (as the case may be) of the*
15 *nuclear weapon acquisition process” after*
16 *“modified nuclear weapon”; and*

17 *(B) in paragraph (2), by striking “research*
18 *and development which could lead to the produc-*
19 *tion” both places it appears and inserting “re-*
20 *search and development for the production”;*

21 *(2) by striking subsection (b) and inserting the*
22 *following new subsection:*

23 *“(b) BUDGET REQUEST FORMAT.—In a request for*
24 *funds under subsection (a), the Secretary shall include a*
25 *dedicated line item for each activity described in subsection*
26 *(a)(2) for a new nuclear weapon or modified nuclear weap-*

1 *on that is in phase 2 or higher or phase 6.2 or higher (as*
2 *the case may be) of the nuclear weapon acquisition proc-*
3 *ess.”; and*

4 *(3) by striking subsection (c) and inserting the*
5 *following new subsection:*

6 *“(c) NOTIFICATION AND BRIEFING OF NONCOVERED*
7 *ACTIVITIES.—In any fiscal year after fiscal year 2022, the*
8 *Secretary of Energy, acting through the Administrator, in*
9 *conjunction with the annual submission of the budget of the*
10 *President to Congress pursuant to section 1105 of title 31,*
11 *United States Code, shall notify the congressional defense*
12 *committees of—*

13 *“(1) any activities described in subsection (a)(2)*
14 *relating to the development of a new nuclear weapon*
15 *or modified nuclear weapon that, during the calendar*
16 *year prior to the budget submission, were carried out*
17 *prior to phase 2 or phase 6.2 (as the case may be)*
18 *of the nuclear weapon acquisition process; and*

19 *“(2) any plans to carry out, prior to phase 2 or*
20 *phase 6.2 (as the case may be) of the nuclear weapon*
21 *acquisition process, activities described in subsection*
22 *(a)(2) relating to the development of a new nuclear*
23 *weapon or modified nuclear weapon during the fiscal*
24 *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 sec-
12 *tion is amended—*

13 (1) *in paragraph (3), by inserting “through*
14 *2070” after “unencumbered uranium”;*

15 (2) *by redesignating paragraphs (4) through (8)*
16 *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 de-*
22 *fense requirements.”; and*

23 (4) *by striking paragraphs (8) and (9), as so re-*
24 *designated, 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 es-
6 timated cost and timeline for each option and a
7 description of any changes to policy or law that
8 the Secretary determines would be required for
9 each option.

10 “(9) An assessment of how options to provide ad-
11 ditional enriched uranium to meet national security
12 requirements could, as an additional benefit, con-
13 tribute to the establishment of a sustained domestic
14 enrichment capacity and allow the commercial sector
15 of the United States to reduce reliance on importing
16 uranium from adversary countries.”.

17 (c) *COMPTROLLER GENERAL REVIEW*.—Such section
18 is further amended—

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

21 (2) by inserting after subsection (c) the following
22 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 Rep-*
3 *resentatives and the Senate a briefing that includes an as-*
4 *essment 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 of*
14 *the enactment of the National Defense Authorization*
15 *Act for Fiscal Year 2023 and ending on November 30,*
16 *2025, the Administrator may calculate the amount*
17 *specified in subparagraph (A) based on fiscal year*
18 *2022 constant dollars if the Administrator—*

19 *“(i) submits to the congressional defense*
20 *committees a report on the method used by the*
21 *Administrator to calculate the adjustment;*

22 *“(ii) a period of 30 days elapses following*
23 *the date of such submission; and*

24 *“(iii) publishes the adjusted amount in the*
25 *Federal Register.*

1 “(C) *Beginning on December 1, 2025, the term*
2 ‘*minor construction threshold*’ means—

3 “(i) \$30,000,000; or

4 “(ii) *if the Administrator calculated a dif-*
5 *ferent amount pursuant to subparagraph (B),*
6 *the last such calculated amount as published in*
7 *the Federal Register under clause (iii) of such*
8 *subparagraph.*”.

9 (b) *REPORTS.*—*Section 4703(b) of such Act (50 U.S.C.*
10 *2743) is amended by adding at the end the following: “The*
11 *report shall include with respect to each project the fol-*
12 *lowing:”*

13 “(1) *The estimated original total project cost and*
14 *the estimated original date of completion.*

15 “(2) *The percentage of the project that is com-*
16 *plete.*

17 “(3) *The current estimated total project cost and*
18 *estimated date of completion.*”.

19 **SEC. 3114. UPDATE TO PLAN FOR DEACTIVATION AND DE-**
20 **COMMISSIONING OF NONOPERATIONAL DE-**
21 **FENSE NUCLEAR FACILITIES.**

22 *Section 4423 of the Atomic Energy Defense Act (50*
23 *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 that*
10 *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 of*
14 *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 inserting*
20 *the following new paragraph:*

21 *“(4) a description of the deactivation and decom-*
22 *missioning actions taken at each nonoperational de-*
23 *fense nuclear facility during the period following the*
24 *date on which the previous report required by this*
25 *section was submitted.”; and*

1 (4) *in subsection (e), by striking “2026” and in-*
2 *serting “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 “(in-*
9 *cluding through the use of alternative technologies)”*
10 *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, that*
15 *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 Energy*
20 *Defense Act (50 U.S.C. 2792) is amended by adding at the*
21 *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 of*
25 *general and administrative overhead for the laboratory.”.*

1 (b) *REPEAL OF PILOT PROGRAM.*—Section 3119 of the
2 *National Defense Authorization Act for Fiscal Year 2017*
3 *(Public Law 114–328; 50 U.S.C. 2791 note)* is repealed.

4 **SEC. 3117. WORKFORCE ENHANCEMENT FOR NATIONAL NU-**
5 **CLEAR SECURITY ADMINISTRATION.**

6 (a) *ELIMINATION OF CAP ON FULL-TIME EQUIVALENT*
7 *EMPLOYEES OF THE NATIONAL NUCLEAR SECURITY AD-*
8 *MINISTRATION.*—Section 3241A of the *National Nuclear Se-*
9 *curity Administration Act (50 U.S.C. 2441a)* is amended—

10 (1) *by striking subsections (a) and (c);*

11 (2) *by redesignating subsections (d), (e), and (f)*
12 *as subsections (a), (b), and (c), respectively; and*

13 (3) *by redesignating the first subsection (b) as*
14 *subsection (d) and moving the subsection so as to ap-*
15 *pear after subsection (c), as redesignated by para-*
16 *graph (2).*

17 (b) *ANNUAL BRIEFING.*—Subsection (c) of such section,
18 *as so redesignated, is amended to read as follows:*

19 “(c) *ANNUAL BRIEFING.*—*In conjunction with the sub-*
20 *mission of the budget of the President to Congress pursuant*
21 *to section 1105 of title 31, United States Code, the Adminis-*
22 *trator shall provide to the congressional defense committees*
23 *a briefing containing the following information:*

24 “(1) *A projection of the expected number of em-*
25 *ployees of the Office of the Administrator, as counted*

1 *under subsection (d), for the fiscal year covered by the*
2 *budget and the four subsequent fiscal years, broken*
3 *down by the office in which the employees are pro-*
4 *jected to be assigned.*

5 *“(2) With respect to the most recent fiscal year*
6 *for which data is available—*

7 *“(A) the number of service support contracts*
8 *of the Administration and whether such con-*
9 *tracts are funded using program or program di-*
10 *rection funds;*

11 *“(B) the number of full-time equivalent con-*
12 *tractor employees working under each contract*
13 *identified under subparagraph (A);*

14 *“(C) the number of full-time equivalent con-*
15 *tractor employees described in subparagraph (B)*
16 *that have been employed under such a contract*
17 *for a period greater than two years;*

18 *“(D) with respect to each contract identified*
19 *under subparagraph (A)—*

20 *“(i) identification of each appropria-*
21 *tions account that supports the contract;*
22 *and*

23 *“(ii) the amount obligated under the*
24 *contract during the fiscal year, listed by*
25 *each such account; and*

1 “(E) with respect to each appropriations
2 account identified under subparagraph (D)(i),
3 the total amount obligated for contracts identi-
4 fied under subparagraph (A).”.

5 (c) *CONFORMING AMENDMENT.*—Subsection (d) of such
6 section, as redesignated by subsection (a), is amended by
7 striking “under subsection (a)” each place it appears and
8 inserting “under subsection (c)”.

9 **SEC. 3118. MODIFICATION OF COST BASELINES FOR CER-**
10 **TAIN PROJECTS.**

11 Section 4713(a) of the Atomic Energy Defense Act (50
12 U.S.C. 2753(a)) is amended—

13 (1) in paragraph (2)(D), by striking
14 “\$750,000,000” and inserting “\$800,000,000”;

15 (2) in paragraph (3)(A)(i), by striking
16 “\$50,000,000” and inserting “\$65,000,000”; and

17 (3) in paragraph (4)(A)(i), by striking
18 “\$50,000,000” and inserting “\$65,000,000”.

19 **SEC. 3119. PURCHASE OF REAL PROPERTY OPTIONS.**

20 Subtitle E of the National Nuclear Security Adminis-
21 tration Act (50 U.S.C. 2461 et seq.) is amended by adding
22 at the end the following new section (and conforming the
23 table of contents at the beginning of such Act accordingly):

1 **“SEC. 3265. USE OF FUNDS FOR THE PURCHASE OF OP-**
2 **TIONS TO PURCHASE REAL PROPERTY.**

3 “(a) *AUTHORITY.*—Subject to the limitation in sub-
4 section (b), funds authorized to be appropriated for the Ad-
5 ministration for the purchase of real property may be ex-
6 pended to purchase options for the purchase of real prop-
7 erty.

8 “(b) *LIMITATION ON PRICE OF OPTIONS.*—The price
9 of any option purchased pursuant to subsection (a) may
10 not exceed the minor construction threshold (as defined in
11 section 4701 of the Atomic Energy Defense Act (50 U.S.C.
12 2741)).

13 “(c) *NOTICE.*—Not later than 14 days after the date
14 an option is purchased pursuant to subsection (a), the Ad-
15 ministrator shall submit to the congressional defense com-
16 mittees—

17 “(1) a notification of such purchase; and

18 “(2) a summary of the rationale for such pur-
19 chase.”.

20 **SEC. 3120. PROHIBITION ON AVAILABILITY OF FUNDS TO**
21 **RECONVERT OR RETIRE W76-2 WARHEADS.**

22 (a) *PROHIBITION.*—Except as provided in subsection
23 (b), none of the funds authorized to be appropriated by this
24 Act or otherwise made available for fiscal year 2023 for the
25 National Nuclear Security Administration may be obli-
26 gated or expended to reconvert or retire a W76-2 warhead.

1 (b) *WAIVER.—The Administrator for Nuclear Security*
2 *may waive the prohibition in subsection (a) if the Adminis-*
3 *trator, in consultation with the Secretary of Defense and*
4 *the Chairman of the Joint Chiefs of Staff, certifies in writ-*
5 *ing to the congressional defense committees—*

6 (1) *that Russia and China do not possess naval*
7 *capabilities similar to the W76–2 warhead in the ac-*
8 *tive stockpiles of the respective country; and*

9 (2) *that the Department of Defense does not have*
10 *a valid military requirement for the W76–2 warhead.*

11 **SEC. 3121. ACCELERATION OF DEPLETED URANIUM MANU-**
12 **FACTURING PROCESSES.**

13 (a) *ACCELERATION OF MANUFACTURING.—The Ad-*
14 *ministrator for Nuclear Security shall require the nuclear*
15 *security enterprise to accelerate the modernization of manu-*
16 *facturing processes for depleted uranium by 2030 so that*
17 *the nuclear security enterprise—*

18 (1) *demonstrates bulk cold hearth melting of de-*
19 *pleted uranium alloys to augment existing capabili-*
20 *ties on an operational basis for war reserve compo-*
21 *nents;*

22 (2) *manufactures, on a repeatable and ongoing*
23 *basis, war reserve depleted uranium alloy components*
24 *using net shape casting;*

1 (3) *demonstrates, if possible, a production facil-*
2 *ity to conduct routine operations for manufacturing*
3 *depleted uranium alloy components outside of the cur-*
4 *rent perimeter security fencing of the Y-12 National*
5 *Security Complex, Oak Ridge, Tennessee; and*

6 (4) *has available high purity depleted uranium*
7 *for the production of war reserve components.*

8 (b) *ANNUAL BRIEFING.*—*Not later than March 31,*
9 *2023, and annually thereafter through 2030, the Adminis-*
10 *trator shall provide to the congressional defense committees*
11 *a briefing on—*

12 (1) *progress made in carrying out subsection (a);*

13 (2) *the cost of activities conducted under such*
14 *subsection during the preceding fiscal year; and*

15 (3) *the ability of the nuclear security enterprise*
16 *to convert depleted uranium fluoride hexafluoride to*
17 *depleted uranium tetrafluoride.*

18 (c) *NUCLEAR SECURITY ENTERPRISE DEFINED.*—*In*
19 *this section, the term “nuclear security enterprise” has the*
20 *meaning given that term in section 4002 of the Atomic En-*
21 *ergy Defense Act (50 U.S.C. 2501).*

1 **SEC. 3122. ASSISTANCE BY THE NATIONAL NUCLEAR SECU-**
2 **RITY ADMINISTRATION TO THE AIR FORCE**
3 **FOR THE DEVELOPMENT OF THE MARK 21A**
4 **FUSE.**

5 (a) *IN GENERAL.*—Not later than 90 days after the
6 date of the enactment of this Act, the Administrator for Nu-
7 clear Security shall enter into an agreement with the Sec-
8 retary of the Air Force under which the Administrator shall
9 support the Air Force by reviewing and validating the de-
10 velopment and sustainment of a fuse for the Mark 21A re-
11 entry vehicle to support the W87-1 warhead over the pro-
12 jected lifetime of the warhead, including by—

13 (1) *acting as an external reviewer of the Mark*
14 *21A fuse, including by reviewing—*

15 (A) *the design of the fuse;*

16 (B) *the quality of manufacturing and parts;*

17 *and*

18 (C) *the life availability of components;*

19 (2) *advising and supporting the Air Force on*
20 *strategies to mitigate technical and schedule fuse*
21 *risks; and*

22 (3) *otherwise ensuring the expertise of the Na-*
23 *tional Nuclear Security Administration in fuse and*
24 *warhead design and manufacturing is available to*
25 *support successful development and sustainment of the*
26 *fuse over its lifetime.*

1 **(b) BUDGET REQUEST.**—*The Administrator shall in-*
2 *clude, in the budget justification materials submitted to*
3 *Congress in support of the budget of the Department of En-*
4 *ergy for fiscal year 2024 (as submitted with the budget of*
5 *the President under section 1105(a) of title 31, United*
6 *States Code), a request for amounts sufficient to ensure that*
7 *the assistance provided to the Air Force under the agree-*
8 *ment under subsection (a) does not negatively affect ongoing*
9 *nuclear modernization programs of the Administration.*

10 **(c) NUCLEAR WEAPONS COUNCIL REVIEW.**—*During*
11 *the life of the agreement under subsection (a), the Nuclear*
12 *Weapons Council established under section 179 of title 10,*
13 *United States Code, shall review the agreement as part of*
14 *the annual review by the Council of the budget of the Na-*
15 *tional Nuclear Security Administration and ensure that as-*
16 *sistance provided under such agreement aligns with ongoing*
17 *programs of record between the Department of Defense and*
18 *the National Nuclear Security Administration.*

19 **(d) TRANSMITTAL OF AGREEMENT.**—*Not later than*
20 *120 days after the date of the enactment of this Act, the*
21 *Nuclear Weapons Council shall transmit to the congres-*
22 *sional defense committees the agreement under subsection*
23 *(a) and any comments that the Council considers appro-*
24 *priate.*

1 **SEC. 3123. DETERMINATION OF STANDARDIZED INDIRECT**
2 **COST ELEMENTS.**

3 (a) *IN GENERAL.*—Not later than March 31, 2025, the
4 Deputy Chief Financial Officer of the Department of En-
5 ergy shall, in consultation with the Administrator for Nu-
6 clear Security and the Director of the Office of Science, de-
7 termine standardized indirect cost elements to be reported
8 by contractors to the Administrator.

9 (b) *REPORT.*—Not later than 90 days after the date
10 that the determination required by subsection (a) is made,
11 the Deputy Chief Financial Officer shall, in coordination
12 with the Administrator and the Director, submit to the con-
13 gressional defense committees a report describing the stand-
14 ardized indirect cost elements determined under subsection
15 (a) and a plan to require contractors to report, beginning
16 in fiscal year 2026, such standardized indirect cost elements
17 to the Administrator.

18 (c) *STANDARDIZED INDIRECT COST ELEMENTS DE-*
19 *FINED.*—In this section, the term “standardized indirect
20 cost elements” means the categories of indirect costs in-
21 curred by management and operating contractors that re-
22 ceive funds to perform work for the National Nuclear Secu-
23 rity Administration.

1 **SEC. 3124. CERTIFICATION OF COMPLETION OF MILE-**
2 **STONES WITH RESPECT TO PLUTONIUM PIT**
3 **AGING.**

4 (a) *REQUIREMENT.*—*The Administrator for Nuclear*
5 *Security shall complete the milestones on plutonium pit*
6 *aging identified in the report entitled “Research Program*
7 *Plan for Plutonium and Pit Aging”, published by the Na-*
8 *tional Nuclear Security Administration in September 2021.*

9 (b) *ASSESSMENTS.*—*The Administrator shall—*

10 (1) *acting through the Defense Programs Advi-*
11 *sory Committee, conduct biennial reviews during the*
12 *period beginning not later than one year after the*
13 *date of the enactment of this Act and ending Decem-*
14 *ber 31, 2030, regarding the progress achieved toward*
15 *completing the milestones described in subsection (a);*
16 *and*

17 (2) *seek to enter into an arrangement with the*
18 *private scientific advisory group known as JASON to*
19 *conduct, not later than 2030, an assessment of pluto-*
20 *nium pit aging.*

21 (c) *BRIEFINGS.*—*During the period beginning not*
22 *later than one year after the date of the enactment of this*
23 *Act and ending December 31, 2030, the Administrator shall*
24 *provide to the congressional defense committees biennial*
25 *briefings on—*

1 (1) *the progress achieved toward completing the*
2 *milestones described in subsection (a); and*

3 (2) *the results of the assessments described in*
4 *subsection (b).*

5 (d) *CERTIFICATION OF COMPLETION OF MILE-*
6 *STONES.—Not later than October 1, 2031, the Adminis-*
7 *trator shall—*

8 (1) *certify to the congressional defense commit-*
9 *tees whether the milestones described in subsection (a)*
10 *have been achieved; and*

11 (2) *if the milestones have not been achieved, sub-*
12 *mit to such committees a report—*

13 (A) *describing the reasons such milestones*
14 *have not been achieved;*

15 (B) *including, if the Administrator deter-*
16 *mines the Administration will not be able to*
17 *meet one of such milestones, an explanation for*
18 *that determination; and*

19 (C) *specifying new dates for the completion*
20 *of the milestones the Administrator anticipates*
21 *the Administration will meet.*

1 **SEC. 3125. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
2 **TION FACILITY ADVANCED MANUFACTURING**
3 **DEVELOPMENT.**

4 (a) *IN GENERAL.*—Of the funds authorized to be ap-
5 propriated by this Act for fiscal year 2023 for the National
6 Nuclear Security Administration for nuclear weapons pro-
7 duction facilities, the Administrator for Nuclear Security
8 may authorize an amount, not to exceed 5 percent of such
9 funds, to be used by the director of each such facility to
10 engage in research, development, and demonstration activi-
11 ties in order to maintain and enhance the engineering and
12 manufacturing capabilities at such facility.

13 (b) *NUCLEAR WEAPONS PRODUCTION FACILITY DE-*
14 *FINED.*—In this section, the term “nuclear weapons produc-
15 tion facility” has the meaning given that term in section
16 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

17 **SEC. 3126. AUTHORIZATION OF WORKFORCE DEVELOPMENT**
18 **AND TRAINING PARTNERSHIP PROGRAMS**
19 **WITHIN NATIONAL NUCLEAR SECURITY AD-**
20 **MINISTRATION.**

21 (a) *AUTHORITY.*—The Administrator for Nuclear Se-
22 curity may authorize management and operating contrac-
23 tors at covered facilities to develop and implement workforce
24 development and training partnership programs to further
25 the education and training of employees or prospective em-
26 ployees of such management and operating contractors to

1 *meet the requirements of section 4219 of the Atomic Energy*
2 *Defense Act (50 U.S.C. 2538a).*

3 (b) *CAPACITY.*—*To carry out subsection (a), a man-*
4 *agement and operating contractor at a covered facility may*
5 *provide funding through grants or other means to cover the*
6 *costs of the development and implementation of a workforce*
7 *development and training partnership program authorized*
8 *under such subsection, including costs relating to cur-*
9 *riculum development, hiring of teachers, procurement of*
10 *equipment and machinery, use of facilities or other prop-*
11 *erties, and provision of scholarships and fellowships.*

12 (c) *DEFINITIONS.*—*In this section:*

13 (1) *The term “covered facility” means—*

14 (A) *Los Alamos National Laboratory, Los*
15 *Alamos, New Mexico; or*

16 (B) *the Savannah River Site, Aiken, South*
17 *Carolina.*

18 (2) *The term “prospective employee” means an*
19 *individual who has applied (or who, based on their*
20 *field of study and experience, is likely to apply) for*
21 *a position of employment with a management and*
22 *operating contractor to support plutonium pit pro-*
23 *duction at a covered facility.*

1 ***Subtitle C—Reports and Other***
2 ***Matters***

3 **SEC. 3131. MODIFICATION TO CERTAIN REPORTING RE-**
4 **QUIREMENTS.**

5 (a) *REPORTS ON NUCLEAR WARHEAD ACQUISITION*
6 *PROCESS.*—*Section 4223 of the Atomic Energy Defense Act*
7 *(50 U.S.C. 2538e) is amended—*

8 (1) *in subsection (a)(2)(A), by striking “submit*
9 *to the congressional defense committees a plan” and*
10 *inserting “provide to the congressional defense com-*
11 *mittees a briefing on a plan”; and*

12 (2) *in subsection (b)—*

13 (A) *in paragraph (1), by striking “certify*
14 *to the congressional defense committees that” and*
15 *inserting “provide to the congressional defense*
16 *committees a briefing that includes certifications*
17 *that—”; and*

18 (B) *in paragraph (2)—*

19 (i) *by inserting “, or provide to such*
20 *committees a briefing on,” after “a report*
21 *containing”; and*

22 (ii) *by inserting “or briefing, as the*
23 *case may be” after “date of the report”.*

24 (b) *REPORTS ON TRANSFERS OF CIVIL NUCLEAR*
25 *TECHNOLOGY.*—*Section 3136 of the National Defense Au-*

1 *thorization Act for Fiscal Year 2016 (42 U.S.C. 2077a) is*
2 *amended—*

3 (1) *by redesignating subsection (i) as subsection*
4 *(j); and*

5 (2) *by inserting after subsection (h) the following*
6 *new subsection:*

7 “(i) *COMBINATION OF REPORTS.—The Secretary of*
8 *Energy may submit the annual reports required by sub-*
9 *sections (a), (d), and (e) as a single annual report, includ-*
10 *ing by providing portions of the information so required*
11 *as an annex to the single annual report.”.*

12 (c) *CONFORMING AMENDMENT.—Section 161 n. of the*
13 *Atomic Energy Act of 1954 (50 U.S.C. 2201(n)) is amended*
14 *by striking “section 3136(i) of the National Defense Author-*
15 *ization Act for Fiscal Year 2016 (42 U.S.C. 2077a(i))” and*
16 *inserting “section 3136 of the National Defense Authoriza-*
17 *tion Act for Fiscal Year 2016 (42 U.S.C. 2077a))”.*

18 **SEC. 3132. REPEAL OF OBSOLETE PROVISIONS OF THE**
19 **ATOMIC ENERGY DEFENSE ACT AND OTHER**
20 **PROVISIONS.**

21 (a) *REPEAL OF PROVISIONS OF THE ATOMIC ENERGY*
22 *DEFENSE ACT.—*

23 (1) *IN GENERAL.—The Atomic Energy Defense*
24 *Act (50 U.S.C. 2501 et seq.) is amended—*

25 (A) *in title XLII—*

1 (i) in subtitle A, by striking section
2 4215; and

3 (ii) in subtitle B, by striking section
4 4235; and

5 (B) in title XLIV—

6 (i) in subtitle A, by striking section
7 4403;

8 (ii) in subtitle C, by striking sections
9 4444, 4445, and 4446; and

10 (iii) in subtitle D, by striking section
11 4454.

12 (2) *CLERICAL AMENDMENT.*—*The table of con-*
13 *tents for the Atomic Energy Defense Act is amended*
14 *by striking the items relating to sections 4215, 4235,*
15 *4403, 4444, 4445, 4446, and 4454.*

16 (b) *REPEAL OF OTHER PROVISIONS.*—

17 (1) *AUTHORITY TO USE INTERNATIONAL NU-*
18 *CLEAR MATERIALS PROTECTION AND COOPERATION*
19 *PROGRAM FUNDS OUTSIDE THE FORMER SOVIET*
20 *UNION.*—*Section 3124 of the National Defense Au-*
21 *thorization Act for Fiscal Year 2004 (50 U.S.C. 2568)*
22 *is repealed.*

23 (2) *SILK ROAD INITIATIVE; NUCLEAR NON-*
24 *PROLIFERATION FELLOWSHIPS.*—*Sections 3133 and*
25 *3134 of the Ronald W. Reagan National Defense Au-*

1 *thorization Act for Fiscal Year 2005 (50 U.S.C. 2570,*
 2 *2571) are repealed.*

3 (3) *REQUIREMENT FOR RESEARCH AND DEVEL-*
 4 *OPMENT PLAN AND REPORT WITH RESPECT TO NU-*
 5 *CLEAR FORENSICS CAPABILITIES.*—*Section 3114 of*
 6 *the Duncan Hunter National Defense Authorization*
 7 *Act for Fiscal Year 2009 (50 U.S.C. 2574) is re-*
 8 *pealed.*

9 **TITLE XXXII—DEFENSE NU-**
 10 **CLEAR FACILITIES SAFETY**
 11 **BOARD**

Sec. 3201. Authorization.

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

12 **SEC. 3201. AUTHORIZATION.**

13 *There are authorized to be appropriated for fiscal year*
 14 *2023, \$41,401,400 for the operation of the Defense Nuclear*
 15 *Facilities Safety Board under chapter 21 of the Atomic En-*
 16 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

17 **SECTION 3202. CONTINUATION OF FUNCTIONS AND POW-**
 18 **ERS DURING LOSS OF QUORUM.**

19 *Section 311(e) of the Atomic Energy Act of 1954 (42*
 20 *U.S.C. 2286(e)) is amended—*

21 (1) *by striking “Three members” and inserting*
 22 *“(1) Three members”; and*

23 (2) *by adding at the end the following new para-*
 24 *graphs:*

1 “(2) *In accordance with paragraph (4), during a cov-*
2 *ered period, the Chairperson, in consultation with an eligi-*
3 *ble member, may carry out the functions and powers of the*
4 *Board under sections 312 through 316, notwithstanding*
5 *that a quorum does not exist.*

6 “(3) *Not later than 30 days after a covered period be-*
7 *gins, the Chairperson shall notify the congressional defense*
8 *committees that a quorum does not exist.*

9 “(4) *The Chairperson may make recommendations to*
10 *the Secretary of Energy and initiate investigations into de-*
11 *fense nuclear facilities under section 312 pursuant to para-*
12 *graph (2) only if—*

13 “(A) *a period of 30 days elapses following the*
14 *date on which the Chairperson submits the notifica-*
15 *tion required under paragraph (3);*

16 “(B) *not later than 30 days after making any*
17 *such recommendation or initiating any such inves-*
18 *tigation, the Chairperson notifies the congressional*
19 *defense committees of such recommendation or inves-*
20 *tigation; and*

21 “(C) *any eligible member concurs with such rec-*
22 *ommendation or investigation.*

23 “(5) *In this subsection:*

1 “(A) *The term ‘congressional defense committees’*
2 *has the meaning given such term in section 101(a) of*
3 *title 10, United States Code.*

4 “(B) *The term ‘covered period’ means a period*
5 *beginning on the date on which a quorum specified in*
6 *paragraph (1) does not exist by reason of either or*
7 *both a vacancy in the membership of the Board or the*
8 *incapacity of a member of the Board and ending on*
9 *the earlier of—*

10 “(i) *the date that is one year after such be-*
11 *ginning date; or*

12 “(ii) *the date on which a quorum exists.*

13 “(C) *The term ‘eligible member’ means a member*
14 *of the Board, other than the Chairperson, serving dur-*
15 *ing a covered period and who is not incapacitated.”.*

16 ***TITLE XXXIV—NAVAL***
17 ***PETROLEUM RESERVES***

Sec. 3401. Authorization of appropriations.

18 ***SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.***

19 (a) *AMOUNT.—There are hereby authorized to be ap-*
20 *propriated to the Secretary of Energy \$13,004,000 for fiscal*
21 *year 2023 for the purpose of carrying out activities under*
22 *chapter 869 of title 10, United States Code, relating to the*
23 *naval petroleum reserves.*

1 (b) *PERIOD OF AVAILABILITY.*—*Funds appropriated*
 2 *pursuant to the authorization of appropriations in sub-*
 3 *section (a) shall remain available until expended.*

4 ***TITLE XXXV—MARITIME***
 5 ***ADMINISTRATION***

Subtitle A—Maritime Administration

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

Sec. 3502. Secretary of Transportation responsibility with respect to cargoes pro-
cured, 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 sea-
ports.

Sec. 3525. GAO review of Government efforts to promote growth and moderniza-
tion 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:*

10 *(1) For expenses necessary to support the United*
 11 *States Merchant Marine Academy, \$112,848,000, of*
 12 *which—*

13 *(A) \$87,848,000 shall be for Academy oper-*
 14 *ations;*

15 *(B) \$22,000,000 shall be for facilities main-*
 16 *tenance and repair and equipment; and*

17 *(C) \$3,000,000 shall be for training, staff-*
 18 *ing, retention, recruiting, and contract manage-*
 19 *ment for United States Merchant Marine Acad-*
 20 *emy capital improvement projects.*

1 (2) *For expenses necessary to support the State*
2 *maritime academies, \$53,780,000, of which—*

3 (A) *\$2,400,000 shall be for the Student In-*
4 *centive Program;*

5 (B) *\$6,000,000 shall be for direct payments*
6 *for State maritime academies;*

7 (C) *\$6,800,000 shall be for training ship*
8 *fuel assistance;*

9 (D) *\$8,080,000 shall be for offsetting the*
10 *costs of training ship sharing; and*

11 (E) *\$30,500,000 shall be for maintenance*
12 *and repair of State maritime academy training*
13 *vessels.*

14 (3) *For expenses necessary to support the Na-*
15 *tional Security Multi-Mission Vessel Program, includ-*
16 *ing funds for construction and necessary expenses to*
17 *construct shoreside infrastructure to support such ves-*
18 *sels, \$75,000,000.*

19 (4) *For expenses necessary to support Maritime*
20 *Administration operations and programs,*
21 *\$131,433,000, of which—*

22 (A) *\$15,000,000 shall be for the Maritime*
23 *Environmental and Technical Assistance pro-*
24 *gram authorized under section 50307 of title 46,*
25 *United States Code;*

1 (B) \$30,000,000 shall be for shall be for the
2 *Maritime Centers of Excellence, including to*
3 *make grants authorized under Section 51706 of*
4 *title 46, United States Code;*

5 (C) \$15,000,000 shall be for the *Marine*
6 *Highways Program, including to make grants as*
7 *authorized under section 55601 of title 46,*
8 *United States Code;*

9 (D) \$67,433,000 shall be for headquarters
10 *operations expenses;*

11 (E) \$2,000,000 shall be for expenses nec-
12 *essary to provide for sealift contested environ-*
13 *ment evaluation;*

14 (F) \$800,000 shall be for expenses necessary
15 *to provide for National Defense Reserve Fleet re-*
16 *siliency; and*

17 (G) \$1,200,000 shall be for expenses nec-
18 *essary to provide for a comprehensive evaluation*
19 *to assess the requirements for the training ship*
20 *State of Michigan.*

21 (5) *For expenses necessary for the disposal of ob-*
22 *solete vessels in the National Defense Reserve Fleet of*
23 *the Maritime Administration, \$6,000,000.*

24 (6) *For expenses necessary to maintain and pre-*
25 *serve a United States flag merchant marine to serve*

1 *the national security needs of the United States under*
2 *chapter 531 of title 46, United States Code,*
3 *\$318,000,000.*

4 *(7) For expenses necessary for the loan guarantee*
5 *program authorized under chapter 537 of title 46,*
6 *United States Code, \$33,000,000, of which—*

7 *(A) \$30,000,000 may be for the cost (as de-*
8 *fin ed in section 502(5) of the Federal Credit Re-*
9 *form Act of 1990 (2 U.S.C. 661a(5))) of loan*
10 *guarantees under the program; and*

11 *(B) \$3,000,000 may be used for administra-*
12 *tive expenses relating to loan guarantee commit-*
13 *ments under the program.*

14 *(8) For expenses necessary to provide assistance*
15 *to small shipyards and for maritime training pro-*
16 *grams authorized under section 54101 of title 46,*
17 *United States Code, \$30,000,000.*

18 *(9) For expenses necessary to implement the Port*
19 *Infrastructure Development Program, as authorized*
20 *under section 54301 of title 46, United States Code,*
21 *\$750,000,000, to remain available until expended, ex-*
22 *cept that no such funds authorized under this title for*
23 *this program may be used to provide a grant to pur-*
24 *chase fully automated cargo handling equipment that*
25 *is remotely operated or remotely monitored with or*

1 *without the exercise of human intervention or control,*
2 *if the Secretary of Transportation determines such*
3 *equipment would result in a net loss of jobs within*
4 *a port or port terminal. If such a determination is*
5 *made, the data and analysis for such determination*
6 *shall be reported to the Committee on Commerce,*
7 *Science, and Transportation of the Senate and the*
8 *Committee on Transportation and Infrastructure of*
9 *the House of Representatives not later than 3 days*
10 *after the date of the determination.*

11 *(b) TANKER SECURITY PROGRAM.—*

12 *(1) FUNDING.—Section 53411 of title 46, United*
13 *States Code, is amended by striking “through 2035”*
14 *and inserting “and 2023, and \$120,000,000 for fiscal*
15 *years 2024 through 2035”.*

16 *(2) INCREASE IN NUMBER OF VESSELS.—Section*
17 *53403(c) of title 46, United States Code, is amend-*
18 *ed—*

19 *(A) by striking “For any fiscal year, the*
20 *Secretary” and inserting “The Secretary”;*

21 *(B) by striking “more than 10 vessels” and*
22 *inserting “more than—”; and*

23 *(C) by adding at the end the following new*
24 *paragraphs:*

1 “(1) for each of fiscal years 2022 and 2023, 10
2 vessels; and

3 “(2) for any subsequent fiscal year, 20 vessels.”.

4 (c) *REPORT*.—Not later than June 30, 2023, the Mari-
5 time Administrator shall prepare and submit to the Com-
6 mittees on Armed Services of the House of Representatives
7 and of the Senate, to the Committee on Transportation and
8 Infrastructure of the House of Representatives, and to the
9 Committee on Commerce, Science, and Transformation of
10 the Senate a report that includes the following:

11 (1) *An assessment of industry capacity to sup-
12 port an expansion of the Tanker Security Program
13 pursuant to section 53411 of title 46, United States
14 Code, as amended by subsection (b)(1), and section
15 53403(c) of title 46, United States Code, as amended
16 by subsection (b)(2).*

17 (2) *An implementation timeline for entering 10-
18 vessels into the Tanker Security Program not later
19 than September 30, 2023, including all vessel conver-
20 sion requirements, and crew training requirements.*

21 (3) *An implementation timeline for entering 20-
22 vessels into the Tanker Security Program not later
23 than September 30, 2024, including all vessel conver-
24 sion requirements, and crew training requirements.*

1 (4) *An assessment of whether the \$6,000,000 per-*
2 *vessel stipend meets requirements to attract and sus-*
3 *tain the full 20-vessel requirement for the Tanker Se-*
4 *curity Program.*

5 (5) *An assessment of the need for additional au-*
6 *thorities to offset the costs associated with converting*
7 *vessels into CONSOL-capable vessels, and to offset the*
8 *costs associated with training the crews to operate*
9 *such vessels.*

10 (6) *Other matters the Administrator deems ap-*
11 *propriate.*

12 **SEC. 3502. SECRETARY OF TRANSPORTATION RESPONSI-**
13 **BILITY WITH RESPECT TO CARGOES PRO-**
14 **CURED, FURNISHED, OR FINANCED BY OTHER**
15 **FEDERAL DEPARTMENTS AND AGENCIES.**

16 (a) *IN GENERAL.*—*Not later than 270 days after the*
17 *date of the enactment of this Act, the Administrator of the*
18 *Maritime Administration shall issue a final rule to imple-*
19 *ment and enforce section 55305(d) of title 46, United States*
20 *Code.*

21 (b) *PROGRAMS OF OTHER AGENCIES.*—*Section*
22 *55305(d)(2)(A) of title 46, United States Code, is amended*
23 *by inserting after “section” the following: “and annually*
24 *submit to the Committee on Transportation and Infrastruc-*
25 *ture of the House of Representatives and the Committee on*

1 *Commerce, Science, and Transportation of the Senate a re-*
 2 *port on the administration of such programs”.*

3 ***Subtitle B—Merchant Marine***
 4 ***Academy***

5 ***SEC. 3511. EXEMPTION OF CERTAIN STUDENTS FROM RE-***
 6 ***QUIREMENT TO OBTAIN MERCHANT MARINER***
 7 ***LICENSE.***

8 *Section 51309 of title 46, United States Code, is*
 9 *amended—*

10 (1) *in subsection (a)(2)—*

11 (A) *by inserting “able or” before “allowed”;*

12 (B) *by striking “only because of physical*
 13 *disqualification may” and inserting “solely due*
 14 *to a documented medical or psychological condi-*
 15 *tion shall”;* and

16 (C) *in the paragraph heading, by inserting*
 17 *“OR PSYCHOLOGICAL” after “PHYSICAL”;* and

18 (2) *by adding at the end the following new sub-*
 19 *section:*

20 “(d) ***DEFINITION OF DOCUMENTED MEDICAL OR PSY-***
 21 ***CHOLOGICAL CONDITION.***—*In this section the term ‘docu-*
 22 *mented medical or psychological condition’ means, with re-*
 23 *spect to an individual, a physical disqualification or psy-*
 24 *chological condition, including a mental health condition*
 25 *arising from sexual assault or sexual harassment, for which*

1 *the individual has been treated or is being treated by a med-*
2 *ical 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 redес-*
11 *ignated, 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”;* 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 Fed-*
24 *eral Officer selected under subsection (g)(2) shall*
25 *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 sched-*
7 *uling a meeting of the Board, the Designated Federal*
8 *Officer shall coordinate, to the greatest extent prac-*
9 *ticable, with the members of the Board to determine*
10 *the date and time of the meeting. Members of the*
11 *Board shall be notified of the date of each meeting not*
12 *less than 30 days prior to the meeting date.”;*

13 (3) *in subsection (e), by adding at the end the*
14 *following:*

15 “(4) *STAFF.—One or more staff of each member*
16 *of the Board may accompany them on Academy vis-*
17 *its.*

18 “(5) *SCHEDULING; NOTIFICATION.—When sched-*
19 *uling a visit to the Academy, the Designated Federal*
20 *Officer shall coordinate, to the greatest extent prac-*
21 *ticable, with the members of the Board to determine*
22 *the date and time of the visit. Members of the Board*
23 *shall be notified of the date of each visit not less than*
24 *30 days prior to the visit date.”; and*

25 (4) *in subsection (h)—*

1 (A) by inserting “and ranking member”
2 after “chairman” each place the term appears;
3 and

4 (B) by adding at the end the following:
5 “Such staff may attend meetings and may visit
6 the Academy.”.

7 **SEC. 3513. PROTECTION OF CADETS FROM SEXUAL AS-**
8 **SAULT ONBOARD VESSELS.**

9 (a) *IN GENERAL.*—Section 51322 of title 46, United
10 *States Code, is amended—*

11 (1) by striking subsection (a) and inserting the
12 *following:*

13 “(a) *SAFETY CRITERIA.*—The Maritime Adminis-
14 *trator, after consulting with the Commandant of the Coast*
15 *Guard, shall establish—*

16 “(1) *criteria, to which an owner or operator of*
17 *a vessel engaged in commercial service shall adhere*
18 *prior to carrying a cadet performing their Sea Year*
19 *service from the United States Merchant Marine*
20 *Academy, that addresses prevention of, and response*
21 *to, sexual harassment, dating violence, domestic vio-*
22 *lence, sexual assault, and stalking; and*

23 “(2) *a process for collecting pertinent informa-*
24 *tion from such owners or operators and verifying*
25 *their compliance with the criteria.*

1 “(b) *MINIMUM STANDARDS.*—*At a minimum, the cri-*
2 *teria established under subsection (a) shall require the vessel*
3 *owners or operators to have policies that address—*

4 “(1) *communication between a cadet and an in-*
5 *dividual ashore who is trained in responding to inci-*
6 *idents of sexual harassment, dating violence, domestic*
7 *violence, sexual assault, and stalking;*

8 “(2) *the safety and security of cadet staterooms*
9 *while a cadet is onboard the vessel;*

10 “(3) *requirements for crew to report complaints*
11 *or incidents of sexual assault, sexual harassment, dat-*
12 *ing violence, domestic violence, and stalking con-*
13 *sistent with the requirements in section 10104;*

14 “(4) *the maintenance of records of reports of sex-*
15 *ual harassment, dating violence, domestic violence,*
16 *sexual assault, and stalking onboard a vessel carrying*
17 *a cadet;*

18 “(5) *the maintenance of records of sexual harass-*
19 *ment, dating violence, domestic violence, sexual as-*
20 *sault, and stalking training as required under sub-*
21 *section (f);*

22 “(6) *a requirement for the owner or operator*
23 *provide each cadet a copy of the policies and proce-*
24 *dures related to sexual harassment, dating violence,*
25 *domestic violence, sexual assault, and stalking policies*

1 *that pertain to the vessel on which they will be em-*
2 *ployed; and*

3 “(7) *any other issues the Maritime Adminis-*
4 *trator determines necessary to ensure the safety of ca-*
5 *detts during Sea Year training.*

6 “(c) *SELF-CERTIFICATION BY OWNERS OR OPERA-*
7 *TORS.—The Maritime Administrator shall require the*
8 *owner or operator of any commercial vessel that is carrying*
9 *a cadet from the United States Merchant Marine Academy*
10 *to annually certify that—*

11 “(1) *the vessel owner or operator is in compli-*
12 *ance with the criteria established under subsection*
13 *(a); and*

14 “(2) *the vessel is in compliance with the Inter-*
15 *national Convention of Safety of Life at Sea, 1974*
16 *(32 UST 47) and sections 8106 and 70103(c).*

17 “(d) *INFORMATION, TRAINING, AND RESOURCES.—The*
18 *Maritime Administrator shall ensure that a cadet partici-*
19 *pating in Sea Year—*

20 “(1) *receives training specific to vessel safety, in-*
21 *cluding sexual harassment, dating violence, domestic*
22 *violence, sexual assault, and stalking prevention and*
23 *response training, prior to the cadet boarding a vessel*
24 *for Sea Year training;*

1 “(2) is equipped with an appropriate means of
2 communication and has been trained on its use;

3 “(3) has access to a helpline to report incidents
4 of sexual harassment, dating violence, domestic vio-
5 lence, sexual assault, or stalking that is monitored by
6 trained personnel; and

7 “(4) is informed of the legal requirements for
8 vessel owners and operators to provide for the security
9 of individuals onboard, including requirements under
10 section 70103(c) and chapter 81.”;

11 (2) by redesignating subsections (b) through (d)
12 as subsections (e) through (g), respectively;

13 (3) in subsection (e), as so redesignated, by strik-
14 ing paragraph (2) and inserting the following new
15 paragraphs:

16 “(2) ACCESS TO INFORMATION.—The vessel oper-
17 ator shall make available to staff conducting a vessel
18 check such information as the Maritime Adminis-
19 trator determines is necessary to determine whether
20 the vessel is being operated in compliance with the
21 criteria established under subsection (a).

22 “(3) REMOVAL OF STUDENTS.—If staff of the
23 Academy or staff of the Maritime Administration de-
24 termine that a commercial vessel is not in compliance

1 *with the criteria established under subsection (a), the*
2 *staff—*

3 *“(A) may remove a cadet of the Academy*
4 *from the vessel; and*

5 *“(B) shall report such determination of*
6 *non-compliance to the owner or operator of the*
7 *vessel.”;*

8 *(4) in subsection (f), as so redesignated, by strik-*
9 *ing “or the seafarer union” and inserting “and the*
10 *seafarer union”; and*

11 *(5) by adding at the end the following:*

12 *“(h) NONCOMMERCIAL VESSELS.—*

13 *“(1) IN GENERAL.—A public vessel (as defined*
14 *in section 2101) shall not be subject to the require-*
15 *ments of this section.*

16 *“(2) REQUIREMENTS FOR PARTICIPATION.—The*
17 *Maritime Administrator may establish criteria and*
18 *requirements that the operators of public vessels shall*
19 *meet to participate in the Sea Year program of the*
20 *United States Merchant Marine Academy that ad-*
21 *dresses prevention of, and response to, sexual harass-*
22 *ment, dating violence, domestic violence, sexual as-*
23 *sault, and stalking.*

24 *“(i) SHARING OF BEST PRACTICES.—The Maritime*
25 *Administrator shall share with State maritime academies*

1 *best practices for, and lessons learned with respect to, the*
2 *prevention of, and response to, sexual harassment, dating*
3 *violence, domestic violence, sexual assault, and stalking.”.*

4 (b) *REGULATIONS.—*

5 (1) *IN GENERAL.—The Maritime Administrator*
6 *may prescribe rules necessary to carry out the amend-*
7 *ments made by this section.*

8 (2) *INTERIM RULES.—The Maritime Adminis-*
9 *trator may prescribe interim rules necessary to carry*
10 *out the amendments made by this section. For this*
11 *purpose, the Maritime Administrator in prescribing*
12 *rules under paragraph (1) is excepted from compli-*
13 *ance with the notice and comment requirements of*
14 *section 553 of title 5, United States Code. All rules*
15 *prescribed under the authority of the amendments*
16 *made by this section shall remain in effect until su-*
17 *perseded by a final rule.*

18 (c) *CONFORMING AMENDMENTS.—*

19 (1) *SEA YEAR COMPLIANCE.—Section 3514 of the*
20 *National Defense Authorization Act for Fiscal Year*
21 *2017 (46 U.S.C. 51318 note) is repealed.*

22 (2) *ACCESS OF ACADEMY CADETS TO DOD SAFE*
23 *OR EQUIVALENT HELPLINE.—Section 3515 of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 2018*
25 *(46 U.S.C. 51518 note) is amended by striking sub-*

1 *section (b) and redesignating subsection (c) as sub-*
2 *section (b).*

3 **SEC. 3514. SERVICE ACADEMY FACULTY PARITY OF USE OF**
4 **UNITED STATES GOVERNMENT WORKS.**

5 *Section 105 of title 17, United States Code, is amend-*
6 *ed—*

7 (1) *in the heading of subsection (b), by striking*
8 *“CERTAIN OF WORKS ” and inserting “CERTAIN*
9 *WORKS”;*

10 (2) *in the first subsection (c) (relating to “Use*
11 *by Federal Government”) by striking “The Secretary*
12 *of Defense” and inserting “A covered Secretary”;*

13 (3) *by redesignating the second subsection (c)*
14 *(relating to “Definitions”) as subsection (d); and*

15 (4) *in subsection (d), as redesignated by para-*
16 *graph (3),*

17 (A) *in paragraph (2), by adding at the end*
18 *the following:*

19 *“(M) United States Merchant Marine Acad-*
20 *emy.”;*

21 (B) *by redesignating paragraph (3) as*
22 *paragraph (4); and*

23 (C) *by inserting after paragraph (2) the fol-*
24 *lowing new paragraph:*

25 *“(3) The term ‘covered Secretary’ means—*

1 “(A) the Secretary of Transportation, with
2 respect to the United States Merchant Marine
3 Academy;

4 “(B) the Secretary of Homeland Security,
5 with respect to the United States Coast Guard
6 Academy; or

7 “(C) the Secretary of Defense, with respect
8 to any other covered institution under paragraph
9 (2).”.

10 **SEC. 3515. REPORTS ON MATTERS RELATING TO THE**
11 **UNITED STATES MERCHANT MARINE ACAD-**
12 **EMY.**

13 (a) *REPORT ON IMPLEMENTATION OF NAPA REC-*
14 *COMMENDATIONS.—*

15 (1) *IN GENERAL.—In accordance with para-*
16 *graph (3), the Secretary of Transportation shall sub-*
17 *mit to the appropriate congressional committees re-*
18 *ports on the status of the implementation of the rec-*
19 *ommendations specified in paragraph (4).*

20 (2) *ELEMENTS.—Each report under paragraph*
21 *(1) shall include the following:*

22 (A) *A description of the status of the imple-*
23 *mentation of each recommendation specified in*
24 *paragraph (4), including whether the Sec-*
25 *retary—*

- 1 (i) concurs with the recommendation;
- 2 (ii) partially concurs with the rec-
- 3 ommendation;
- 4 (iii) does not concur with the rec-
- 5 ommendation; or
- 6 (iv) determines the recommendation is
- 7 not applicable to the Department of Trans-
- 8 portation.

9 (B) An explanation of—

- 10 (i) with respect to a recommendation
- 11 with which the Secretary concurs, the ac-
- 12 tions the Secretary intends to take to imple-
- 13 ment such recommendation, including—

14 (I) any rules, regulations, policies,

15 or other guidance that have been

16 issued, revised, changed, or cancelled as

17 a result of the implementation of the

18 recommendation; and

19 (II) any impediments to the im-

20 plementation of the recommendation;

- 21 (ii) with respect to a recommendation
- 22 with which the Secretary partially concurs,
- 23 the actions the Secretary intends to take to
- 24 implement the portion of such recommenda-

1 *tion with which the Secretary concurs, in-*
2 *cluding—*

3 *(I) intermediate actions, milestone*
4 *dates, and the expected completion date*
5 *for the implementation of the portion*
6 *of the recommendation; and*

7 *(II) any rules, regulations, poli-*
8 *cies, or other guidance that are ex-*
9 *pected to be issued, revised, changed, or*
10 *cancelled as a result of the implemen-*
11 *tation of the portion of the rec-*
12 *ommendation;*

13 *(iii) with respect to a recommendation*
14 *with which the Secretary does not concur,*
15 *an explanation of why the Secretary does*
16 *not concur with such recommendation;*

17 *(iv) with respect to a recommendation*
18 *that the Secretary determines is not appli-*
19 *cable to the Department of Transportation,*
20 *an explanation of the reasons for the deter-*
21 *mination; and*

22 *(v) any statutory changes that may be*
23 *necessary—*

24 *(I) to fully implement the rec-*
25 *ommendations specified in paragraph*

1 (4) *with which the Secretary concurs;*
2 *or*

3 (II) *to partially implement the*
4 *recommendations specified in such*
5 *paragraph with which the Secretary*
6 *partially concurs.*

7 (C) *A visual depiction of the status of the*
8 *completion of the recommendations specified in*
9 *paragraph (4).*

10 (3) *TIMING OF REPORTS.—The Secretary of*
11 *Transportation shall submit an initial report under*
12 *paragraph (1) not later than 180 days after the date*
13 *of the enactment of this Act. Following the submittal*
14 *of the initial report, the Secretary shall submit up-*
15 *dated versions of the report not less frequently than*
16 *once every 180 days until the date on which the Sec-*
17 *retary submits to the appropriate congressional com-*
18 *mittees a certification that each recommendation*
19 *specified in paragraph (4)—*

20 (A) *with which the Secretary concurs—*

21 (i) *has been fully implemented; or*

22 (ii) *cannot be fully implemented, in-*
23 *cluding an explanation of why; and*

24 (B) *with which the Secretary partially con-*
25 *currs—*

1 (i) has been partially implemented; or
2 (ii) cannot be partially implemented,
3 including an explanation of why.

4 (4) *RECOMMENDATIONS SPECIFIED.*—The rec-
5 ommendations specified in this paragraph are the rec-
6 ommendations set forth in the report prepared by a
7 panel of the National Academy of Public Administra-
8 tion pursuant to section 3513 of the National Defense
9 Authorization Act for Fiscal Year 2020 (Public Law
10 116–92; 133 Stat. 1979) titled “Organizational As-
11 sessment of the U.S. Merchant Marine Academy: A
12 Path Forward”, dated November 2021.

13 (b) *REPORT ON IMPLEMENTATION OF POLICY RELAT-*
14 *ING TO SEXUAL HARASSMENT AND OTHER MATTERS.*—Not
15 *later than one year after the date of the enactment of this*
16 *Act, the Secretary of Transportation shall submit to the ap-*
17 *propriate congressional committees a report on the status*
18 *of the implementation of the policy on sexual harassment,*
19 *dating violence, domestic violence, sexual assault, and stalk-*
20 *ing at the United States Merchant Marine Academy, as re-*
21 *quired under section 51318 of title 46, United States Code.*

22 (c) *INSPECTOR GENERAL AUDIT.*—

23 (1) *IN GENERAL.*—Not later than 180 days after
24 the date of the enactment of this Act, the Inspector
25 General of the Department of Transportation shall

1 *initiate an audit of the actions taken by the Maritime*
2 *Administration to address only the following rec-*
3 *ommendations identified by a National Academy of*
4 *Public Administration panel in the November 2021*
5 *report titled “Organizational Assessment of the*
6 *United States Merchant Marine Academy: A Path*
7 *Forward”:*

8 (A) *Recommendations 4.1 through 4.3.*

9 (B) *Recommendations 4.7 through 4.11.*

10 (C) *Recommendations 5.1 through 5.4.*

11 (D) *Recommendations 5.6, 5.7, 5.11, 5.14,*
12 *5.15, 5.16, 6.6, and 6.7.*

13 (E) *Recommendations 6.1 through 6.4.*

14 (2) *REPORT.—After the completion of the audit*
15 *required under paragraph (1), the Inspector General*
16 *shall submit to the appropriate congressional commit-*
17 *tees, and make publicly available, a report containing*
18 *the results of the audit.*

19 (d) *IMPLEMENTATION OF RECOMMENDATIONS FROM*
20 *THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—*

21 (1) *AGREEMENT FOR STUDY BY NATIONAL ACAD-*
22 *EMY OF PUBLIC ADMINISTRATION.—*

23 (A) *IN GENERAL.—Not later than 30 days*
24 *after the date of enactment of this Act, the Sec-*
25 *retary of Transportation shall seek to enter into*

1 *an agreement with the National Academy of*
2 *Public Administration (referred to in this section*
3 *as the “Academy”) under which the Academy*
4 *shall provide support for—*

5 *(i) prioritizing and addressing the rec-*
6 *ommendations referred to subsection (c)(1)*
7 *and establishing a process for prioritizing*
8 *other recommendations in the future;*

9 *(ii) the development of—*

10 *(I) long-term processes and a*
11 *timeframe for long-term process im-*
12 *provements; and*

13 *(II) corrective actions and best*
14 *practice criteria that can be imple-*
15 *mented in the medium- and near-term;*

16 *(iii) the establishment of a clear as-*
17 *signment of responsibility for the implemen-*
18 *tation of each recommendation referred to*
19 *in subsection (c)(1), and a strategy for as-*
20 *signing other recommendations in the fu-*
21 *ture; and*

22 *(iv) a performance measurement sys-*
23 *tem, including data collection and tracking*
24 *and evaluating progress toward goals of the*
25 *Merchant Marine Academy.*

1 (B) *REPORT OF PROGRESS.*—Not later than
2 one year after the date of an agreement entered
3 into pursuant to subparagraph (A), the Sec-
4 retary of Transportation, in consultation with
5 the Administrator of the Merchant Marine Acad-
6 emy, shall submit to the Maritime Administrator
7 and the appropriate congressional committees a
8 report on the progress made in implementing the
9 recommendations referred to in subsection (c)(1).

10 (2) *PRIORITIZATION AND IMPLEMENTATION*
11 *PLAN.*—

12 (A) *IN GENERAL.*—Not later than one year
13 after the date of enactment of this Act, the Mari-
14 time Administrator shall submit to the Com-
15 mittee on Commerce, Science, and Transpor-
16 tation of the Senate and the Committee on
17 Armed Services of the House of Representatives
18 a prioritization and implementation plan to as-
19 sess, prioritize, and address the recommendations
20 identified by the National Academy of Public
21 Administration panel in the November 2021 re-
22 port titled “Organizational Assessment of the
23 United States Merchant Marine Academy: A
24 Path Forward” that Superintendent of the Mer-
25 chant Marine Academy determines are relevant

1 to the Maritime Administration, including the
2 recommendations referred to in subsection (c)(1).
3 The prioritization and implementation plan
4 shall—

5 (i) be developed using the strategies,
6 processes, and systems developed pursuant
7 to an agreement entered into under para-
8 graph (1);

9 (ii) include estimated timelines and
10 cost estimates for the implementation of pri-
11 ority goals;

12 (iii) include summaries of stakeholder
13 and interagency engagement used to assess
14 goals and timelines;

15 (iv) with respect to any recommenda-
16 tion the Superintendent determines is not
17 relevant to the Maritime Administration,
18 include an explanation for the determina-
19 tion; and

20 (v) submitted to the Inspector General
21 of the Department of Transportation and
22 the appropriate congressional committees
23 and made publicly available.

1 (B) *AUDIT AND REPORT.*—*The Inspector*
2 *General of the Department of Transportation*
3 *shall—*

4 (i) *not later than 180 days after the*
5 *date on which the prioritization and imple-*
6 *mentation plan described in subparagraph*
7 *(A) is made publicly available, initiate an*
8 *audit of the actions taken by the Maritime*
9 *Administration to address such plan;*

10 (ii) *monitor the actions taken by the*
11 *Maritime Administration to implement rec-*
12 *ommendations contained in the audit re-*
13 *quired under clause (i) and in prior audits*
14 *of the Maritime Administration’s imple-*
15 *mentation of National Academy of Public*
16 *Administration recommendations and peri-*
17 *odically initiate subsequent audits of the*
18 *continued actions taken by the Maritime*
19 *Administration to address the prioritization*
20 *and implementation plan, as the Inspector*
21 *General determines necessary; and*

22 (iii) *after the completion of the audit*
23 *required under clause (i), submit to the Ad-*
24 *ministrator of the Maritime Administration*
25 *and the appropriate congressional commit-*

1 *tees, and make publicly available, a report*
2 *containing the results of the audit.*

3 *(C) REPORT OF PROGRESS.—Not later than*
4 *180 days after the date on which the report re-*
5 *quired under clause (ii) is made publicly avail-*
6 *able, and annually thereafter, the Administrator*
7 *of the Maritime Administration shall submit to*
8 *the Inspector General of the Department of*
9 *Transportation and the appropriate congress-*
10 *sional committees a report that includes a de-*
11 *scription of—*

12 *(i) the actions planned to be taken by*
13 *the Maritime Administration, and esti-*
14 *mated timeframes, to implement any open*
15 *or unresolved recommendation—*

16 *(I) included in the report of the*
17 *Inspector General required under sub-*
18 *section (B)(iii); or*

19 *(II) referred to in subsection*
20 *(c)(1); and*

21 *(ii) an identification of any rec-*
22 *ommendation referred to in clause (i) for*
23 *which the Maritime Administration failed*
24 *to meet a target action date, or for which*
25 *the Maritime Administration requested an*

1 *extension of time, and the reasons why such*
2 *an extension was necessary.*

3 (3) *AGREEMENT FOR PLAN ON CAPITAL IMPROVE-*
4 *MENTS.—Not later than 90 days after the date of the*
5 *enactment of this Act, the Maritime Administrator*
6 *shall seek to enter into an agreement with a Federal*
7 *construction agent for the development of a plan to*
8 *execute capital improvements at the United States*
9 *Merchant Marine Academy.*

10 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
11 *this section, the term “appropriate congressional commit-*
12 *tees” means—*

13 (1) *the Committee on Commerce, Science, and*
14 *Transportation of the Senate;*

15 (2) *the Subcommittee on Transportation, Hous-*
16 *ing and Urban Development, and Related Agencies of*
17 *the Committee on Appropriations of the Senate;*

18 (3) *the Committee on Transportation and Infra-*
19 *structure of the House of Representatives;*

20 (4) *the Subcommittee on Transportation, Hous-*
21 *ing and Urban Development, and Related Agencies of*
22 *the Committee on Appropriations of the House of*
23 *Representatives; and*

24 (5) *the Committee on Armed Services of the*
25 *House of Representatives.*

1 **SEC. 3516. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT**
2 **THE USMMA.**

3 (a) *STUDY.*—*The Comptroller General of the United*
4 *States shall conduct a study of the United States Merchant*
5 *Marine Academy Capital Improvement Program. The study*
6 *shall include an evaluation of—*

7 (1) *the actions the United States Merchant Ma-*
8 *rine Academy has taken to bring the buildings, infra-*
9 *structure, and other facilities on campus into compli-*
10 *ance with applicable building codes and the further*
11 *actions required for full compliance;*

12 (2) *how the approach that the United States*
13 *Merchant Marine Academy uses to manage its capital*
14 *assets compares with national leading practices;*

15 (3) *how cost estimates prepared for capital asset*
16 *projects compares with cost estimating leading prac-*
17 *tices;*

18 (4) *whether the United States Merchant Marine*
19 *Academy has adequate staff who are trained to iden-*
20 *tify needed capital projects, estimate the cost of those*
21 *projects, perform building maintenance, and manage*
22 *capital improvement projects; and*

23 (5) *how the United States Merchant Marine*
24 *Academy identifies and prioritizes capital construc-*
25 *tion needs, and how the prioritization of such needs*

1 *relates to the safety, education, and wellbeing of mid-*
2 *shipmen.*

3 *(b) REPORT.—Not later than 18 months after the date*
4 *of the enactment of this section, the Comptroller General*
5 *shall submit to the Committee on Commerce, Science, and*
6 *Transportation of the Senate and the Committee on Trans-*
7 *portation and Infrastructure and the Committee on Armed*
8 *Services of the House of Representatives a report containing*
9 *the findings of the study conducted under subsection (a).*

10 **SEC. 3517. REQUIREMENTS RELATING TO TRAINING OF**
11 **MERCHANT MARINE ACADEMY CADETS ON**
12 **CERTAIN VESSELS.**

13 *(a) REQUIREMENTS RELATING TO PROTECTION OF CA-*
14 *DETS FROM SEXUAL ASSAULT ONBOARD VESSELS.—*

15 *(1) IN GENERAL.—Subsection (b) of section*
16 *51307 of title 46, United States Code, is amended to*
17 *read as follows:*

18 *“(b) SEA YEAR CADETS ON CERTAIN VESSELS.—*

19 *“(1) REQUIREMENTS.—The Secretary shall re-*
20 *quire an operator of a vessel participating in the*
21 *Maritime Security Program under chapter 531 of this*
22 *title, the Cable Security Fleet under chapter 532 of*
23 *this title, or the Tanker Security Fleet under chapter*
24 *534 of this title to—*

1 “(A) carry on each Maritime Security Pro-
2 gram vessel, Cable Security Fleet vessel, or Tank-
3 er Security Fleet vessel 2 United States Mer-
4 chant Marine Academy cadets, if available, on
5 each voyage; and

6 “(B) implement and adhere to policies, pro-
7 grams, criteria, and requirements established
8 pursuant to section 51322 of this title.

9 “(2) *FAILURE TO IMPLEMENT OR ADHERE TO*
10 *REQUIREMENTS.—Failure to implement or adhere to*
11 *the policies, programs, criteria, and requirements re-*
12 *ferred to in paragraph (1) may, as determined by the*
13 *Maritime Administrator, constitute a violation of an*
14 *operating agreement entered into under chapter 531,*
15 *532, or 534 of this title and the Maritime Adminis-*
16 *trator may—*

17 “(A) require the operator to take corrective
18 actions; or

19 “(B) withhold payment due to the operator
20 until the violation, as determined by the Mari-
21 time Administrator, has been remedied.

22 “(3) *WITHHELD PAYMENTS.—Any payment*
23 *withheld pursuant to paragraph (2)(B) may be paid,*
24 *upon a determination by the Maritime Administrator*
25 *that the operator is in compliance with the policies,*

1 *programs, criteria, and requirements referred to in*
2 *paragraph (1).”.*

3 (2) *APPLICABILITY.—Paragraph (2) of sub-*
4 *section (b) of section 51307, as amended by para-*
5 *graph (1), shall apply with respect to any failure to*
6 *implement or adhere to the policies, programs, cri-*
7 *teria, and requirements referred to in paragraph*
8 *(1)(B) of such subsection that occurs on or after the*
9 *date that is one year after the date of the enactment*
10 *of this Act.*

11 (b) *CONFORMING AMENDMENTS.—Title 46, United*
12 *States Code, is further amended—*

13 (1) *in section 53106(a)(2), by inserting “or sec-*
14 *tion 51307(b)” after “this section”;*

15 (2) *in section 53206(a)(2), by inserting “or sec-*
16 *tion 51307(b)” after “this section”; and*

17 (3) *in section 53406(a), by inserting “or section*
18 *51307(b)” after “this section”.*

19 ***Subtitle C—Maritime***
20 ***Infrastructure***

21 ***SEC. 3521. UNITED STATES MARINE HIGHWAY PROGRAM.***

22 (a) *UNITED STATES MARINE HIGHWAY PROGRAM.—*

23 (1) *IN GENERAL.—Section 55601 of title 46,*
24 *United States Code, is amended to read as follows:*

1 **“§ 55601. United States marine highway program**

2 “(a) *ESTABLISHMENT.*—

3 “(1) *IN GENERAL.*—*There is in the Department*
4 *of Transportation a program, to be known as the*
5 *‘United States marine highway program’.*

6 “(2) *ADDITIONAL PROGRAM ACTIVITIES.*—*In car-*
7 *rying out the program established under this sub-*
8 *section, the Secretary of Transportation may—*

9 “(A) *coordinate with ports, State depart-*
10 *ments of transportation, localities, other public*
11 *agencies, and appropriate private sector entities*
12 *on the development of landside facilities and in-*
13 *frastructure to support marine highway trans-*
14 *portation; and*

15 “(B) *develop performance measures for the*
16 *program.*

17 “(b) *MARINE HIGHWAY TRANSPORTATION ROUTES.*—

18 “(1) *DESIGNATION.*—*The Secretary may des-*
19 *ignate a route as a marine highway transportation*
20 *route, or modify such a designation, if—*

21 “(A) *such route—*

22 “(i) *provides a coordinated and capa-*
23 *ble alternative to landside transportation;*

24 “(ii) *mitigates or relieves landside con-*
25 *gestion;*

1 “(iii) promotes marine highway trans-
2 portation; or

3 “(iv) uses vessels documented under
4 chapter 121; and

5 “(B) such designation or modification is re-
6 quested by—

7 “(i) the government of a State or terri-
8 tory;

9 “(ii) a metropolitan planning organi-
10 zation;

11 “(iii) a port authority;

12 “(iv) a non-Federal navigation dis-
13 trict; or

14 “(v) a Tribal government.

15 “(2) DETERMINATION.—Not later than 180 days
16 after the date on which the Maritime Administrator
17 receives a request for the designation or modification
18 of a marine highway route under paragraph (1), the
19 Maritime Administrator shall make a determination
20 of whether to make the requested designation or modi-
21 fication.

22 “(3) NOTIFICATION.—Not later than 14 days
23 after the date on which the Maritime Administrator
24 makes a determination under paragraph (2), the

1 *Maritime Administrator shall notify the requester of*
2 *the determination.*

3 “(c) *MAP OF MARINE HIGHWAY PROGRAM ROUTES.*—

4 “(1) *IN GENERAL.*—*The Maritime Administrator*
5 *shall make publicly available a map showing the loca-*
6 *tion of marine highway routes, including such routes*
7 *along the coasts, in the inland waterways, and at sea*
8 *and update that map when a marine highway route*
9 *is designated or modified pursuant to subsection (b).*

10 “(2) *COORDINATION.*—*The Maritime Adminis-*
11 *trator shall coordinate with the Administrator of the*
12 *National Oceanic and Atmospheric Administration to*
13 *incorporate the map referred to in paragraph (1) into*
14 *the Marine Cadastre.*

15 “(d) *ASSISTANCE.*—

16 “(1) *IN GENERAL.*—*The Secretary may make*
17 *grants to, or enter into contracts or cooperative agree-*
18 *ments with, eligible entities to implement a marine*
19 *highway transportation project or a component of*
20 *such a project if the Secretary determines that the*
21 *project or component—*

22 “(A) *meets the criteria referred to in sub-*
23 *section (b)(1)(A); and*

24 “(B) *develops, expands, or promotes—*

1 “(i) *marine highway transportation;*
2 *or*

3 “(ii) *shipper use of marine highway*
4 *transportation.*

5 “(2) *APPLICATION.—*

6 “(A) *IN GENERAL.—To be eligible to receive*
7 *a grant or to enter into a contract or cooperative*
8 *agreement under this subsection, an eligible enti-*
9 *ty shall submit to the Secretary an application*
10 *in such form and manner, and at such time, as*
11 *the Secretary may require. Such an application*
12 *shall include the following:*

13 “(i) *A comprehensive description of—*

14 “(I) *the marine highway route to*
15 *be served by the marine highway trans-*
16 *portation project;*

17 “(II) *the supporters of the marine*
18 *highway transportation project, which*
19 *may include business affiliations, pri-*
20 *vate sector stakeholders, State depart-*
21 *ments of transportation, metropolitan*
22 *planning organizations, municipali-*
23 *ties, or other governmental entities (in-*
24 *cluding Tribal governments), as appli-*
25 *cable;*

1 “(III) *the need for such project;*
2 *and*

3 “(IV) *the performance measure for*
4 *the marine highway transportation*
5 *project, such as volumes of cargo or*
6 *passengers moved, or contribution to*
7 *environmental mitigation, safety, re-*
8 *duced vehicle miles traveled, or reduced*
9 *maintenance and repair costs.*

10 “(ii) *A demonstration, to the satisfac-*
11 *tion of the Secretary, that—*

12 “(I) *the marine highway trans-*
13 *portation project is financially viable;*
14 *and*

15 “(II) *the funds or other assistance*
16 *provided under this subsection will be*
17 *spent or used efficiently and effectively.*

18 “(iii) *Such other information as the*
19 *Secretary may require.*

20 “(B) *PRE-PROPOSAL.—*

21 “(i) *IN GENERAL.—Prior to accepting*
22 *a full application under subparagraph (A),*
23 *the Secretary may require that an eligible*
24 *entity first submit a pre-proposal that con-*
25 *tains a brief description of the item referred*

1 to in clauses (i) through (iii) of such sub-
2 paragraph.

3 “(ii) *FEEDBACK.*—Not later than 30
4 days after receiving a pre-proposal under
5 clause (i) from an eligible entity, the Sec-
6 retary shall provide to the eligible entity
7 feedback to encourage or discourage the eli-
8 gible entity from submitting a full applica-
9 tion. An eligible entity may still submit a
10 full application even if that eligible entity
11 is not encouraged to do so after submitting
12 a pre-proposal.

13 “(C) *PROHIBITION.*—The Secretary may
14 not require separate applications for project des-
15 ignation and for assistance under this section.

16 “(D) *GRANT APPLICATION FEEDBACK.*—Fol-
17 lowing the award of assistance under this sub-
18 section for a particular fiscal year, the Secretary
19 may provide feedback to an applicant to help
20 such applicant improve future applications if the
21 feedback is requested by that applicant.

22 “(3) *TIMING.*—

23 “(A) *NOTICE OF FUNDING OPPORTUNITY.*—
24 The Secretary shall post a notice of funding op-
25 portunity regarding grants, contracts, or cooper-

1 *ative agreements under this subsection not more*
2 *than 60 days after the date of the enactment of*
3 *the appropriations Act for the fiscal year con-*
4 *cerned.*

5 “(B) *AWARDING OF ASSISTANCE.—The Sec-*
6 *retary shall award grants, contracts, or coopera-*
7 *tive agreements under this subsection not later*
8 *than 270 days after the date of the enactment of*
9 *the appropriations Act for the fiscal year con-*
10 *cerned.*

11 “(4) *NON-FEDERAL SHARE.—*

12 “(A) *IN GENERAL.—Except as provided in*
13 *subparagraph (B), not more than 80 percent of*
14 *the funding for any project for which funding is*
15 *provided under this subsection may come from*
16 *Federal sources.*

17 “(B) *TRIBAL GOVERNMENTS AND RURAL*
18 *AREAS.—The Secretary may increase the Federal*
19 *share of funding for the project to an amount*
20 *above 80 percent in the case of an award of as-*
21 *sistance under this subsection—*

22 “(i) *to an eligible entity that is a Trib-*
23 *al government; or*

24 “(ii) *for a project located in a rural*
25 *area.*

1 “(5) *PREFERENCE FOR FINANCIALLY VIABLE*
2 *PROJECTS.*— *In awarding grants or entering into*
3 *contracts or cooperative agreements under this sub-*
4 *section, the Secretary shall give a preference to a*
5 *project or component of a project that presents the*
6 *most financially viable transportation service and re-*
7 *quire the lowest percentage of Federal share of the*
8 *funding.*

9 “(6) *TREATMENT OF UNEXPENDED FUNDS.*—*Not-*
10 *withstanding paragraph (3)(B), amounts awarded*
11 *under this subsection that are not expended by the re-*
12 *recipient within five years after obligation of funds or*
13 *that are returned shall remain available to the Sec-*
14 *retary to make grants and enter into contracts and*
15 *cooperative agreements under this subsection.*

16 “(7) *CONDITIONS ON PROVISION OF ASSIST-*
17 *ANCE.*—*The Secretary may not provide assistance to*
18 *an eligible entity under this subsection unless the Sec-*
19 *retary determines that—*

20 “(A) *sufficient funding is available to meet*
21 *the non-Federal share requirement under para-*
22 *graph (4);*

23 “(B) *the marine highway project for which*
24 *such assistance is provided will be completed*
25 *without unreasonable delay; and*

1 “(C) the eligible entity has the authority to
2 implement the proposed marine highway project.

3 “(8) *PROHIBITED USES.*—Assistance provided
4 under this subsection may not be used—

5 “(A) to improve port or land-based infra-
6 structure outside the United States; or

7 “(B) unless the Secretary determines that
8 such activities are necessary to carry out the ma-
9 rine highway project for which such assistance is
10 provided, to raise sunken vessels, construct build-
11 ings or other physical facilities, or acquire land.

12 “(9) *GEOGRAPHIC DISTRIBUTION.*—In making
13 grants, contracts, and cooperative agreements under
14 this section the Secretary shall take such measures so
15 as to ensure an equitable geographic distribution of
16 funds.

17 “(10) *ELIGIBLE ENTITY.*—In this subsection, the
18 term ‘eligible entity’ means—

19 “(A) a State, a political subdivision of a
20 State, or a local government;

21 “(B) a United States metropolitan plan-
22 ning organization;

23 “(C) a United States port authority;

24 “(D) a Tribal government; or

1 “(E) a United States private sector operator
2 of marine highway projects or private sector
3 owners of facilities, including an Alaska Native
4 Corporation, with an endorsement letter from the
5 requester of a marine highway route designation
6 or modification referred to in subsection
7 (b)(1)(B).”.

8 (2) CLERICAL AMENDMENT.—The analysis for
9 chapter 556 of title 46, United States Code, is amend-
10 ed by striking the item relating to section 55601 and
11 inserting the following:

 “55601. United States marine highway program.”.

12 (b) MULTISTATE, STATE, TRIBAL, AND REGIONAL
13 TRANSPORTATION PLANNING.—

14 (1) IN GENERAL.—Chapter 556 of title 46,
15 United States Code, is amended by inserting after sec-
16 tion 55602 the following:

17 “**§ 55603. Multistate, State, Tribal, and regional trans-**
18 **portation planning**

19 “(a) IN GENERAL.—The Secretary, in consultation
20 with Federal entities, State and local governments, Tribal
21 governments, and appropriate private sector entities, may
22 develop strategies to encourage the use of marine highway
23 transportation for transportation of passengers and cargo.

24 “(b) STRATEGIES.—If the Secretary develops strategies
25 under subsection (a), the Secretary may—

1 “(1) assess the extent to which States, local gov-
2 ernments, and Tribal governments include marine
3 highway transportation and other marine transpor-
4 tation solutions in transportation planning;

5 “(2) encourage State and Tribal departments of
6 transportation to develop strategies, where appro-
7 priate, to incorporate marine highway transpor-
8 tation, ferries, and other marine transportation solu-
9 tions for regional and interstate transport of freight
10 and passengers in transportation planning; and

11 “(3) encourage groups of States, Tribal govern-
12 ments, and multistate transportation entities to deter-
13 mine how marine highways can address congestion,
14 bottlenecks, and other interstate transportation chal-
15 lenges.”.

16 (2) *CLERICAL AMENDMENT.*—*The analysis for*
17 *chapter 556 of title 46, United States Code, is amend-*
18 *ed by striking the item relating to section 55603 and*
19 *inserting the following:*

“55603. *Multistate, State, Tribal, and regional transportation planning.*”.

20 (c) *RESEARCH ON MARINE HIGHWAY TRANSPOR-*
21 *TATION.*—*Section 55604 of title 46, United States Code, is*
22 *amended—*

23 (1) *by redesignating paragraphs (1) through (3)*
24 *as paragraphs (3) through (5), respectively; and*

1 (2) *by inserting before paragraph (3), as redesignated by paragraph (1), the following new paragraphs:*

4 “(1) *the economic effects of marine highway transportation on the United States economy;*

6 “(2) *the effects of marine highway transportation, including with respect to the provision of additional transportation options, on rural areas;*”.

9 (d) *DEFINITIONS.—*

10 (1) *IN GENERAL.—Section 55605 of title 46, United States Code, is amended to read as follows: “*

12 **“§ 55605. Definitions**

13 *“In this chapter:*

14 “(1) *The term ‘marine highway transportation’ means the carriage by a documented vessel of cargo (including such carriage of cargo and passengers), if such cargo—*

18 “(A) *is—*

19 “(i) *contained in intermodal cargo containers and loaded by crane on the vessel;*

22 “(ii) *loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;*

1 “(iii) shipped in discrete units or
2 packages that are handled individually,
3 palletized, or unitized for purposes of trans-
4 portation;

5 “(iv) bulk, liquid, or loose cargo loaded
6 in tanks, holds, hoppers, or on deck; or

7 “(v) freight vehicles carried aboard
8 commuter ferry boats; and

9 “(B) is—

10 “(i) loaded at a port in the United
11 States and unloaded either at another port
12 in the United States or at a port in Canada
13 or Mexico; or

14 “(ii) loaded at a port in Canada or
15 Mexico and unloaded at a port in the
16 United States.

17 “(2) The term “Tribal government” means the
18 recognized governing body of any Indian or Alaska
19 Native Tribe, band, nation, pueblo, village, commu-
20 nity, component band, or component reservation, in-
21 dividually identified (including parenthetically) in
22 the list published most recently, as of the date of en-
23 actment of the James M. Inhofe National Defense Au-
24 thorization Act for Fiscal Year 2023, pursuant to sec-

1 *tion 104 of the Federally Recognized Indian Tribe*
2 *List Act of 1994 (25 U.S.C. 5131).*

3 “(3) *The term ‘Alaska Native Corporation’ has*
4 *the meaning given the term ‘Native Corporation’*
5 *under section 3 of the Alaska Native Claims Settle-*
6 *ment Act (43 U.S.C. 1602).”.*

7 (2) *CLERICAL AMENDMENT.—The analysis for*
8 *chapter 556 of title 46, United States Code, is amend-*
9 *ed by striking the item relating to section 55605 and*
10 *inserting the following:*

 “55605. *Definitions.*”.

11 (e) *REPORT ON MARITIME HIGHWAY TRANSPOR-*
12 *TATION IN GULF OF MEXICO AND PUGET SOUND.—Not*
13 *later than one year after the date of the enactment of this*
14 *Act, the Maritime Administrator shall submit to the Com-*
15 *mittee on Transportation and Infrastructure of the House*
16 *of Representatives and the Committee on Commerce,*
17 *Science and Transportation of the Senate a report on op-*
18 *portunities for maritime highway transportation, as that*
19 *term is defined section 55605(1) of title 46, United States*
20 *Code, as amended by this section, in the Gulf of Mexico,*
21 *Puget Sound, and Salish Sea System by vessels documented*
22 *under chapter 121 of title 46, United States Code.*

23 (f) *DEADLINE FOR PUBLIC AVAILABILITY OF MAP.—*
24 *Not later than 120 days after the date of the enactment of*
25 *this Act, the Maritime Administration shall make publicly*

1 *available the map of marine highway program routes re-*
2 *quired to be made publicly available under subsection (c)*
3 *of section 55601 of title 46, United States Code, as amended*
4 *by this section.*

5 **SEC. 3522. PORT INFRASTRUCTURE DEVELOPMENT**
6 **GRANTS.**

7 (a) *IN GENERAL.*—*In making port infrastructure de-*
8 *velopment grants under section 54301 of title 46, United*
9 *States Code, for fiscal year 2023, the Secretary of Transpor-*
10 *tation shall treat a project described in subsection (b) as*
11 *an eligible project under section 54301(a)(3) of such title*
12 *for purposes of making grants under section 54301(a) of*
13 *such title.*

14 (b) *PROJECT DESCRIBED.*—*A project described in this*
15 *subsection is a project to provide shore power at a port that*
16 *services—*

17 (1) *passenger vessels described in section 3507(k)*
18 *of title 46, United States Code; and*

19 (2) *vessels that move goods or freight.*

20 **SEC. 3523. PROJECT SELECTION CRITERIA FOR PORT IN-**
21 **FRASTRUCTURE DEVELOPMENT PROGRAM.**

22 *In making port infrastructure development grants*
23 *under section 54301 of title 46, United States Code, for fis-*
24 *cal year 2023, in considering the criteria under subpara-*
25 *graphs (A)(ii) and (B)(ii) of paragraph (6) of subsection*

1 (a) with respect to a project described in paragraph (3) of
2 such subsection that is located in a noncontiguous State or
3 territory, the Secretary may take into account—

4 (1) the geographic isolation of the State or terri-
5 tory; and

6 (2) the economic dependence of the State or terri-
7 tory on the proposed project.

8 **SEC. 3524. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED**
9 **IN THE REPORT ON STRATEGIC SEAPORTS.**

10 In making port infrastructure development grants
11 under section 54301 of title 46, United States Code, for fis-
12 cal year 2023, the Secretary may consider infrastructure
13 improvements identified in the report on strategic seaports
14 required by section 3515 of the National Defense Authoriza-
15 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
16 Stat. 1985) that would improve the commercial operations
17 of those seaports.

18 **SEC. 3525. GAO REVIEW OF GOVERNMENT EFFORTS TO PRO-**
19 **MOTE GROWTH AND MODERNIZATION OF**
20 **UNITED STATES MERCHANT FLEET.**

21 (a) REVIEW.—The Comptroller General of the United
22 States shall conduct a review of the efforts of the United
23 States Government to promote the growth and moderniza-
24 tion of the United States maritime industry and the vessels
25 of the United States, as defined in section 116 of title 46,

1 *United States Code, including the overall efficacy of United*
2 *States Government financial support and policies, includ-*
3 *ing the Capital Construction Fund, Construction Reserve*
4 *Fund, and other relevant loan, grant, or other programs.*

5 (b) *REPORT.*—*Not later than 18 months after the date*
6 *of the enactment of this Act, the Comptroller General of the*
7 *United States shall submit to the Committee on Commerce,*
8 *Science, and Transportation of the Senate and the Com-*
9 *mittee on Transportation and Infrastructure of the House*
10 *of Representatives a report that includes the results of a*
11 *review required under subsection (a).*

12 **SEC. 3526. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE**
13 **PORT INFRASTRUCTURE RESILIENCY AND**
14 **DISASTER PREPAREDNESS.**

15 (a) *REVIEW.*—*The Comptroller General of the United*
16 *States shall conduct a review of Federal efforts to assist*
17 *ports in enhancing the resiliency of key intermodal connec-*
18 *tors to weather-related disasters. The review shall include*
19 *an analysis of the following:*

20 (1) *Actions being undertaken at various ports to*
21 *better identify critical land-side connectors that may*
22 *be vulnerable to disruption in the event of a natural*
23 *disaster, including how to communicate such infor-*
24 *mation during a disaster when communications sys-*

1 *tems may be compromised, and the level of Federal*
2 *involvement in such actions.*

3 *(2) The extent to which the Department of*
4 *Transportation and other Federal agencies are work-*
5 *ing in line with recent recommendations from key re-*
6 *siliency reports, including the National Academies of*
7 *Science study on strengthening supply chain resil-*
8 *ience, to establish a framework for ports to follow to*
9 *increase resiliency to major weather-related disrupt-*
10 *tions before such disruptions happen.*

11 *(3) The extent to which the Department of*
12 *Transportation or other Federal agencies have pro-*
13 *vided funds to ports for resiliency-related projects.*

14 *(4) The extent to which Federal agencies have a*
15 *coordinated approach to helping ports and the mul-*
16 *tiple State, local, Tribal, and private stakeholders in-*
17 *volved, to improve resiliency prior to weather-related*
18 *disasters.*

19 *(b) REPORT.—Not later than 18 months after the date*
20 *of the enactment of this Act, the Comptroller General shall*
21 *submit to the Committee on Commerce, Science, and Trans-*
22 *portation of the Senate and the Committee on Transpor-*
23 *tation and Infrastructure of the House of Representatives*
24 *a report containing the results of the review required under*
25 *subsection (a).*

1 **SEC. 3527. STUDY ON FOREIGN INVESTMENT IN SHIPPING.**

2 (a) *ASSESSMENT.*—Subject to the availability of ap-
3 propriations, the Under Secretary of Commerce for Inter-
4 national Trade (referred to in this section as the “Under
5 Secretary”), in coordination with the Maritime Adminis-
6 trator, the Commissioner of the Federal Maritime Commis-
7 sion, and the heads of other relevant agencies, shall conduct
8 an assessment of subsidies, indirect state support, and other
9 financial infrastructure or benefits provided by foreign
10 states that control more than one percent of the world mer-
11 chant fleet to entities or individuals building, owning, char-
12 tering, operating, or financing vessels not documented
13 under the laws of the United States that are engaged in
14 foreign commerce.

15 (b) *REPORT.*—Not later than one year after the date
16 of the enactment of this Act, the Under Secretary shall sub-
17 mit to the appropriate committees of Congress, as defined
18 in section 3515(e), a report on the assessment conducted
19 under subsection (a). Such report shall include—

20 (1) the amount, in United States dollars, of sub-
21 sidies, indirect state support, and other financial in-
22 frastructure or benefits provided by a foreign state de-
23 scribed in subsection (a) to—

24 (A) the shipping industry of each country
25 as a whole;

1 (B) the shipping industry as a percent of
2 gross domestic product of each country; and

3 (C) each ship on average, by ship type for
4 cargo, tanker, and bulk;

5 (2) the amount, in United States dollars, of sub-
6 sidies, indirect state support, and other financial in-
7 frastructure or benefits provided by a foreign state de-
8 scribed in subsection (a) to the shipping industry of
9 another foreign state, including favorable financial
10 arrangements for ship construction;

11 (3) a description of the shipping industry activi-
12 ties of state-owned enterprises of a foreign state de-
13 scribed in subsection (a);

14 (4) a description of the type of support provided
15 by a foreign state described in subsection (a), includ-
16 ing tax relief, direct payment, indirect support of
17 state-controlled financial entities, or other such sup-
18 port, as determined by the Under Secretary; and

19 (5) a description of how the subsidies provided
20 by a foreign state described in subsection (a) may be
21 disadvantaging the competitiveness of vessels docu-
22 mented under the laws of the United States that are
23 engaged in foreign commerce and the national secu-
24 rity of the United States.

25 (c) *DEFINITIONS.*—*In this section:*

1 (1) *The term “foreign commerce” means—*

2 (A) *commerce or trade between the United*
3 *States, its territories or possessions, or the Dis-*
4 *trict of Columbia, and a foreign country;*

5 (B) *commerce or trade between foreign*
6 *countries; or*

7 (C) *commerce or trade within a foreign*
8 *country.*

9 (2) *The term “foreign state” has the meaning*
10 *given the term in section 1603(a) of title 28, United*
11 *States Code.*

12 (3) *The term “shipping industry” means the*
13 *construction, ownership, chartering, operation, or fi-*
14 *nancing of vessels engaged in foreign commerce.*

15 **SEC. 3528. REPORT ON ALTERNATE MARINE FUEL BUN-**
16 **KERING FACILITIES AT PORTS.**

17 (a) *IN GENERAL.—Not later than one year after the*
18 *date of enactment of this Act, the Maritime Administrator*
19 *shall make publicly available on an appropriate website a*
20 *report on the necessary port-related infrastructure needed*
21 *to support bunkering facilities for liquefied natural gas, hy-*
22 *drogen, ammonia, or other new marine fuels under develop-*
23 *ment.*

24 (b) *CONTENTS.—The report required under subsection*
25 *(a) shall include—*

1 (1) *information about the existing United States*
2 *infrastructure, in particular the storage facilities,*
3 *bunkering vessels, and transfer systems to support*
4 *bunkering facilities for liquefied natural gas, hydro-*
5 *gen, ammonia, or other new marine fuels under devel-*
6 *opment;*

7 (2) *a review of the needed upgrades to United*
8 *States infrastructure, including storage facilities,*
9 *bunkering vessels, and transfer systems, to support*
10 *bunkering facilities for liquefied natural gas, hydro-*
11 *gen, ammonia, or other new marine fuels under devel-*
12 *opment;*

13 (3) *an assessment of the estimated Government*
14 *investment in this infrastructure and the duration of*
15 *that investment; and*

16 (4) *in consultation with the heads of other rel-*
17 *evant Federal agencies, information on the relevant*
18 *Federal agencies that would oversee the permitting*
19 *and construction of bunkering facilities for liquefied*
20 *natural gas, hydrogen, ammonia, or other new ma-*
21 *rine fuels, as well as the Federal funding grants or*
22 *formula programs that could be used for such marine*
23 *fuels.*

1 **SEC. 3529. STUDY OF CYBERSECURITY AND NATIONAL SE-**
2 **CURITY THREATS POSED BY FOREIGN MANU-**
3 **FACTURED CRANES AT UNITED STATES**
4 **PORTS.**

5 (a) *STUDY.*—*The Maritime Administrator, in con-*
6 *sultation with the Secretary of Homeland Security, the Sec-*
7 *retary of Defense, and the Director of the Cybersecurity and*
8 *Infrastructure Security Agency, shall conduct a study to as-*
9 *sess whether there are cybersecurity or national security*
10 *threats posed by foreign manufactured cranes at United*
11 *States ports.*

12 (b) *REPORT.*—

13 (1) *IN GENERAL.*—*Not later than one year after*
14 *the date of enactment of this Act, the Maritime Ad-*
15 *ministrator shall submit to the Committee on Com-*
16 *merce, Science, and Transportation of the Senate, the*
17 *Committee on Armed Services of the Senate, the Com-*
18 *mittee on Homeland Security and Governmental Af-*
19 *airs of the Senate, the Committee on Transportation*
20 *and Infrastructure of the House of Representatives,*
21 *and the Committee on Armed Services of the House*
22 *of Representatives a report containing the results of*
23 *the study required under subsection (a).*

24 (2) *FORM OF REPORT.*—*The report required*
25 *under paragraph (1) shall be submitted in unclassi-*
26 *fied form, but may include a classified annex.*

1 ***Subtitle D—Maritime Workforce***

2 ***SEC. 3531. IMPROVING PROTECTIONS FOR MIDSHIPMEN.***

3 *(a) SUPPORTING THE UNITED STATES MERCHANT*
4 *MARINE ACADEMY.—Chapter 513 of title 46, United States*
5 *Code, is amended by adding at the end the following:*

6 ***“§51325. Sexual assault and sexual harassment pre-***
7 ***vention information management system***

8 *“(a) INFORMATION MANAGEMENT SYSTEM.—*

9 *“(1) IN GENERAL.—Not later than January 1,*
10 *2023, the Maritime Administrator shall establish*
11 *within the United States Merchant Marine Academy*
12 *Sexual Assault prevention and Response Program, an*
13 *information management system to track and main-*
14 *tain, in such a manner that patterns can be reason-*
15 *ably identified, information regarding claims and in-*
16 *cidents involving cadets that are reportable pursuant*
17 *to subsection (d) of section 51318 of this chapter.*

18 *“(2) INFORMATION MAINTAINED IN THE SYS-*
19 *TEM.—Information maintained in the system estab-*
20 *lished under paragraph (1) shall include the following*
21 *information, to the extent that information is avail-*
22 *able:*

23 *“(A) The overall number of sexual assault*
24 *or sexual harassment incidents per fiscal year.*

1 “(B) *The location of each such incident, in-*
2 *cluding vessel name and the name of the com-*
3 *pany operating the vessel, if applicable.*

4 “(C) *The standardized job title or position*
5 *of the individuals involved in each such incident.*

6 “(D) *The general nature of each such inci-*
7 *dent, to include copies of any associated reports*
8 *completed on the incidents.*

9 “(E) *The type of inquiry made into each*
10 *such incident.*

11 “(F) *A record of whether each such incident*
12 *was substantiated by the relevant investigative*
13 *process.*

14 “(3) *PAST INFORMATION INCLUDED.—The infor-*
15 *mation management system under this section shall*
16 *include the relevant data listed in this subsection re-*
17 *lated to sexual assault and sexual harassment that the*
18 *Maritime Administrator possesses, and shall not be*
19 *limited to data collected after January 1, 2023.*

20 “(4) *PRIVACY PROTECTIONS.—The Maritime Ad-*
21 *ministrator and the Chief Information Officer of the*
22 *Department of Transportation shall coordinate to en-*
23 *sure that the information management system under*
24 *this section shall—*

1 “(A) be established and maintained in a se-
2 cure fashion to ensure the protection of the pri-
3 vacy of any individuals whose information is en-
4 tered in such system; and

5 “(B) be free of personally identifiable infor-
6 mation and maintain only the data required to
7 satisfy the statistical purpose of such system.

8 “(5) *CYBERSECURITY AUDIT.*—Ninety days after
9 the implementation of the information management
10 system, the Office of Inspector General of the Depart-
11 ment of Transportation shall commence an audit of
12 the cybersecurity of the system and shall submit a re-
13 port containing the results of that audit to the Com-
14 mittee on Commerce, Science, and Transportation of
15 the Senate and the Committee on Transportation and
16 Infrastructure of the House of Representatives.

17 “(6) *CORRECTING RECORDS.*—In establishing the
18 information management system, the Maritime Ad-
19 ministrator shall create a process to ensure that if
20 any incident report results in a final agency action
21 or final judgement that acquits an individual of
22 wrongdoing, all personally identifiable information
23 about the acquitted individual is removed from that
24 incident report in the system.

1 “(b) *SEA YEAR PROGRAM.*—*The Maritime Adminis-*
2 *trator shall provide for the establishment of in-person and*
3 *virtual confidential exit interviews, to be conducted by per-*
4 *sonnel who are not involved in the assignment of the mid-*
5 *shipmen to a Sea Year vessel, for midshipmen from the*
6 *Academy upon completion of Sea Year and following com-*
7 *pletion by the midshipmen of the survey under section*
8 *51322(d).*

9 “(c) *DATA-INFORMED DECISIONMAKING.*—*The data*
10 *maintained in the data management system under sub-*
11 *section (a) and through the exit interviews under subsection*
12 *(b) shall be affirmatively referenced and used to inform the*
13 *creation of new policy or regulation, or changes to any ex-*
14 *isting policy or regulation, in the areas of sexual harass-*
15 *ment, dating violence, domestic violence, sexual assault, and*
16 *stalking.*

17 **“§ 51326. Student advisory board at the United States**
18 **Merchant Marine Academy**

19 “(a) *IN GENERAL.*—*The Maritime Administrator shall*
20 *establish at the United States Merchant Marine Academy*
21 *an advisory board to be known as the Advisory Board to*
22 *the Secretary of Transportation (referred to in this section*
23 *as the ‘Advisory Board’).*

24 “(b) *MEMBERSHIP.*—*The Advisory Board shall be*
25 *composed of not fewer than 12 midshipmen of the Merchant*

1 *Marine Academy who are enrolled at the Merchant Marine*
2 *Academy at the time of the appointment, including not*
3 *fewer than 3 cadets from each class.*

4 “(c) *APPOINTMENT; TERM.*—*Midshipmen shall serve*
5 *on the Advisory Board pursuant to appointment by the*
6 *Maritime Administrator. Appointments shall be made not*
7 *later than 60 days after the date of the swearing in of a*
8 *new class of midshipmen at the Academy. The term of mem-*
9 *bership of a midshipmen on the Advisory Board shall be*
10 *1 academic year.*

11 “(d) *REAPPOINTMENT.*—*The Maritime Administrator*
12 *may reappoint not more than 6 cadets from the previous*
13 *term to serve on the Advisory Board for an additional aca-*
14 *demie year if the Maritime Administrator determines such*
15 *reappointment to be in the best interests of the Merchant*
16 *Marine Academy.*

17 “(e) *MEETINGS.*—*The Advisory Board shall meet with*
18 *the Secretary of Transportation not less than once each aca-*
19 *demie year to discuss the activities of the Advisory Board.*
20 *The Advisory Board shall meet in person with the Maritime*
21 *Administrator not less than 2 times each academic year to*
22 *discuss the activities of the Advisory Board.*

23 “(f) *DUTIES.*—*The Advisory Board shall—*

24 “(1) *identify health and wellbeing, diversity, and*
25 *sexual assault and harassment challenges and other*

1 *topics considered important by the Advisory Board*
2 *facing midshipmen at the Merchant Marine Academy,*
3 *off campus, and while aboard ships during Sea Year*
4 *or other training opportunities;*

5 *“(2) discuss and propose possible solutions, in-*
6 *cluding improvements to culture and leadership devel-*
7 *opment at the Merchant Marine Academy; and*

8 *“(3) periodically review the efficacy of the pro-*
9 *gram in section 51325(b), as appropriate, and pro-*
10 *vide recommendations to the Maritime Administrator*
11 *for improvement.*

12 *“(g) WORKING GROUPS.—The Advisory Board may es-*
13 *tablish one or more working groups to assist the Advisory*
14 *Board in carrying out its duties, including working groups*
15 *composed in part of midshipmen at the Merchant Marine*
16 *Academy who are not current members of the Advisory*
17 *Board.*

18 *“(h) REPORTS AND BRIEFINGS.—The Advisory Board*
19 *shall regularly provide the Secretary of Transportation and*
20 *the Maritime Administrator reports and briefings on the*
21 *results of its duties, including recommendations for actions*
22 *to be taken in light of such results. Such reports and brief-*
23 *ings may be provided in writing, in person, or both.*

1 **“§ 51327. Sexual Assault Advisory Council**

2 “(a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
3 *tation shall establish a Sexual Assault Advisory Council (in*
4 *this section referred to as the ‘Council’).*

5 “(b) *MEMBERSHIP.*—

6 “(1) *IN GENERAL.*—*The Council shall be com-*
7 *posed of not fewer than 8 and not more than 14 indi-*
8 *viduals selected by the Secretary of Transportation*
9 *who are alumni that have graduated within the last*
10 *4 years or current midshipmen of the United States*
11 *Merchant Marine Academy (including midshipmen or*
12 *alumni who were victims of sexual assault, to the*
13 *maximum extent practicable, and midshipmen or*
14 *alumni who were not victims of sexual assault) and*
15 *governmental and nongovernmental experts and pro-*
16 *essionals in the sexual assault field.*

17 “(2) *EXPERTS INCLUDED.*—*The Council shall in-*
18 *clude—*

19 “(A) *not less than 1 member who is licensed*
20 *in the field of mental health and has prior expe-*
21 *rience working as a counselor or therapist pro-*
22 *viding mental health care to survivors of sexual*
23 *assault in a victim services agency or organiza-*
24 *tion; and*

25 “(B) *not less than 1 member who has prior*
26 *experience developing or implementing sexual as-*

1 *sault or sexual harassment prevention and re-*
2 *sponse policies in an academic setting.*

3 “(3) *RULES REGARDING MEMBERSHIP.*—No em-
4 *ployee of the Department of Transportation shall be*
5 *a member of the Council. The number of governmental*
6 *experts appointed to the Council shall not exceed the*
7 *number of nongovernmental experts.*

8 “(c) *DUTIES; AUTHORIZED ACTIVITIES.*—

9 “(1) *IN GENERAL.*—The Council shall meet not
10 *less often than semiannually to—*

11 “(A) *review—*

12 “(i) *the policies on sexual harassment,*
13 *dating violence, domestic violence, sexual*
14 *assault, and stalking under section 51318 of*
15 *this title;*

16 “(ii) *the trends and patterns of data*
17 *contained in the system described under sec-*
18 *tion 51325 of this title; and*

19 “(iii) *related matters the Council views*
20 *as appropriate; and*

21 “(B) *develop recommendations designed to*
22 *ensure that such policies and such matters con-*
23 *form, to the extent practicable, to best practices*
24 *in the field of sexual assault and sexual harass-*
25 *ment response and prevention.*

1 “(2) *AUTHORIZED ACTIVITIES.*—*To carry out*
2 *this subsection, the Council may—*

3 “(A) *interview current and former mid-*
4 *shipmen of the United States Merchant Marine*
5 *Academy (to the extent that such midshipmen*
6 *provide the Department of Transportation ex-*
7 *press consent to be interviewed by the Council);*
8 *and*

9 “(B) *review surveys under section 51322(d).*

10 “(3) *PERSONALLY IDENTIFIABLE INFORMA-*
11 *TION.*—*In carrying out this subsection, the Council*
12 *shall comply with the obligations of the Department*
13 *of Transportation to protect personally identifiable*
14 *information.*

15 “(d) *REPORTS.*—*On an annual basis for each of the*
16 *5 years after the date of enactment of this section, and at*
17 *the discretion of the Council thereafter, the Council shall*
18 *submit, to the President and the Committee on Commerce,*
19 *Science, and Transportation and the Committee on Appro-*
20 *priations of the Senate and the Committee on Transpor-*
21 *tation and Infrastructure and the Committee on Appro-*
22 *priations of the House of Representatives, a report on the*
23 *Council’s findings based on the reviews conducted pursuant*
24 *to subsection (c) and related recommendations.*

1 “(e) *EMPLOYEE STATUS.*—*Members of the Council*
2 *shall not be considered employees of the United States Gov-*
3 *ernment for any purpose and shall not receive compensa-*
4 *tion other than reimbursement of travel expenses and per*
5 *diem allowance in accordance with section 5703 of title 5.*

6 “(f) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
7 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
8 *Council.*

9 “**§ 51328. Student support**

10 “*The Maritime Administrator shall—*

11 “(1) *require a biannual survey of midshipmen,*
12 *faculty, and staff of the Academy assessing the envi-*
13 *ronment of the Academy; and*

14 “(2) *require an annual survey of faculty and*
15 *staff of the Academy assessing the Sea Year pro-*
16 *gram.*”.

17 “(b) *REPORT TO CONGRESS.*—*Not later than 30 days*
18 *after the date of enactment of this section, the Maritime*
19 *Administrator shall provide Congress with a briefing on the*
20 *resources necessary to properly implement section 51328 of*
21 *title 46, United States Code, as added by this section.*

22 “(c) *CONFORMING AMENDMENTS.*—*The chapter anal-*
23 *ysis for chapter 513 of title 46, United States Code, is*
24 *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 Academy.*

“51327. Sexual Assault Advisory Council.

“51328. Student support.”.

1 (d) *UNITED STATES MERCHANT MARINE ACADEMY*
2 *STUDENT SUPPORT PLAN.*—

3 (1) *STUDENT SUPPORT PLAN.*—*Not later than*
4 *January 1, 2023, the Maritime Administrator shall*
5 *issue a Student Support Plan for the United States*
6 *Merchant Marine Academy, in consultation with rel-*
7 *evant mental health professionals in the Federal Gov-*
8 *ernment or experienced with the maritime industry or*
9 *related industries. Such plan shall—*

10 (A) *address the mental health resources*
11 *available to midshipmen, both on-campus and*
12 *during Sea Year;*

13 (B) *establish a tracking system for suicidal*
14 *ideations and suicide attempts of midshipmen,*
15 *which excludes personally identifiable informa-*
16 *tion;*

17 (C) *create an option for midshipmen to ob-*
18 *tain assistance from a professional care provider*
19 *virtually; and*

20 (D) *require an annual survey of faculty*
21 *and staff assessing the adequacy of mental health*
22 *resources for midshipmen of the Academy, both*
23 *on campus and during Sea Year.*

1 (2) *REPORT TO CONGRESS.*—Not later than 30
2 days after the date of enactment of this section, the
3 Maritime Administrator shall provide Congress with
4 a report on the resources necessary to properly imple-
5 ment this subsection.

6 (e) *SPECIAL VICTIMS ADVISOR.*—Section 51319 of title
7 46, United States Code, is amended—

8 (1) by redesignating subsection (c) as subsection
9 (d);

10 (2) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) *SPECIAL VICTIMS ADVISOR.*—

13 “(1) *IN GENERAL.*—The Secretary shall des-
14 ignate an attorney (to be known as the ‘Special Vic-
15 tims Advisor’) for the purpose of providing legal as-
16 sistance to any cadet of the Academy who is the vic-
17 tim of an alleged sex-related offense regarding admin-
18 istrative and criminal proceedings related to such of-
19 fense, regardless of whether the report of that offense
20 is restricted or unrestricted.

21 “(2) *SPECIAL VICTIMS ADVISORY.*—The Secretary
22 shall ensure that the attorney designated as the Spe-
23 cial Victims Advisor has knowledge of the Uniform
24 Code of Military Justice, as well as criminal and
25 civil law.

1 “(3) *PRIVILEGED COMMUNICATIONS.*—Any com-
2 munications between a victim of an alleged sex-re-
3 lated offense and the Special Victim Advisor, when
4 acting in their capacity as such, shall have the same
5 protection that applicable law provides for confiden-
6 tial attorney-client communications.”; and

7 (3) by adding at the end the following:

8 “(e) *UNFILLED VACANCIES.*—The Administrator of the
9 Maritime Administration may appoint qualified can-
10 didates to positions under subsections (a) and (d) of this
11 section without regard to sections 3309 through 3319 of title
12 5.”.

13 (f) *CATCH A SERIAL OFFENDER ASSESSMENT.*—

14 (1) *ASSESSMENT.*—Not later than one year after
15 the date of enactment of this section, the Com-
16 mandant of the Coast Guard, in coordination with
17 the Maritime Administrator, shall conduct an assess-
18 ment of the feasibility and process necessary, and ap-
19 propriate responsible entities to establish a program
20 for the United States Merchant Marine Academy and
21 United States Merchant Marine modeled on the Catch
22 a Serial Offender program of the Department of De-
23 fense using the information management system re-
24 quired under subsection (a) of section 51325 of title

1 46, *United States Code*, and the exit interviews under
2 subsection (b) of such section.

3 (2) *LEGISLATIVE CHANGE PROPOSALS.*—If, as a
4 result of the assessment required by paragraph (1),
5 the Commandant or the Administrator determines
6 that additional authority is necessary to implement
7 the program described in paragraph (1), the Com-
8 mandant or the Administrator, as applicable, shall
9 provide appropriate legislative change proposals to
10 Congress.

11 (g) *SHIPBOARD TRAINING.*—Section 51322(a) of title
12 46, *United States Code*, is amended by adding at the end
13 the following:

14 “(3) *TRAINING.*—

15 “(A) *IN GENERAL.*—As part of training
16 that shall be provided not less than semiannually
17 to all midshipmen of the Academy, pursuant to
18 section 51318, the Maritime Administrator shall
19 develop and implement comprehensive in-person
20 sexual assault risk-reduction and response train-
21 ing that, to the extent practicable, conforms to
22 best practices in the sexual assault prevention
23 and response field and includes appropriate sce-
24 nario-based training.

1 “(B) *DEVELOPMENT AND CONSULTATION*
2 *WITH EXPERTS.*—*In developing the sexual as-*
3 *sault risk-reduction and response training under*
4 *subparagraph (A), the Maritime Administrator*
5 *shall consult with and incorporate, as appro-*
6 *priate, the recommendations and views of experts*
7 *in the sexual assault field.”.*

8 **SEC. 3532. MARITIME TECHNICAL ADVANCEMENT ACT.**

9 (a) *IN GENERAL.*—*Section 51706 of title 46, United*
10 *States Code, is amended—*

11 (1) *by striking subsection (a) and inserting the*
12 *following:*

13 “(a) *DESIGNATION.*—*The Secretary of Transportation*
14 *may designate as a center of excellence for domestic mari-*
15 *time workforce training and education an entity which is*
16 *a covered training entity.”;*

17 (2) *by striking subsection (b) and inserting the*
18 *following:*

19 “(b) *GRANT PROGRAM.*—

20 “(1) *IN GENERAL.*—*The Secretary may award a*
21 *maritime career training grant to a center of excel-*
22 *lence designated under subsection (a) for the purpose*
23 *of developing, offering, or improving career and tech-*
24 *nical education or training programs related to the*

1 *United States maritime industry for United States*
2 *workers.*

3 “(2) *GRANT PROPOSAL.*—*To be eligible to receive*
4 *a grant under this subsection, a center of excellence*
5 *designated under subsection (a) shall submit to the*
6 *Secretary a grant proposal that includes a detailed*
7 *description of—*

8 “(A) *the specific project proposed to be*
9 *funded by the grant, including a description of*
10 *the manner in which the grant will be used to*
11 *develop, offer, or improve a career and technical*
12 *education or training program that is suited to*
13 *United States maritime industry workers;*

14 “(B) *the extent to which the project for*
15 *which the grant proposal is submitted will meet*
16 *the educational or career training needs of*
17 *United States maritime industry workers;*

18 “(C) *any previous experience of the center*
19 *of excellence in providing United States mari-*
20 *time industry career and technical education or*
21 *training programs;*

22 “(D) *how the project proposed to be funded*
23 *by the grant would address shortcomings in ex-*
24 *isting educational or career training opportuni-*

1 *ties available to United States maritime indus-*
2 *try workers; and*

3 *“(E) the extent to which employers, includ-*
4 *ing small and medium-sized firms, have dem-*
5 *onstrated a commitment to employing United*
6 *States maritime industry workers who would*
7 *benefit from the project for which the grant pro-*
8 *posal is submitted.*

9 *“(3) CRITERIA FOR AWARD OF GRANTS.—Subject*
10 *to the appropriation of funds to carry out this sec-*
11 *tion, the Secretary shall award grants under this sub-*
12 *section to centers of excellence based on—*

13 *“(A) an determination of the merits of a*
14 *grant proposal submitted under paragraph (2) to*
15 *develop, offer, or improve career and technical*
16 *education or training programs to be made*
17 *available to United States maritime industry*
18 *workers;*

19 *“(B) an evaluation of the likely employment*
20 *opportunities available to United States mari-*
21 *time industry workers who complete a maritime*
22 *career and technical education or training pro-*
23 *gram that a center proposes to develop, offer, or*
24 *improve; and*

1 “(C) *an evaluation of prior demand for*
2 *training programs by workers served by centers*
3 *of excellence designated under subsection (a), as*
4 *well as the availability and capacity of existing*
5 *maritime training programs to meet future de-*
6 *mand for training programs.*

7 “(4) *COMPETITIVE AWARDS.—*

8 “(A) *IN GENERAL.—The Secretary shall*
9 *award grants under this subsection to centers of*
10 *excellence designated under subsection (a) on a*
11 *competitive basis.*

12 “(B) *TIMING OF GRANT NOTICE.—The Sec-*
13 *retary shall post a Notice of Funding Oppor-*
14 *tunity regarding grants awarded under this sub-*
15 *section not more than 90 days after the date of*
16 *the enactment of the appropriations Act for the*
17 *fiscal year concerned.*

18 “(C) *TIMING OF GRANTS.—The Secretary*
19 *shall award grants under this subsection not*
20 *later than 270 days after the date of the enact-*
21 *ment of the appropriations Act for the fiscal*
22 *year concerned.*

23 “(D) *REUSE OF UNEXPENDED GRANT*
24 *FUNDS.—Notwithstanding subparagraph (C),*
25 *amounts awarded as a grant under this sub-*

1 *section that are not expended by the grantee*
2 *shall remain available to the Secretary for use*
3 *for grants under this subsection.*

4 “(E) *ADMINISTRATIVE COSTS.*—*Not more*
5 *than 3 percent of amounts made available to*
6 *carry out this subsection may be used for the*
7 *necessary costs of grant administration.*

8 “(F) *PROHIBITED USE.*—*A center of excel-*
9 *lence designated under subsection (a) that has re-*
10 *ceived funds awarded under section 54101(a)(2)*
11 *for training purposes for a fiscal year shall not*
12 *be eligible for grants under this subsection dur-*
13 *ing the same fiscal year.”; and*

14 *(3) in subsection (c)—*

15 *(A) by striking paragraph (1) and inserting*
16 *the following:*

17 “(1) *COVERED TRAINING ENTITY.*—*The term*
18 ‘*covered training entity*’ *means an entity that—*

19 “(A) *is located in a State that borders on*
20 *the—*

21 “(i) *Gulf of Mexico;*

22 “(ii) *Atlantic Ocean;*

23 “(iii) *Long Island Sound;*

24 “(iv) *Pacific Ocean;*

25 “(v) *Great Lakes; or*

1 “(vi) *Mississippi River System*;

2 “(B) is—

3 “(i) *a postsecondary educational insti-*
4 *tution (as such term is defined in section*
5 *3(39) of the Carl D. Perkins Career and*
6 *Technical Education Act of 2006 (20 U.S.C.*
7 *2302));*

8 “(ii) *a postsecondary vocational insti-*
9 *tution (as such term is defined in section*
10 *102(c) of the Higher Education Act of 1965*
11 *(20 U.S.C. 1002(c));*

12 “(iii) *a public or private nonprofit en-*
13 *tity that offers one or more other structured*
14 *experiential learning training programs for*
15 *United States workers in the United States*
16 *maritime industry, including a program*
17 *that is offered by a labor organization or*
18 *conducted in partnership with a nonprofit*
19 *organization or one or more employers in*
20 *the United States maritime industry;*

21 “(iv) *an entity sponsoring an appren-*
22 *ticeship program registered with the Office*
23 *of Apprenticeship of the Employment and*
24 *Training Administration of the Department*
25 *of Labor or a State apprenticeship agency*

1 *recognized by the Office of Apprenticeship*
2 *pursuant to the Act of August 16, 1937*
3 *(commonly known as the ‘National Appren-*
4 *ticeship Act’; 50 Stat. 664, chapter 663; 29*
5 *U.S.C. 50 et seq.); or*

6 *“(v) a maritime training center des-*
7 *ignated prior to the date of enactment of the*
8 *National Defense Authorization Act for Fis-*
9 *cal Year 2023; and*

10 *“(C) has a demonstrated record of success in*
11 *maritime workforce training and education.”;*
12 *and*

13 *(B) by adding at the end the following:*

14 *“(3) CAREER AND TECHNICAL EDUCATION.—The*
15 *term ‘career and technical education’ has the meaning*
16 *given such term in section 3(5) of the Carl D. Perkins*
17 *Career and Technical Education Act (20 U.S.C.*
18 *2302).*

19 *“(4) SECRETARY.—The term ‘Secretary’ means*
20 *the Secretary of Transportation.*

21 *“(5) TRAINING PROGRAM.—The term ‘training*
22 *program’ means a program that provides training*
23 *services, as described in section 134(c)(3)(D) of the*
24 *Workforce Innovation and Opportunity Act (Public*
25 *Law 113–128; 29 U.S.C. 3174).*

1 “(6) *UNITED STATES MARITIME INDUSTRY.*—*The*
2 *term ‘United States maritime industry’ means the de-*
3 *sign, construction, repair, operation, manning, and*
4 *supply of vessels in all segments of the maritime*
5 *transportation system of the United States, includ-*
6 *ing—*

7 “(A) *the domestic and foreign trade;*

8 “(B) *the coastal, offshore, and inland trade;*

9 “(C) *non-commercial maritime activities,*
10 *including—*

11 “(i) *recreational boating; and*

12 “(ii) *oceanographic and limnological*
13 *research as described in section 2101(24).”.*

14 (b) *PUBLICLY AVAILABLE REPORT.*—*Not later than*
15 *December 15 in each of calendar years 2022 through 2024,*
16 *the Secretary of Transportation shall make publicly avail-*
17 *able on an appropriate website a report, and provide to*
18 *the Committee on Commerce, Science, and Transportation*
19 *of the Senate and the Committee on Transportation and*
20 *Infrastructure of the House of Representatives a briefing,*
21 *on the implementation of the amendments under this sec-*
22 *tion. Such report and briefing shall include—*

23 (1) *a description of each grant awarded under*
24 *subsection (b) of section 51706 of title 46, United*
25 *States Code, as amended by subsection (a), during the*

1 *fiscal year preceding the fiscal year during which the*
2 *report is submitted; and*

3 (2) *an assessment of the effects of each such grant*
4 *under this subsection on workers who received train-*
5 *ing provided pursuant to the grant during the fiscal*
6 *year preceding the fiscal year during which the report*
7 *was submitted.*

8 (c) *GUIDELINES.*—*Not later than one year after the*
9 *date of enactment of this Act, the Secretary of Transpor-*
10 *tation shall—*

11 (1) *prescribe guidelines for the submission of*
12 *grant proposals under section 51706(b) of title 46,*
13 *United States Code, as amended by subsection (a);*
14 *and*

15 (2) *publish and maintain such guidelines on the*
16 *website of the Department of Transportation.*

17 (d) *ASSISTANCE FOR SMALL SHIPYARDS.*—*Section*
18 *54101(e) of title 46, United States Code, is amended by*
19 *striking paragraph (2) and inserting the following:*

20 “(2) *ALLOCATION OF FUNDS.*—

21 “(A) *IN GENERAL.*—*The Administrator*
22 *may not award more than 25 percent of the*
23 *funds made available to carry out this section for*
24 *any fiscal year to any small shipyard in one ge-*

1 *ographic location that has more than 600 em-*
2 *ployees.*

3 “(B) *INELIGIBILITY.*—*A maritime training*
4 *center that has received funds awarded under*
5 *section 51706 of title 46, United States Code,*
6 *shall not be eligible for grants under this sub-*
7 *section for training purposes in the same fiscal*
8 *year.”.*

9 **SEC. 3533. ENSURING DIVERSE MARINER RECRUITMENT.**

10 *Not later than six months after the date of the enact-*
11 *ment of this Act, the Secretary of Transportation shall de-*
12 *velop and deliver to Congress a strategy to assist State mar-*
13 *itime academies and the United States Merchant Marine*
14 *Academy in improving the representation in the next gen-*
15 *eration of the mariner workforce of women and underrep-*
16 *resented communities, including each of the following:*

17 (1) *Black and African American.*

18 (2) *Hispanic and Latino.*

19 (3) *Asian.*

20 (4) *American Indian, Alaska Native, and Native*
21 *Hawaiian.*

22 (5) *Pacific Islander.*

23 **SEC. 3534. LOW EMISSIONS VESSELS TRAINING.**

24 (a) *DEVELOPMENT OF STRATEGY.*—*The Secretary of*
25 *Transportation, in consultation with the United States*

1 *Merchant Marine Academy, State maritime academies, ci-*
2 *vilian nautical schools, and the Secretary of the department*
3 *in which Coast Guard is operating, shall develop a strategy*
4 *to ensure there is an adequate supply of trained United*
5 *States citizen mariners sufficient to meet the operational*
6 *requirements of low and zero emission vessels. Implementa-*
7 *tion of the strategy shall aim to increase the supply of*
8 *trained United States citizen mariners sufficient to meet*
9 *the needs of the maritime industry and ensure continued*
10 *investment in training for mariners serving on conven-*
11 *tional fuel vessels.*

12 (b) *REPORT.*—*Not later than six months after the date*
13 *the Secretary of Transportation determines that there is*
14 *commercially viable technology for low and zero emission*
15 *vessels, the Secretary of Transportation shall—*

16 (1) *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 strategy*
20 *developed under subsection (a) and plans for its im-*
21 *plementation; and*

22 (2) *make such report publicly available.*

Subtitle E—Other Matters**SEC. 3541. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.**

Section 501 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) *IN GENERAL.*—Upon a determination by the President that a waiver of the navigation or vessel-inspection laws is necessary in the interest of national defense, the head of an agency responsible for the administration of such laws, may waive compliance with such laws—

“(A) following a determination in accordance with the requirements of paragraph (3) by the Maritime Administrator, acting in the Administrator’s capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements;

“(B) not earlier than 48 hours after a waiver request is published under paragraph (6)(A); and

1 “(C) on a vessel specific basis to the extent,
2 in the manner, and on the terms the head of such
3 agency, in consultation with the Administrator,
4 acting in such capacity, prescribes.”;

5 (B) in paragraph (2)(B) by striking “deter-
6 minations referred to in paragraph (1)” and in-
7 serting “determination referred to in paragraph
8 (1)(A)”;

9 (C) in paragraph (3) by striking subpara-
10 graph (A) and inserting the following:

11 “(A) for each determination referred to in
12 paragraph (1)(A)—

13 “(i) identify any actions that could be
14 taken to enable qualified United States flag
15 capacity to meet national defense require-
16 ments prior to the issuance of a waiver; and

17 “(ii) not assess the non-availability of
18 qualified United States flag capacity to
19 meet national defense requirements retro-
20 spectively after the date on which a waiver
21 is requested;” and

22 (D) by adding at the end the following:

23 “(5) *PROSPECTIVE APPLICATION*.—No waiver
24 shall be issued for a vessel if, at the time of the waiver
25 request under this section, such vessel is laden with

1 *merchandise that, pursuant to the requested waiver,*
2 *could be unladen at points or places to which the*
3 *coastwise laws apply.*

4 “(6) *PUBLICATION REQUIREMENTS.*—

5 “(A) *PUBLICATION OF WAIVER RE-*
6 *QUESTS.*—*Upon receiving a request for a waiver*
7 *under this subsection, the head of an agency re-*
8 *ferred to in paragraph (1) shall publish such re-*
9 *quest on the website of such agency.*

10 “(B) *PUBLICATION OF WAIVER DENIAL.*—

11 *Not later than 48 hours after denying a waiver*
12 *requested under this subsection, the head of an*
13 *agency referred to in paragraph (1) shall publish*
14 *on the website of such agency an explanation for*
15 *denying such waiver, including applicable find-*
16 *ings to support the denial.”; and*

17 *(2) in subsection (c)(1)—*

18 *(A) in the matter preceding subparagraph*
19 *(A) by inserting “and the individual requesting*
20 *such waiver (if not the owner or operator of the*
21 *vessel)” before “shall submit”;*

22 *(B) in subparagraph (C) by striking “and”*
23 *at the end;*

1 (C) by redesignating subparagraphs (B),
2 (C), and (D) as subparagraphs (C), (D), and
3 (G), respectively;

4 (D) by inserting after subparagraph (A) the
5 following:

6 “(B) the name of the owner and operator of
7 the vessel;” and

8 (E) by inserting after subparagraph (D), as
9 so redesignated, the following:

10 “(E) a description of the cargo carried;

11 “(F) an explanation as to why the waiver
12 was in the interest of national defense; and”.

13 **SEC. 3542. NATIONAL MARITIME STRATEGY.**

14 (a) *STUDY TO INFORM A NATIONAL MARITIME STRAT-*
15 *EGY.—*

16 (1) *IN GENERAL.—Not later than 30 days after*
17 *the date of the enactment of this Act, the Secretary of*
18 *Transportation and the Secretary of the department*
19 *in which the Coast Guard is operating shall seek to*
20 *enter into an agreement with a studies and analysis*
21 *federally funded research and development center*
22 *under which such center shall conduct a study to*
23 *identify the key elements needed for a national mari-*
24 *time strategy that is designed to—*

1 (A) achieve the objectives described in sec-
2 tion 50101 of title 46, United States Code; and

3 (B) ensure—

4 (i) a capable, commercially viable,
5 militarily useful fleet of a sufficient number
6 of merchant vessels documented under chap-
7 ter 121 of title 46, United States Code;

8 (ii) a robust United States mariner
9 workforce, as described in section 50101 of
10 title 46, United States Code;

11 (iii) strong United States domestic
12 shipbuilding infrastructure, and related
13 shipbuilding trades amongst skilled workers
14 in the United States; and

15 (iv) that the Navy Fleet Auxiliary
16 Force, the National Defense Reserve Fleet,
17 the Military Sealift Command, the Mari-
18 time Security Program under chapter 531
19 of title 46, United States Code, the Cable
20 Security Program under chapter 532 of title
21 46, United States Code, and the Tanker Se-
22 curity Program under chapter 534 of title
23 46, United States Code currently meet the
24 economic and national security needs of the
25 United States and would reliably continue

1 to meet those needs under future economic
2 or national security emergencies.

3 (2) *DEADLINE FOR COMPLETION.*—An agreement
4 entered into pursuant to paragraph (1) shall specify
5 that the federally funded research and development
6 center shall complete the study by not later than one
7 year after the date of the enactment of this Act.

8 (3) *INPUT.*—An agreement entered into pursuant
9 to paragraph (1) shall specify that, in carrying out
10 the study, the federally funded research and develop-
11 ment center shall solicit input from—

12 (A) relevant Federal departments and agen-
13 cies;

14 (B) nongovernmental organizations;

15 (C) United States companies;

16 (D) maritime labor organizations;

17 (E) commercial industries that depend on
18 United States mariners;

19 (F) domestic shipyards regarding ship-
20 building and repair capacity, and the associated
21 skilled workforce, such as the workforce required
22 for transportation, offshore wind, fishing, and
23 aquaculture;

24 (G) providers of maritime workforce train-
25 ing; and

1 (H) any other relevant organizations.

2 (4) *REQUIREMENTS OF AGREEMENT.*—An agree-
3 ment entered into pursuant to paragraph (1) shall
4 specify that, in carrying out the study, the federally
5 funded research and development center shall consult
6 with the Secretary of Transportation, the Secretary of
7 Defense, the Secretary of the Department in which the
8 Coast Guard is operating, the Administrator of the
9 National Oceanic and Atmospheric Administration,
10 and the heads of other relevant Federal agencies, in
11 the identification and evaluation of—

12 (A) incentives, including regulatory
13 changes, needed to continue to meet the ship-
14 building and ship maintenance needs of the
15 United States for commercial and national secu-
16 rity purposes, including through a review of—

17 (i) the loans and guarantees program
18 carried out under chapter 537 of title 46,
19 United States Code, and how the develop-
20 ment of new offshore commercial industries,
21 such as wind energy, could be supported
22 through modification of such program or
23 other Federal programs, and thus also sup-
24 port the United States sealift in the future;

1 (ii) the barriers to participation in the
2 loans and guarantees program carried out
3 under chapter 537 of title 46, United States
4 Code, and how the program may be im-
5 proved to facilitate additional shipbuilding
6 activities in the United States;

7 (iii) the needed resources, human and
8 financial, for such incentives; and

9 (iv) the current and anticipated num-
10 ber of shipbuilding and ship maintenance
11 contracts at United States shipyards
12 through 2032, to the extent practicable;

13 (B) incentives, including regulatory
14 changes, needed to maintain a commercially via-
15 ble United States-documented fleet, including—

16 (i) an examination of how the pref-
17 erences under section 2631 of title 10,
18 United States Code, and chapters 531, 532,
19 534, and 553 of title 46, United States
20 Code, should be used to further maintain
21 and grow a United States-documented fleet;

22 (ii) an identification of other incen-
23 tives that could be used that may not be au-
24 thorized at the time of the study;

1 (iii) an estimate of the number and
2 type of commercial ships needed over the
3 next 30 years; and

4 (iv) estimates of the needed human and
5 financial resources for such incentives;

6 (C) the availability of United States mari-
7 ners, and future needs, including—

8 (i) the number of mariners needed for
9 the United States commercial and national
10 security needs over the next 30 years;

11 (ii) the policies and programs (at the
12 time of the study) to recruit, train, and re-
13 tain United States mariners to support the
14 United States maritime workforce needs
15 during peace time and at war;

16 (iii) how those programs could be im-
17 proved to grow the number of maritime
18 workers trained each year, including how
19 potential collaboration between the uni-
20 formed services, the United States Merchant
21 Marine Academy, State maritime acad-
22 emies, maritime labor training centers, and
23 the Centers of Excellence for Domestic Mari-
24 time Workforce Training under section

1 51706 of title 46, United States Code, could
2 be used most effectively; and

3 (iv) estimates of the necessary re-
4 sources, human and financial, to implement
5 such programs in each relevant Federal
6 agency over the next 30 years; and

7 (D) the interaction among the elements de-
8 scribed under subparagraphs (A) through (C).

9 (5) *PUBLIC AVAILABILITY.*—The Secretary of
10 Transportation shall make publicly available on a
11 website of the Department of Transportation a study
12 completed pursuant to paragraph (1).

13 (b) *NATIONAL MARITIME STRATEGY.*—

14 (1) *IN GENERAL.*—Chapter 501 of title 46,
15 United States Code, is amended by inserting after sec-
16 tion 50113 the following new section:

17 “§ 50114. *National maritime strategy*

18 “(a) *IN GENERAL.*—The Secretary of Transportation,
19 in consultation with the Secretary of the department in
20 which the Coast Guard is operating and the Commander
21 of United States Transportation Command, shall submit to
22 the Committee on Transportation and Infrastructure of the
23 House of Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate—

25 “(1) a national maritime strategy; and

1 “(2) *not less often than once every five years*
2 *after the submission of such strategy, an update to the*
3 *strategy.*

4 “(b) *CONTENTS.—The strategy required under sub-*
5 *section (a) shall include each of the following:*

6 “(1) *An identification of—*

7 “(A) *international policies and Federal reg-*
8 *ulations and policies that reduce the competitive-*
9 *ness of United States-documented vessels with*
10 *foreign vessels in domestic and international*
11 *transportation markets; and*

12 “(B) *the impact of reduced cargo flow due*
13 *to reductions in the number of members of the*
14 *United States Armed Forces stationed or de-*
15 *ployed outside of the United States.*

16 “(2) *Recommendations to—*

17 “(A) *make United States-documented vessels*
18 *more competitive in shipping routes between*
19 *United States and foreign ports;*

20 “(B) *increase the use of United States-docu-*
21 *mented vessels to carry cargo imported to and*
22 *exported from the United States;*

23 “(C) *ensure compliance by Federal agencies*
24 *with chapter 553;*

1 “(D) increase the use of short sea transpor-
2 tation routes, including routes designated under
3 section 55601(b), to enhance intermodal freight
4 movements;

5 “(E) enhance United States shipbuilding
6 capability;

7 “(F) invest in, and identify gaps in, infra-
8 structure needed to facilitate the movement of
9 goods at ports and throughout the transportation
10 system, including innovative physical and infor-
11 mation technologies;

12 “(G) enhance workforce training and re-
13 cruitment for the maritime workforce, including
14 training on innovative physical and information
15 technologies;

16 “(H) increase the resilience of ports and the
17 marine transportation system;

18 “(I) increase the carriage of government-im-
19 pelled cargo on United States-documented vessels
20 pursuant to chapter 553 of title 46, section 2631
21 of title 10, or otherwise; and

22 “(J) maximize the cost effectiveness of Fed-
23 eral funding for carriage of non-defense govern-
24 ment impelled cargo for the purposes of main-

1 *taining a United States flag fleet for national*
2 *and economic security.*

3 “(c) *UPDATE.*—*Upon the release of a strategy or up-*
4 *date under subsection (a), the Secretary of Transportation*
5 *shall make such strategy or update publicly available on*
6 *the website of the Department of Transportation.*

7 “(d) *IMPLEMENTATION PLAN.*—*Not later than six*
8 *months after the submission of a strategy or update under*
9 *subsection (a), the Secretary of Transportation, in consulta-*
10 *tion with the Secretary of the department in which the*
11 *Coast Guard is operating and the Secretary of Defense,*
12 *shall make publicly available on an appropriate website an*
13 *implementation plan for such strategy or update.”.*

14 (2) *CONFORMING REPEALS; DEADLINE.*—

15 (A) *RESCISSION OF SUPERCEDED STRAT-*
16 *EGY.*—*Effective on the date on which the Sec-*
17 *retary of Transportation submits the national*
18 *maritime strategy under section 50114(a)(1) of*
19 *title 46, United States Code, as added by para-*
20 *graph (1)—*

21 *(i) the national maritime strategy pre-*
22 *pared pursuant to section 603 of the How-*
23 *ard Coble Coast Guard and Maritime*
24 *Transportation Act of 2014 (Public Law*
25 *113–281) is rescinded; and*

1 (ii) section 603 of the Howard Coble
2 Coast Guard and Maritime Transportation
3 Act of 2014 (Public Law 113–281) is re-
4 pealed.

5 (B) *DEADLINE FOR SUBMISSION OF STRAT-*
6 *EGY.*—The Secretary shall submit the national
7 maritime strategy required under section
8 50114(a)(1) of title 46, United States Code, as
9 added by paragraph (1), not later than six
10 months after the date on which the Secretary re-
11 ceives the study under subsection (a).

12 (3) *CLERICAL AMENDMENT.*—The analysis for
13 chapter 501 of title 46, United States Code, is amend-
14 ed by inserting after the item relating to section
15 50113 the following new item:

“50114. National maritime strategy.”.

16 **SEC. 3543. MARITIME ENVIRONMENTAL AND TECHNICAL AS-**
17 **SISTANCE PROGRAM.**

18 (a) *IN GENERAL.*—Section 50307 of title 46, United
19 States Code, is amended—

20 (1) by striking the subsection (a) enumerator
21 and all that follows through “Transportation” and
22 inserting the following:

23 “(a) *EMERGING MARINE TECHNOLOGIES AND PRAC-*
24 *TICES.*—

1 “(1) *IN GENERAL.*—*The Secretary of Transportation*”;
2 *tion*”;

3 (2) *in subsection (b)*—

4 (A) *in paragraph (1)*—

5 (i) *by redesignating subparagraphs (A)*
6 *through (D) as clauses (i) through (iv), re-*
7 *spectively and adjusting the margins ac-*
8 *cordingly; and*

9 (ii) *in clause (iv), as redesignated by*
10 *clause (i), by striking “propeller cavitation”*
11 *and inserting “incidental vessel-generated*
12 *underwater noise, such as noise from pro-*
13 *PELLER CAVITATION OR HYDRODYNAMIC FLOW”;*

14 (B) *by redesignating paragraphs (1) and*
15 (2) *as subparagraphs (A) and (B), respectively*
16 *and adjusting the margins accordingly;*

17 (3) *in subsection (c), by redesignating para-*
18 *graphs (1) and (2) as subparagraphs (A) and (B), re-*
19 *spectively and adjusting the margins accordingly;*

20 (4) *by redesignating subsections (b) through (d)*
21 *as paragraphs (2) through (4), respectively and ad-*
22 *justing the margins accordingly;*

23 (5) *by redesignating subsection (e) as subsection*
24 (b);

25 (6) *by striking subsection (f);*

1 (7) *in subsection (a)*—

2 (A) *in paragraph (1), as designated under*
3 *paragraph (1) of this section*—

4 (i) *by inserting “or support” after “en-*
5 *gage in”;*

6 (ii) *by striking “the use of public” and*
7 *all that follows through the end of the sen-*
8 *tence and inserting “eligible entities.”;*

9 (B) *in paragraph (2), as redesignated under*
10 *paragraph (4) of this section*—

11 (i) *by striking “this section” and in-*
12 *serting “this subsection”;*

13 (ii) *by striking “or improve” and in-*
14 *serting “improve, or support efforts related*
15 *to,”;*

16 (C) *in paragraph (3), as redesignated by*
17 *paragraph (4) of this section, by striking “under*
18 *subsection (b)(2) may include” and inserting*
19 *“with other Federal agencies or with State, local,*
20 *or Tribal governments, as appropriate, under*
21 *paragraph (2)(B) may include”;*

22 (D) *in paragraph (4), as redesignated by*
23 *paragraph (4) of this section*—

24 (i) *by striking “academic, public, pri-*
25 *vate, and nongovernmental entities and fa-*

1 *cilities” and inserting “eligible entities”;*

2 *and*

3 *(ii) by striking “subsection (a)” and*

4 *inserting “this subsection”; and*

5 *(E) by adding at the end the following:*

6 *“(5) GRANTS.—Subject to the availability of ap-*
7 *propriations, the Maritime Administrator, may estab-*
8 *lish and carry out a competitive grant program to*
9 *award grants to eligible entities for projects in the*
10 *United States consistent with the goals of this sub-*
11 *section to study, evaluate, test, demonstrate, or apply*
12 *technologies and practices to improve environmental*
13 *performance.”;*

14 *(8) in subsection (b), as redesignated by para-*
15 *graph (5) of this section, by striking “subsection*
16 *(b)(1)” and inserting “this section”; and*

17 *(9) by adding at the end the following:*

18 *“(c) VESSELS.—Activities carried out under a grant*
19 *or cooperative agreement made under this section may be*
20 *conducted on public vessels under the control of the Mari-*
21 *time Administration, upon approval of the Maritime Ad-*
22 *ministrator.*

23 *“(d) ELIGIBLE ENTITY DEFINED.—In this section, the*
24 *term ‘eligible entity’ means—*

1 “(1) a private entity, including a nonprofit or-
2 ganization;

3 “(2) a State, regional, or local government or en-
4 tity, including special districts;

5 “(3) an Indian Tribe (as defined in section 4 of
6 the Indian Self-Determination and Education Assist-
7 ance Act (25 U.S.C. 5304)) or a consortium of Indian
8 Tribes;

9 “(4) an institution of higher education as de-
10 fined under section 102 of the Higher Education Act
11 of 1965 (20 U.S.C. 1002); or

12 “(5) a partnership or collaboration of entities de-
13 scribed in paragraphs (1) through (4).

14 “(e) CENTER FOR MARITIME INNOVATION.—

15 “(1) IN GENERAL.—The Secretary of Transpor-
16 tation shall, through a cooperative agreement, estab-
17 lish a United States Center for Maritime Innovation
18 (referred to in this subsection as the ‘Center’) to sup-
19 port the study, research, development, assessment, and
20 deployment of emerging marine technologies and
21 practices related to the maritime transportation sys-
22 tem.

23 “(2) SELECTION.—The Center shall be—

1 “(A) selected through a competitive process
2 of eligible entities, and if a private entity, a do-
3 mestic entity;

4 “(B) based in the United States with tech-
5 nical expertise in emerging marine technologies
6 and practices related to the maritime transpor-
7 tation system; and

8 “(C) located in close proximity to eligible
9 entities with expertise in United States emerging
10 marine technologies and practices, including the
11 use of alternative fuels and the development of
12 both vessel and shoreside infrastructure.

13 “(3) COORDINATION.—The Secretary of Trans-
14 portation shall coordinate with other agencies critical
15 for science, research, and regulation of emerging ma-
16 rine technologies for the maritime sector, including
17 the Department of Energy, the Environmental Protec-
18 tion Agency, the National Science Foundation, and
19 the Coast Guard, when establishing the Center.

20 “(4) FUNCTIONS.—The Center shall—

21 “(A) support eligible entities regarding the
22 development and use of clean energy and nec-
23 essary infrastructure to support the deployment
24 of clean energy on vessels of the United States;

1 “(B) monitor and assess, on an ongoing
2 basis, the current state of knowledge regarding
3 emerging marine technologies in the United
4 States;

5 “(C) identify any significant gaps in
6 emerging marine technologies research specific to
7 the United States maritime industry, and seek to
8 fill those gaps;

9 “(D) conduct research, development, testing,
10 and evaluation for equipment, technologies, and
11 techniques to address the components under sub-
12 section (a)(2);

13 “(E) provide—

14 “(i) guidance on best available tech-
15 nologies;

16 “(ii) technical analysis;

17 “(iii) assistance with understanding
18 complex regulatory requirements; and

19 “(iv) documentation of best practices
20 in the maritime industry, including train-
21 ing and informational webinars on solu-
22 tions for the maritime industry; and

23 “(F) work with academic and private sector
24 response training centers and Domestic Mari-
25 time Workforce Training and Education Centers

1 **SEC. 3546. RECAPITALIZATION OF NATIONAL DEFENSE RE-**
2 **SERVE FLEET.**

3 (a) *IN GENERAL.*—Subject to the availability of appro-
4 priations, the Secretary of Transportation, in consultation
5 with the Chief of Naval Operations and the Commandant
6 of the Coast Guard, shall—

7 (1) complete the design of a roll-on, roll-off cargo
8 vessel for the National Defense Reserve Fleet to allow
9 for the construction of such vessel to begin in fiscal
10 year 2024; and

11 (2) seek to enter into an agreement with an ap-
12 propriate vessel construction manager under which
13 the vessel construction manager shall enter into a con-
14 tract for the construction of not more than ten such
15 vessels in accordance with this section.

16 (b) *CONSTRUCTION AND DOCUMENTATION REQUIRE-*
17 *MENTS.*—A vessel constructed pursuant to this section shall
18 meet the requirements for, and be issued a certificate of,
19 documentation and a coastwise endorsement under chapter
20 121 of title 46, United States Code.

21 (c) *DESIGN STANDARDS AND CONSTRUCTION PRAC-*
22 *TICES.*—Subject to subsection (b), a vessel constructed pur-
23 suant to this section shall be constructed using commercial
24 design standards and commercial construction practices
25 that are consistent with the best interests of the Federal
26 Government.

1 (d) *CONSULTATION WITH OTHER FEDERAL ENTI-*
2 *TIES.*—*The Secretary of Transportation shall consult and*
3 *coordinate with the Secretary of the Navy and may consult*
4 *with the heads of other appropriate Federal agencies regard-*
5 *ing the vessel described in subsection (a) and activities asso-*
6 *ciated with such vessel.*

7 (e) *LIMITATION ON USE OF FUNDS FOR USED VES-*
8 *SELS.*—*None of the funds authorized to be appropriated by*
9 *this Act or otherwise made available to carry out this sec-*
10 *tion may be used for the procurement of any used vessel.*

11 **SEC. 3547. SENSE OF CONGRESS ON MERCHANT MARINE.**

12 *It is the sense of Congress that the United States Mer-*
13 *chant Marine is a critical part of the national infrastruc-*
14 *ture of the United States, and the men and women of the*
15 *United States Merchant Marine are essential workers.*

16 **SEC. 3548. ANALYSIS OF EFFECTS OF CHEMICALS IN**
17 **STORMWATER RUNOFF ON PACIFIC SALMON**
18 **AND STEELHEAD.**

19 (a) *IN GENERAL.*—*Not later than 90 days after the*
20 *date of enactment of this Act, the Under Secretary of Com-*
21 *merce for Oceans and Atmosphere, in coordination with the*
22 *Secretary of Transportation and the Administrator of the*
23 *Environmental Protection Agency, and in consultation*
24 *with the Director of the United States Fish and Wildlife*
25 *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 chemi-*
5 *cals in stormwater runoff at ports and the effects of*
6 *such chemicals on Pacific salmon and steelhead.*

7 (b) *REPORT.*—*Not later than 18 months after com-*
8 *mencing the analysis required under subsection (a), the*
9 *Under Secretary of Commerce for Oceans and Atmosphere,*
10 *in coordination with the Secretary of Transportation and*
11 *the Administrator of the Environmental Protection Agency,*
12 *shall submit to the appropriate congressional committees,*
13 *and make publicly available, a report that includes—*

14 (1) *the findings of the analysis; and*

15 (2) *recommendations—*

16 (A) *to improve the monitoring of*
17 *stormwater and research related to run-off for*
18 *tire-related chemicals and the effects of such*
19 *chemicals on Pacific salmon and steelhead at*
20 *ports; and*

21 (B) *based on the best available science on*
22 *relevant management approaches at ports under*
23 *their respective jurisdictions.*

1 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—In
2 *this section, the term “appropriate congressional commit-*
3 *tees” 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 Infra-*
8 *structure and the Committee on Natural Resources of*
9 *the House of Representatives.*

10 **SEC. 3549. REPORT ON EFFECTIVE VESSEL QUIETING MEAS-**
11 **URES.**

12 (a) *IN GENERAL.*—Not later than one year after the
13 *date of the enactment of this Act, the Administrator of the*
14 *Maritime Administration, in consultation with the Under*
15 *Secretary of Commerce for Oceans and Atmosphere and the*
16 *Secretary of the Department in which the Coast Guard is*
17 *operating, shall submit to the appropriate congressional*
18 *committees, and make publicly available on an appropriate*
19 *website of the Department of Transportation, a report that*
20 *includes each of the following:*

21 (1) *An identification of technology-based controls*
22 *and best management practices for reducing vessel-*
23 *generated underwater noise.*

1 (2) *For each technology-based control or best*
2 *management practice identified under paragraph (1),*
3 *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 de-*
11 *termines 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 the*
17 *Committee on Transportation and Infrastructure of*
18 *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 activity*

1 *is hereby authorized, subject to the availability of appro-*
2 *priations.*

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), be*
9 *based on merit-based selection procedures in ac-*
10 *cordance with the requirements of sections*
11 *2304(k) and 2374 of title 10, United States Code,*
12 *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 pur-*
18 *suant to subsection (a) if the project, program, or ac-*
19 *tivity 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 PROGRAMMING*
 2 *AUTHORITY.*—An amount specified in the funding tables in
 3 this division may be transferred or reprogrammed under
 4 a transfer or reprogramming authority provided by another
 5 provision of this Act or by other law. The transfer or re-
 6 programming of an amount specified in such funding tables
 7 shall not count against a ceiling on such transfers or
 8 reprogrammings under section 1001 of this Act or any other
 9 provision of law, unless such transfer or reprogramming
 10 would move funds between appropriation accounts.

11 (d) *APPLICABILITY TO CLASSIFIED ANNEX.*—This sec-
 12 tion applies to any classified annex that accompanies this
 13 Act.

14 (e) *ORAL AND WRITTEN COMMUNICATIONS.*—No oral
 15 or written communication concerning any amount specified
 16 in the funding tables in this division shall supersede the
 17 requirements of this section.

18 **TITLE XLI—PROCUREMENT**

19 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT <i>(In Thousands of Dollars)</i>			
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
	Three additional aircraft		[197,700]
014	CH-47 HELICOPTER	18,749	18,749
MODIFICATION OF AIRCRAFT			

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
016	MQ-1 PAYLOAD	57,700	57,700
018	GRAY EAGLE MODS2	13,038	133,038
	<i>Program increase—MQ-1C Gray Eagle extended range multi-domain operations</i>		[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
	<i>Degraded visual environment system</i>		[25,000]
024	EMARSS SEMA MODS	1,591	1,591
026	UTILITY HELICOPTER MODS	21,346	29,346
	<i>Load stabilization systems</i>		[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
	<i>PM costs excess</i>		[-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
	<i>Inflation effects</i>		[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
	<i>Additional units—Army UPL</i>		[111,100]
	<i>Hellfire pod replacement—Army UPL</i>		[55,740]
	<i>Production line—Army UPL</i>		[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
	<i>Defense Industrial Base (DIB) Expansion for AGM-179 Joint Air-to-Ground Missiles (JAGM)</i>		[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
	<i>Procurement of Switchblade 600 variant</i>		[75,000]
	MODIFICATIONS		
017	PATRIOT MODS	253,689	1,193,689
	<i>2 Additional Fire Units and a Dismounted Patriot Information and Coordination Central (D-PICC)</i>		[700,000]
	<i>Defense Industrial Base (DIB) Expansion for PATRIOT Advanced Capability - 3 (PAC-3) Missile Segment</i>		[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
	<i>Blk 1 refurb missiles</i>		[150,000]
026	UNDISTRIBUTED		117,940
	<i>Inflation effects</i>		[117,940]
	TOTAL MISSILE PROCUREMENT, ARMY	3,761,915	5,355,917
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	ARMORED MULTI PURPOSE VEHICLE (AMPV)	380,677	780,677
	<i>Program increase</i>		[400,000]
002	ASSAULT BREACHER VEHICLE (ABV)	3,852	3,852

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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
026	SIGNALS, ALL TYPES	13,852	13,852
027	SIMULATORS, ALL TYPES	9,350	9,350
	MISCELLANEOUS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 LIABILITIES	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, Scranton AAP		[3,000]
	Construction of Erie 1—Unload Manipulator, Scranton AAP		[700]
	Construction of Forge Shop—Process Smog Removal System, Scranton AAP		[500]
	Construction of Forge Shop—Replace Pipes (Subway Area), Scranton AAP		[1,250]
	Construction of Industrial Sewer Modernization, Iowa AAP		[1,600]
	Construction of Infrastructure Repairs Phase I, Scranton AAP		[4,300]
	Construction of Infrastructure Repairs Phase II, Scranton 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 WILD 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 VEHICLE	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 (TSI)	94,287	90,387
	Unjustified cost growth		[-3,900]
	COMM—COMBAT COMMUNICATIONS		
035	HANDHELD MANPACK SMALL FORM FIT (HMS)	728,366	720,592
	Early to need—single-channel data radio		[-5,774]

SEC. 4101. PROCUREMENT
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Line	Item	FY 2023 Request	Conference Authorized
	<i>Excess to need—handheld radio systems engineering</i>		[-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
	<i>LCTRR costs previously funded</i>		[-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
	<i>CONUS land mobile radio</i>		[15,000]
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	116,522	93,999
	<i>Ahead of need</i>		[-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
	<i>Army requested realignment to OPA line 66</i>		[-19,680]
	<i>Army Requested Realignment to RDTE</i>		[-50,900]
	<i>Funding ahead of need</i>		[-14,241]
063	JTT/CIBS-M	2,352	2,352
064	TERRESTRIAL LAYER SYSTEMS (TLS)	88,915	8,373
	<i>Production contract ahead of need</i>		[-42,542]
	<i>Realignment of funds</i>		[-38,000]
066	DCGS-A-INTEL	76,771	96,451
	<i>Army requested realignment from OPA line 62</i>		[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
	<i>INDOPACOM UFR—SIGINT upgrades</i>		[9,300]
	<i>Prophet Enhanced ESP Kits</i>		[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
	<i>Carryover</i>		[-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
	<i>ENVGB program extension</i>		[100,000]
	<i>IVAS—Army requested realignment to RDTE</i>		[-99,000]
080	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	11,357	11,357
082	FAMILY OF WEAPON SIGHTS (FWS)	202,258	195,818
	<i>Program decrease</i>		[-6,440]
083	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	5,116	5,116
084	FORWARD LOOKING INFRARED (FLIR)	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
	<i>Program reduction</i>		[-5,152]
088	COMPUTER BALLISTICS: LHMC 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
	<i>GPS laser leveling system</i>		[11,000]
	ELECT EQUIP—AUTOMATION		
102	ARMY TRAINING MODERNIZATION	8,033	8,033

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(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 ECUS	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
	StVT—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
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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	JSF STOVL	1,909,635	1,950,235
	TR-3 Organic Depot Standup		[40,600]
005	JSF 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-3 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]
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

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Line	Item	FY 2023 Request	Conference Authorized
	<i>Prior year under execution</i>		<i>[-17,062]</i>
061	F-35 CV SERIES	208,336	204,110
	<i>Prior year under execution</i>		<i>[-4,226]</i>
062	QRC	47,864	47,864
063	MQ-4 SERIES	94,738	91,977
	<i>Prior year under execution</i>		<i>[-2,761]</i>
064	RQ-21 SERIES	6,576	6,576
	AIRCRAFT SPARES AND REPAIR PARTS		
068	SPARES AND REPAIR PARTS	1,872,417	2,166,317
	<i>Costs associated with restoring 5 LCS</i>		<i>[1,200]</i>
	<i>Navy UFR—aviation outfitting spares in support of carrier airwings</i>		<i>[292,700]</i>
	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
	<i>Inflation effects</i>		<i>[491,186]</i>
	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
	<i>Defense Industrial Base (DIB) Expansion for Trident II Mods</i>		<i>[51,000]</i>
	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
	<i>Navy UFR—additional AIM-9X</i>		<i>[25,900]</i>
006	STANDARD MISSILE	489,123	739,123
	<i>Capacity expansion—dual-source energetics</i>		<i>[50,000]</i>
	<i>Capacity expansion—test/tooling equipment</i>		<i>[200,000]</i>
008	JASSM	58,481	0
	<i>Navy requested transfer to line 16</i>		<i>[-12,000]</i>
	<i>Navy requested transfer to RDTE line 93</i>		<i>[-46,481]</i>
009	SMALL DIAMETER BOMB II	108,317	104,421
	<i>Unit cost growth—AUR</i>		<i>[-3,896]</i>
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
	<i>Stabilize production ramp</i>		<i>[-12,500]</i>
015	OTHER MISSILE SUPPORT	3,524	3,524
016	LRASM	226,022	291,022
	<i>Defense Industrial Base (DIB) Expansion for LRASM</i>		<i>[53,000]</i>
	<i>Navy requested transfer from line 8</i>		<i>[12,000]</i>
017	NAVAL STRIKE MISSILE (NSM)	59,034	239,034
	<i>Naval Strike Missiles—Advanced Procurement</i>		<i>[200,000]</i>
	MODIFICATION OF MISSILES		
018	TOMAHAWK MODS	435,308	435,308
019	ESSM	282,035	282,035
020	AARGM	131,275	171,275
	<i>Production increase</i>		<i>[40,000]</i>
021	STANDARD MISSILES MODS	71,198	71,198
023	INDUSTRIAL PREPAREDNESS		20,000
	<i>Defense Industrial Base (DIB) Expansion for Harpoon Missiles</i>		<i>[20,000]</i>
	SUPPORT EQUIPMENT & FACILITIES		
022	WEAPONS INDUSTRIAL FACILITIES	1,976	6,976
	<i>Hypersonic test facility</i>		<i>[5,000]</i>
	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
	<i>Navy UFR—additional MK 48 procurement</i>		<i>[49,000]</i>
028	ASW TARGETS	14,403	14,403
	MOD OF TORPEDOES AND RELATED EQUIP		
029	MK-54 TORPEDO MODS	106,772	232,172
	<i>Mk54 LWT program increase</i>		<i>[125,400]</i>
030	MK-48 TORPEDO ADCAP MODS	18,502	18,502
031	MARITIME MINES	9,282	245,332
	<i>Hammerhead</i>		<i>[225,000]</i>
	<i>Mk68</i>		<i>[11,050]</i>

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Line	Item	FY 2023 Request	Conference Authorized
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	CJWS 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
	<i>Inflation effects</i>		[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
	<i>Prior year under execution</i>		[-2,266]
006	CARTRIDGES & CART ACTUATED DEVICES	72,534	72,534
007	AIR EXPENDABLE COUNTERMEASURES	114,475	108,859
	<i>Program rephasing—IR decoys</i>		[-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
	<i>Goalkeeper long lead procurement</i>		[147,000]
012	SMALL ARMS & LANDING PARTY AMMO	49,023	45,971
	<i>Excess to need—50 CAL LKD and tracer</i>		[-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
	<i>Various munitions unit cost growth</i>		[-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
	<i>Inflation effects</i>		[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
	<i>Program decrease</i>		[-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
	<i>Unjustified electronics cost growth</i>		[-6,214]
009	DDG 1000	72,976	72,976
010	DDG-51	4,376,537	6,816,537
	<i>Large Surface Combatant Shipyard Infrastructure</i>		[250,000]
	<i>One additional ship</i>		[2,190,000]
011	DDG-51	618,352	695,652
	<i>Third DDG in FY 2024</i>		[77,300]
013	FFG-FRIGATE	1,085,224	1,085,224
014	FFG-FRIGATE	74,949	0
	<i>Advance procurement unjustified request</i>		[-74,949]
AMPHIBIOUS SHIPS			
015	LPD FLIGHT II	1,673,000	1,673,000
016	LPD FLIGHT II		250,000
	<i>USMC UFR—Advance procurement for LPD-33</i>		[250,000]
020	LHA REPLACEMENT	1,085,470	1,374,470

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(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	<i>LHA 10 advance procurement</i>		[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
042	SSTD	14,325	14,325
043	FIXED SURVEILLANCE SYSTEM	266,228	266,228
044	SURTASS	25,030	25,030

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Line	Item	FY 2023 Request	Conference Authorized
	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 MULTIBRAND 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
	ASW SUPPORT EQUIPMENT		
110	SSN COMBAT CONTROL SYSTEMS	128,874	128,874
111	ASW SUPPORT EQUIPMENT	26,920	26,920

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(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	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	CAISR 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 UFR—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)		
017	ITEMS UNDER \$5 MILLION (COMM & ELEC)	83,345	83,345
018	AIR OPERATIONS C2 SYSTEMS	11,048	11,048
	RADAR + EQUIPMENT (NON-TEL)		

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Line	Item	FY 2023 Request	Conference Authorized
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
	HELICOPTERS		
012	MH-139A	156,192	156,192
013	COMBAT RESCUE HELICOPTER	707,018	1,048,118

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Line	Item	FY 2023 Request	Conference Authorized
	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
063	HC/MC-130 MODIFICATIONS	138,956	109,785
	MC/AC MUOS installations ahead of need		[-9,171]
	Realignment of funds		[-20,000]

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Line	Item	FY 2023 Request	Conference Authorized
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 Procurement.		[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 Actuation 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		
028	SPECIAL UPDATE PROGRAMS	36,933	36,933
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	705,540	705,540

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 GAPPILLER SATELLITES (SPACE)	21,982	21,982
006	GENERAL INFORMATION TECH—SPACE	5,424	5,424
007	GPS/III 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
	Redignment 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
007	SPECIAL PURPOSE VEHICLES	49,623	49,623
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	11,231	11,231

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	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 TRANSPT INFRASRT (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 digitization 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		
	MAJOR EQUIPMENT, OSD		
025	MAJOR EQUIPMENT, DPAA	513	513
050	MAJOR EQUIPMENT, OSD	64,291	67,291

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	<i>Project Spectrum</i>		[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
	<i>Program decrease</i>		[-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
	<i>15 additional THAAD interceptors</i>		[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 ILLAS	337,975	589,975
	<i>Production increase</i>		[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
	<i>Excess to need</i>		[-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
	<i>CV-22 & MC-130J Link-16 TacNet tactical receiver</i>		[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
	<i>Excess to need</i>		[-2,700]
068	C-130 MODIFICATIONS	11,945	16,893
	<i>CV-22 & MC-130J Link-16 TacNet tactical receiver</i>		[4,948]
	SHIPBUILDING		
069	UNDERWATER SYSTEMS	45,631	45,631
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <\$5M	151,233	154,938
	<i>Maritime Scalable Effects (MSE) Electronic Warfare System Acceleration</i>		[3,705]
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	175,616	219,094
	<i>SOCOM Enclosed Spaces Reconnaissance Collection Suite (ESRCS)</i>		[15,000]
	<i>Stalker VXE Block 30 Vertical Takeoff & Landing (VTOL) Acceleration</i>		[28,478]
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,214	2,214
073	OTHER ITEMS <\$5M	98,096	96,134
	<i>Excess to need</i>		[-1,962]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2023 Request</i>	<i>Conference Authorized</i>
074	COMBATANT CRAFT SYSTEMS	85,566	85,566
075	SPECIAL PROGRAMS	20,042	249,042
	Medium Fired 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 (CUsS) Procurement Acceleration		[33,533]
	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	358,297
	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)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2023 Request</i>	<i>Conference Authorized</i>
		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
011	0602143A	SOLDIER LETHALITY TECHNOLOGY	103,839	138,539
		Advanced textiles and shelters		[6,000]
		Footwear research		[4,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		<i>Future Force Requirements Experimentation program</i>		[5,000]
		<i>Pathfinder</i>		[10,000]
012	0602144A	<i>Program increase—digital night vision technology</i>		[9,700]
		GROUND TECHNOLOGY	52,848	88,848
		<i>Cold and complex environments sensing research</i>		[9,000]
		<i>Earthen structures soil enhancement</i>		[2,000]
		<i>High performance polymer composites and coatings</i>		[10,000]
		<i>High temperature polymeric materials</i>		[5,000]
		<i>Polar proving ground and training program</i>		[5,000]
		<i>Unmanned mobility</i>		[5,000]
013	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	174,090	180,090
		<i>Structural thermoplastics</i>		[6,000]
014	0602146A	NETWORK C3I TECHNOLOGY	64,115	107,615
		<i>AI for position, navigation, and timing</i>		[6,000]
		<i>Alternative position, navigation, and timing</i>		[15,000]
		<i>Portable Doppler radar</i>		[7,500]
		<i>Secure anti-lamper</i>		[15,000]
015	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	43,029	79,779
		<i>Carbon-carbon high-temperature composites</i>		[5,000]
		<i>Low cost missile technology development</i>		[10,000]
		<i>Precision long range integrated strike missile</i>		[6,750]
		<i>Program increase—aluminum lithium alloy solid rocket advancement</i>		[15,000]
016	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	69,348	76,848
		<i>High density eVTOL power source</i>		[7,500]
017	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	27,016	59,016
		<i>CEMA missile defender</i>		[12,000]
		<i>Counter-UAS Center of Excellence</i>		[5,000]
		<i>High energy laser engagement technologies</i>		[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	21,919	96,919
		<i>Tri-Service Biotechnology for a Resilient Supply Chain / Biotechnology for Materials.</i>		[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
		<i>CPF—U.S. Army Battlefield Exercise and Combat Related Traumatic Brain and Spinal Injury Research.</i>		[1,700]
		<i>Hearing protection for communications</i>		[5,000]
		<i>Research effects of head-supported mass on cervical spine health</i>		[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 ADVANCED 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
		<i>CPF—Advancing Military Exoskeleton Technology State-of-The-Art Project.</i>		[2,890]
		<i>CPF—Building 2, Doriot Climatic Chambers, Exterior Repair</i>		[3,630]
		<i>CPF—Small Unit Digital Twin for Robotic and Sensor Systems Integration.</i>		[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
		<i>Sensored head-borne suspension systems</i>		[5,000]
039	0603119A	GROUND ADVANCED TECHNOLOGY	32,546	68,546
		<i>Additive manufacturing with indigenous materials</i>		[15,000]
		<i>Cold Regions Research and Engineering Laboratory</i>		[10,000]
		<i>Graphene-enabled technologies for ground combat operations</i>		[5,000]
		<i>Printed infrastructure and cold weather construction capabilities</i>		[6,000]
040	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	21,486	21,486
041	0603386A	BIOTECHNOLOGY FOR MATERIALS—ADVANCED RESEARCH	56,853	56,853
042	0603457A	C3I CYBER ADVANCED DEVELOPMENT	41,354	41,354
043	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	251,964	301,964
		<i>Program increase</i>		[50,000]
044	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	193,242	254,742

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Line	Program Element	Item	FY 2023 Request	Conference Authorized
		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 eXtensible 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 & PROTO-TYPES				
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]
		SVT—Army requested realignment from Procurement		[36,000]
081	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE 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

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Line	Program Element	Item	FY 2023 Request	Conference Authorized
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 INTELLIGENCE—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 (GFEBS)	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
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—JWA 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

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		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 SUPPORT	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
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

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Line	Program Element	Item	FY 2023 Request	Conference Authorized
		<i>Carryover</i>		[-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
		<i>Inflation effects</i>		[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
		<i>All-digital arrays for long-distance applications</i>		[9,800]
		<i>Program increase</i>		[99,824]
		<i>Program increase—artificial intelligence maritime maneuvering</i>		[5,000]
003	0601153N	DEFENSE RESEARCH SCIENCES	499,116	529,116
		<i>Basic research increase</i>		[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
		<i>Cavitation erosion prevention</i>		[5,000]
		<i>CPF—Resilient Autonomous Systems Research and Workforce Diversity</i>		[4,000]
		<i>CPF—Talent and Technology for Navy Power and Energy Systems</i>		[3,000]
		<i>Direct air capture and carbon removal technology program</i>		[10,000]
		<i>Energy resilience research collaboration</i>		[3,000]
		<i>Intelligent Data Management for Distributed Naval Platforms</i>		[10,500]
		<i>Relative positioning of autonomous platforms</i>		[5,000]
		<i>Resilient Autonomous Systems Research & Workforce Diversity</i>		[8,500]
		<i>Workforce and technology for Navy power and energy systems</i>		[10,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	53,467	63,967
		<i>CPF—Unmanned Logistics Solutions for the U.S. Marine Corps</i>		[3,000]
		<i>Unmanned logistics solutions</i>		[7,500]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	51,911	51,911
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	70,957	80,957
		<i>Anti-corrosion coatings</i>		[10,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	92,444	107,444
		<i>Chip Scale Open Architecture</i>		[15,000]
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	74,622	84,622
		<i>Undersea distributed sensing systems</i>		[10,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,700	6,700
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	58,111	87,111
		<i>CPF—Persistent Maritime Surveillance</i>		[4,000]
		<i>Dual-modality research vessels</i>		[2,000]
		<i>Undersea vehicle technology partnerships</i>		[20,000]
		<i>UUV research</i>		[3,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	173,641	177,141
		<i>Program increase</i>		[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
		<i>Navy UFR—Alternative CONOPS Goalkeeper</i>		[25,600]
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES.	81,296	81,296
		SUBTOTAL APPLIED RESEARCH	971,814	1,134,914

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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 DE- VELOPMENT.	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 TECH- NOLOGY.	2,007	2,007
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECH- NOLOGY 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 & PROTO- TYPES				
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]
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

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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 DEMONSTRATION.	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 COUNTERMEASURES (TADIRCM)	15,028	39,028
		Program increase—distributed aperture infrared countermeasure system		[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) ARCHITECTURE/ ENGINEERING SUPPORT	10,229	10,229
093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	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 DEVELOPMENT & PROTOTYPES	8,405,310	8,745,177
		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 SYSTEMS ENGINEERING	45,892	45,892

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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 FACTORS ..	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 RTE	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
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

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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 (GLATOR)	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
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 (STUASL0)	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-IP)	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

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Line	Program Element	Item	FY 2023 Request	Conference Authorized
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	24,008	24,008
		UNDISTRIBUTED		
999	99999999	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 HEAD-QUARTERS ACTIVITIES.	8,856	8,856
012	0602602F	CONVENTIONAL MUNITIONS	137,303	147,303
		Advanced hypersonic propulsion		[5,000]
		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

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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). Technical realignment	144,891	461,778
				[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. CENTCOM UFR—HDBTDS program	106,826	141,826
				[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]
		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

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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]
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	ENTREPRISE 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

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		<i>Program decrease</i>		<i>[-35,506]</i>
148	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	571	571
149	0101126F	B-1B SQUADRONS	13,144	23,144
		<i>Hypersonic Integration Validation Testing</i>		<i>[10,000]</i>
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
		<i>Digital color display delays</i>		<i>[-1,843]</i>
		<i>OPF CD&I carryover</i>		<i>[-11,290]</i>
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
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
		<i>INDOPACOM UFR—JASSM software update</i>		<i>[12,000]</i>
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
		<i>E-7 acceleration</i>		<i>[301,000]</i>
		<i>Early to need—communication network upgrade</i>		<i>[-1,000]</i>
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) CAI	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
		<i>Program increase—command and control of the information environment</i>		<i>[3,000]</i>
201	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	76,592	76,592
202	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	8,367	0
		<i>Programming error</i>		<i>[-8,367]</i>
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
		<i>Special Mission Airborne SIGINT Enterprise Technology</i>		<i>[7,000]</i>
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

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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 (ATCAL8)	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
		RCMD delays		[-3,000]
258	0401130F	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 PROGRAM	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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
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
		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]

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
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
		<i>Technical realignment</i>		<i>[-2,773]</i>
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
		<i>Continue Tactically Responsive Space</i>		<i>[100,000]</i>
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
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
		<i>Upgrades for Perimeter Acquisition Radar Attack Characterization System (PARCS)</i>		<i>[3,000]</i>
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	9999999999	CLASSIFIED PROGRAMS	4,973,358	5,306,358
		<i>INDOPACOM UFR—Operationalize near-term space control</i>		<i>[308,000]</i>
		<i>Program adjustment</i>		<i>[25,000]</i>
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
		<i>Inflation effects</i>		<i>[539,491]</i>
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
		<i>AI for supply chain</i>		<i>[3,000]</i>
		<i>Math and computer science</i>		<i>[5,000]</i>
		<i>Program increase</i>		<i>[84,474]</i>
003	0601108D8Z	HIGH ENERGY LASER RESEARCH INITIATIVES	16,257	16,257
004	0601110D8Z	BASIC RESEARCH INITIATIVES	62,386	84,686
		<i>CPF—FIU/SOUTHCOM Security Research Hub / Enhanced Domain Awareness (EDA) Initiative</i>		<i>[1,300]</i>
		<i>CPF—HBCU Training for the Future of Aerospace</i>		<i>[1,000]</i>
		<i>Defense established program to stimulate competitive research (DEPSCoR)</i>		<i>[20,000]</i>
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	80,874	80,874
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	132,347	140,347
		<i>CPF—Florida Memorial Avionics Smart Scholars</i>		<i>[1,000]</i>
		<i>Program increase—Ronald V. Dellums Memorial Fellowship</i>		<i>[5,000]</i>
		<i>SMART</i>		<i>[2,000]</i>
007	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	33,288	131,711
		<i>CPF—Augmenting Quantum Sensing Research, Education and Training in DoD CoE at DSU</i>		<i>[1,111]</i>

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		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
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
		Benzorazine 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

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		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 bioindustrial manufacturing that lead to regional bioeconomic transformation and growth.		[4,000]
		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—DEM/VAL ..	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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
133	0605027D8Z	OUS(D) 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 (EEM).	8,121	8,121
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 (JMETS)	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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
202	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMS).	8,317	8,317
203	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	68,030	68,030
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 (CUsS) 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	99999999	UNDISTRIBUTED		849,931
		Inflation effects		[849,931]
		SUBTOTAL UNDISTRIBUTED		849,931

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW			32,077,552	35,376,210
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
190	US SOUTHERN COMMAND	204,336	208,436

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	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
040	LAND FORCES OPERATIONS SUPPORT	646,693	646,693

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 & MODERNIZATION Program increase	358,772	403,772 [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 & MODERNIZATION Program increase	1,053,996	1,184,385 [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]
	Unobligated balances		[-54,000]
	SUBTOTAL UNDISTRIBUTED		74,698
	TOTAL OPERATION & MAINTENANCE, ARNG	8,157,237	8,370,624

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 underaccrual		[−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]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUP- PORT	194,346	194,346
190	CYBER MISSION FORCES	101,049	101,049
200	COMBATANT COMMANDERS CORE OPERATIONS	65,893	73,893

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	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	SERVICEMAN 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
UNDISTRIBUTED			
730	UNDISTRIBUTED		1,048,224
	Foreign currency fluctuations		[-263,300]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	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
	SUBTOTAL OPERATING FORCES	1,211,771	1,217,771
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
120	ADMINISTRATION	1,986	1,986

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 & MODERNIZATION	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]
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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
	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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
060	DEPOT MAINTENANCE	285,863	285,863
070	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	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 & MODERNIZATION	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 RESERVE	3,564,544	3,612,209
	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]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
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 AC- TIVITIES	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
	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 DEVELOP- MENT 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]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
	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	983,133	983,133
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—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 ..	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 Implementation		[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]
	SUBTOTAL UNDISTRIBUTED		308,472
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2023 Request</i>	<i>Conference Authorized</i>
US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVITIES			
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE ...	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 DEVELOP- MENT	53,791	53,791
	TOTAL DOD ACQUISITION WORKFORCE DEVEL- OPMENT 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 AC- COUNT	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
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]

SEC. 4301. OPERATION AND MAINTENANCE <i>(In Thousands of Dollars)</i>			
Line	Item	FY 2023 Request	Conference Authorized
	SUBTOTAL DEFENSE-WIDE	8,924	9,178
	TOTAL ENVIRONMENTAL RESTORATION, DEFENSE	8,924	9,178
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
	DEFENSE-WIDE		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	227,262	258,728
	<i>Inflation effects</i>		[6,466]
	<i>Military Munitions Response Program</i>		[25,000]
	SUBTOTAL DEFENSE-WIDE	227,262	258,728
	TOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	227,262	258,728
	SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE OPERATIONS SUPPORT		
100	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS, DEFENSE	10,377	10,673
	<i>Inflation effects</i>		[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 <i>(In Thousands of Dollars)</i>			
	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]
	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)		
<i>Program Title</i>	FY 2023 Request	Conference Authorized
NATIONAL DEFENSE STOCKPILE TRANSACTION FUND		
DEFENSE STOCKPILE	253,500	1,003,500
<i>Program increase</i>		[750,000]
TOTAL NATIONAL DEFENSE STOCKPILE TRANSACTION 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
<i>Fuel inflation</i>		[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
<i>Inflation effects</i>		[14,125]
<i>Program increase</i>		[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
<i>Inflation effects</i>		[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
<i>Inflation effects</i>		[18,898]
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	855,728	874,626
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
<i>Inflation effects</i>		[4,932]
TOTAL OFFICE OF THE INSPECTOR GENERAL	479,359	484,291
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,906,943	9,866,753
<i>Medical care contracts excess growth</i>		[-25,082]
<i>Unjustified growth</i>		[-15,108]
PRIVATE SECTOR CARE	18,455,209	18,442,709

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2023 Request	Conference Authorized
<i>Program decrease</i>		[-12,500]
CONSOLIDATED HEALTH SUPPORT	1,916,366	1,875,949
<i>Unjustified growth</i>		[-40,417]
INFORMATION MANAGEMENT	2,251,151	2,247,789
<i>Unjustified growth</i>		[-3,362]
MANAGEMENT ACTIVITIES	338,678	338,678
EDUCATION AND TRAINING	334,845	341,845
<i>TriService Nursing Research Program</i>		[7,000]
BASE OPERATIONS/COMMUNICATIONS	2,111,558	2,108,900
<i>Excess growth</i>		[-2,658]
R&D RESEARCH	39,568	44,568
<i>CRDMP Program for Pancreatic Cancer Research</i>		[5,000]
R&D EXPLORATORY DEVELOPMENT	175,477	175,477
R&D ADVANCED DEVELOPMENT	320,862	333,362
<i>Combat triple negative breast cancer</i>		[10,000]
<i>Post-traumatic stress disorder</i>		[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				
	<i>Alabama</i>			
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
	<i>Alaska</i>			
Army	Fort Wainwright	Physical Fitness Center	0	50,000
	<i>Arizona</i>			
Army	Yuma Proving Ground	Cost to Complete: Ready Building	0	6,500
	<i>Arkansas</i>			
Army	Pine Bluff Arsenal	Access Control Point (P&D)	0	1,800
	<i>Bulgaria</i>			
Army	Novo Selo Training Area	Cost to Complete: EDI- Ammunition Holding Area	0	3,640
	<i>Colorado</i>			
Army	Fort Carson	Fire Station Support Building	14,200	14,200
	<i>Florida</i>			
Army	Camp Bull Simons	Child Development Center (P&D)	0	4,750
	<i>Georgia</i>			
Army	Fort Gillem	Cost to Complete: Forensic Laboratory	0	24,700
Army	Fort Gordon	Child Development Center (P&D)	0	5,000
	<i>Germany</i>			
Army	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
	<i>Hawaii</i>			
Army	Fort Shafter	Water System Upgrade	0	33,000
Army	Schofield Barracks	Company Operations Facilities	0	25,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army	Tripler Army Medical Center	Upgrade Potable Water System	0	38,000
	Japan			
Army	Kadena Air Force Base	Vehicle Maintenance Shop	0	80,000
	Kansas			
Army	Fort Riley (Custer Hill)	Unaccompanied Enlisted Barracks (P&D)	0	15,930
	Kentucky			
Army	Fort Campbell	Cost to Complete: Vehicle Maintenance Shop	0	13,650
	Kwajalein			
Army	Kwajalein Atoll	Medical Clinic	69,000	69,000
	Louisiana			
Army	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
	Maryland			
Army	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
	Mississippi			
Army	Engineer Research and Development Center	Lab and Test Building	0	20,000
	Missouri			
Army	Fort Leonard Wood	Central Issue Facility (P&D)	0	5,300
	New Jersey			
Army	Picatinny Arsenal	Precision Munitions Test Tower	0	3,654
	New Jersey			
Army	Picatinny Arsenal	Igloo Storage Installation	0	12,000
	New Mexico			
Army	White Sands Missile Range	Missile Assembly Building (P&D)	0	3,600
	New York			
Army	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
	North Carolina			
Army	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
	Oklahoma			
Army	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
	Pennsylvania			
Army	Letterkenny Army Depot	Shipping and Receiving Building	38,000	38,000
	Texas			
Army	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
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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
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
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 Erpan.	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

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
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
<i>Idaho</i>				
Navy	Naval Surface Warfare Center Carderock Division	ARD Range Craft Berthing Facility (P&D)	0	707
<i>Japan</i>				
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
<i>Maine</i>				
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
<i>Maryland</i>				
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
<i>Nevada</i>				
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
<i>North Carolina</i>				
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
<i>Pennsylvania</i>				
Navy	Naval Surface Warfare Center Philadelphia Division	Machinery Control Developmental Center	0	92,547
<i>South Carolina</i>				
Navy	Marine Corps Recruit Depot Parris Island	Recruit Barracks	0	37,600
Navy	Marine Corps Recruit Depot Parris Island	Recruit Barracks	0	38,300
<i>Spain</i>				
Navy	Naval Station Rota	EDI: Missile Magazines	0	92,323
<i>Virginia</i>				
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
<i>Washington</i>				

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
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
Navy	Worldwide Unspecified 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				
<i>Alabama</i>				
Air Force	Maxwell Air Force Base	Commercial Vehicle Inspection Gate	0	15,000
<i>Alaska</i>				
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
Air Force	Joint Base Elmendorf-Richardson	PFAS: Contaminated Soil Removal	0	5,200
<i>Arizona</i>				
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
<i>California</i>				
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
<i>Florida</i>				
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
<i>Georgia</i>				

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
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
<i>Hawaii</i>				
Air Force	Air Force Research Laboratory—Maui Experimental Site #1	Secure Integration Support Lab W/ Land Acquisition	0	89,000
<i>Hungary</i>				
Air Force	Pápa Air Base	EDI: DABS-FEV Storage	71,000	71,000
<i>Iceland</i>				
Air Force	Naval Air Station Keflavik	EDI: DABS-FEV Storage	94,000	94,000
<i>Illinois</i>				
Air Force	Scott Air Force Base	Child Development Center	0	19,893
<i>Italy</i>				
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
<i>Japan</i>				
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
<i>Jordan</i>				
Air Force	Muwaffiq Salti Air Base	Bulk Petroleum/Oil/Lubricants Storage	32,000	32,000
Air Force	Muwaffiq Salti Air Base	Fuel Cell and Phase Maintenance Hangars	18,000	18,000
<i>Louisiana</i>				
Air Force	Barksdale Air Force Base	Weapons Generation Facility (INC)	125,000	126,500
<i>Mariana Islands</i>				
Air Force	Tinian	PDI: Airfield Development Phase 1 (INC)	58,000	58,000
Air Force	Tinian	PDI: Fuel Tanks W/Pipeline & Hydrant Sys, INC	92,000	92,000
Air Force	Tinian	PDI: Parking Apron (INC)	41,000	41,000
<i>Maryland</i>				
Air Force	Joint Base Andrews	Cost to Complete: PAR Relocate Haz Cargo Pad and EOD Range.	0	28,200
<i>Massachusetts</i>				
Air Force	Hanscom Air Force Base	MIT-Lincoln Lab (West Lab CSL/MIF), INC	30,200	30,200
<i>Nebraska</i>				
Air Force	Offutt Air Force Base	Cost to Complete—Natural Disaster Recovery	0	235,000
<i>Nevada</i>				
Air Force	Nellis Air Force Base	Dormitory (P&D)	0	7,200
<i>New Mexico</i>				
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
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
<i>New York</i>				
Air Force	Air Force Research Laboratory—Rome Research Site	HF Antennas, Newport and Stockbridge Test Annexes	0	4,200
<i>North Carolina</i>				
Air Force	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
<i>Norway</i>				
Air Force	Rygge Air Station	EDI: Base Perimeter Security Fence	8,200	8,200
<i>Ohio</i>				
Air Force	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
<i>Oklahoma</i>				
Air Force	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

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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
	South Carolina			
Air Force	Shaw Air Force Base	RAPCON Facility	10,000	10,000
	South Dakota			
Air Force	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
	Spain			
Air Force	Morón Air Base	EDI: RADR Storage Facility	29,000	29,000
	Tennessee			
Air Force	Arnold Air Force Base	ARC Heater Test Facility Dragon Fire	38,000	38,000
	Texas			
Air Force	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
	United Kingdom			
Air Force	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
	Utah			
Air Force	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
	Washington			
Air Force	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
	Worldwide Unspecified			
Air Force	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
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

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
	<i>California</i>			
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
	<i>Delaware</i>			
Defense-Wide	Dover Air Force Base	Armed Services Whole Blood Processing Laboratory-East Replacement (P&D).	0	350
	<i>Djibouti</i>			
Defense-Wide	Camp Lemonnier	Enhanced Energy Security and Control Systems	0	24,000
	<i>Florida</i>			
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
	<i>Georgia</i>			
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
	<i>Germany</i>			
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
	<i>Guam</i>			
Defense-Wide	Naval Base Guam	Electrical Distribution System	0	34,360
	<i>Hawaii</i>			
Defense-Wide	Joint Base Pearl Harbor-Hickam	Primary Electrical Distribution	0	25,000
	<i>Japan</i>			
Defense-Wide	Fleet Activities Yokosuka	Kinnick High School (INC 2)	20,000	20,000
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
	<i>Kansas</i>			
Defense-Wide	Fort Riley	Power Generation and Microgrid	0	25,780
	<i>Kuwait</i>			
Defense-Wide	Camp Arifjan	Power Generation and Microgrid	0	26,850
	<i>Maryland</i>			
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
	<i>North Carolina</i>			
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
	<i>South Carolina</i>			
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
	<i>Texas</i>			
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
	<i>Virginia</i>			
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

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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
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 (EUCCOM)	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 (EUCCOM)	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

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (Defense-Wide).	3,000	23,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (DIA)	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
	<i>Military Construction, Defense-Wide Total</i>		2,416,398	3,183,097
ARMY NATIONAL GUARD				
	<i>Alaska</i>			
Army National Guard	Joint Base Elmendorf-Richardson	Aircraft Maintenance Hangar	0	63,000
	<i>Arkansas</i>			
Army National Guard	Camp Robinson	Automated Multipurpose Machine Gun Range	0	9,500
	<i>Delaware</i>			
Army National Guard	River Road Training Site	National Guard Readiness Center	16,000	16,000
	<i>Florida</i>			
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 Rms 9	National Guard Vehicle Maintenance Shop	12,000	12,000
	<i>Georgia</i>			
Army National Guard	Fort Gordon	National Guard/Reserve Center Building (P&D)	0	2,100
	<i>Hawaii</i>			
Army National Guard	Kalaheo	National Guard Readiness Center Addition	29,000	29,000
	<i>Illinois</i>			
Army National Guard	Chicago	National Guard Readiness Center Alteration (P&D) ..	0	3,500
	<i>Indiana</i>			
Army National Guard	Atlanta Readiness Center	National Guard Readiness Center	20,000	20,000
	<i>Iowa</i>			
Army National Guard	West Des Moines Army	National Guard Readiness Center	15,000	15,000
	<i>Louisiana</i>			
Army National Guard	Abbeville	National Guard Readiness Center (P&D)	0	1,650
Army National Guard	Camp Beauregard	Energy Resilience Conservation Investment Program Project (P&D).	0	765
	<i>Maine</i>			
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
	<i>Michigan</i>			
Army National Guard	Grayling Airfield	National Guard Readiness Center	16,000	16,000
	<i>Minnesota</i>			
Army National Guard	New Ulm Army and Rms	National Guard Readiness Center	17,000	17,000
	<i>Missouri</i>			
Army National Guard	Aviation Classification Repair Activity Depot	Aircraft Maintenance Hangar Addition Phase IV (P&D).	0	5,600
	<i>Nevada</i>			
Army National Guard	Harry Reid Training Center	National Guard Readiness Center Add/Alt	18,000	18,000
	<i>New Hampshire</i>			
Army National Guard	Concord	National Guard Wellness Center (P&D)	0	2,000
	<i>New Mexico</i>			
Army National Guard	Rio Rancho	Vehicle Maintenance Shop (P&D)	0	600

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
	<i>New York</i>			
Army National Guard	Glenn Rd Armory/ Fms 17	National Guard Vehicle Maintenance Shop	17,000	17,000
Army National Guard	Lerington Armory	National Guard Readiness Center Addition/ Alteration (P&D).	0	3,580
	<i>North Carolina</i>			
Army National Guard	Mcleansville 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
	<i>Oregon</i>			
Army National Guard	Camp Umatilla	Collective Training Unaccompanied Housing	0	14,243
	<i>Pennsylvania</i>			
Army National Guard	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
	<i>Puerto Rico</i>			
Army National Guard	Camp Santiago Joint Maneuver Training Center	Engineering/Housing Maintenance Shops (DPW)	14,500	14,500
	<i>Tennessee</i>			
Army National Guard	Smyrna Volunteer Training Site	Army Maintenance Hangar (P&D)	0	780
	<i>Vermont</i>			
Army National Guard	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
	<i>West Virginia</i>			
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
	<i>Worldwide Unspecified</i>			
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
	<i>Wyoming</i>			
Army National Guard	Camp Guernsey	Aviation Operations and Fire Rescue Building	0	19,500
Army National Guard	TS NG Sheridan	National Guard Vehicle Maintenance Shop	14,800	14,800
	<i>Military Construction, Army National Guard Total</i>		297,278	813,119
ARMY RESERVE				
	<i>California</i>			
Army Reserve	Camp Pendleton	Area Maintenance Support Activity	0	13,000
	<i>Florida</i>			
Army Reserve	Perrine	Army Reserve Center/AMSA	46,000	46,000
	<i>Georgia</i>			
Army Reserve	Dobbins Air Reserve Base	Army Reserve Center (P&D)	0	5,000
	<i>Massachusetts</i>			

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army Reserve	Fort Devens Michigan	Cost to Complete: Multi-Purpose Machine Gun Range	0	3,000
Army Reserve	Southfield North Carolina	Cost to Complete: Area Maintenance Shop	0	1,600
Army Reserve	Asheville Ohio	Cost to Complete: Army Reserve Center	0	2,000
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
Army Reserve	Puerto Rico Fort Buchanan	Army Reserve Center	24,000	24,000
Army Reserve	Washington Yakima	Equipment Concentration Site Warehouse	0	22,000
Army Reserve	Wisconsin Fort McCoy	Transient Training Enlisted Barracks	0	38,000
Army Reserve	Fort McCoy	Transient Training Officer Barracks	0	26,000
Army Reserve	Worldwide Unspecified 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
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				
Navy/Marine Corps Reserve	Hawaii Marine Corps Base Kaneohe Bay	C-40 Aircraft Maintenance Hangar	0	40,000
Navy/Marine Corps Reserve	Michigan Marine Forces Reserve Battle Creek	Organic Supply Facilities	0	24,300
Navy/Marine Corps Reserve	Virginia Marine Forces Reserve Dam Neck Virginia Beach	GIATOR Support Facilities	0	10,400
Navy/Marine Corps Reserve	Worldwide Unspecified 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				
Air National Guard	Alabama Birmingham Inter- national Airport	Security and Services Training Facility	7,500	0

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
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
	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	Mclaughlin Air National Guard Base	C-130J Apron Expansion	0	10,000
Air National Guard	Mclaughlin Air National Guard Base	Indoor Small Arms Range (P&D)	0	640
Air National Guard	Mclaughlin 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
		<i>Military Construction, Air National Guard Total</i>	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			

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Air Force Reserve	Westover Air Reserve Base	Tarivay 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
		<i>Military Construction, Air Force Reserve Total</i>	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
		<i>NATO Security Investment Program Total</i>	210,139	210,139
FAMILY HOUSING CONSTRUCTION, ARMY				
	Germany			
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
		<i>Family Housing Construction, Army Total</i>	169,339	851,476

FAMILY HOUSING O&M, ARMY
Worldwide Unspecified

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Furnishings</i>	22,911	22,911
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Housing Privatization Support</i>	65,740	70,740
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Inflation & Market Adjustment Fund</i>	0	0
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Leasing</i>	127,499	127,499
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Maintenance</i>	117,555	117,555
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Management</i>	45,718	50,718
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Miscellaneous</i>	559	559
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Services</i>	9,580	9,580
<i>FH Ops, Army</i>	<i>Unspecified Worldwide Locations</i>	<i>Utilities</i>	46,849	46,849
<i>Family Housing Operation and Maintenance, Army Total</i>			436,411	446,411
FAMILY HOUSING CONSTRUCTION, NAVY & MARINE CORPS				
<i>District of Columbia</i>				
<i>FH Con, Navy</i>	<i>United States Marine Corps Headquarters</i>	<i>Design</i>	7,043	7,043
<i>FH Con, Navy</i>	<i>United States Marine Corps Headquarters</i>	<i>Improvements</i>	74,540	74,540
<i>Guam</i>				
<i>FH Con, Navy</i>	<i>Naval Support Activity Andersen</i>	<i>Replace Andersen Housing PH IV</i>	86,390	98,485
<i>FH Con, Navy</i>	<i>Naval Support Activity Andersen</i>	<i>Replace Andersen Housing PH V</i>	93,259	106,315
<i>FH Con, Navy</i>	<i>Naval Support Activity Andersen</i>	<i>Replace Andersen Housing PH VI</i>	68,985	68,985
<i>Worldwide Unspecified</i>				
<i>FH Con, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Cost to Complete: FY22 Inflation Effects</i>	0	0
<i>FH Con, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Cost to Complete: FY23 Inflation Effects</i>	0	45,244
<i>FH Con, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Inflation & Market Adjustment Fund</i>	0	0
<i>FH Con, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>USMC DPRI/Guam Planning & Design</i>	7,080	7,080
<i>Family Housing Construction, Navy and Marine Corps Total</i>			337,297	407,692
FAMILY HOUSING O&M, NAVY & MARINE CORPS				
<i>Worldwide Unspecified</i>				
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Furnishings</i>	16,182	16,182
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Housing Privatization Support</i>	61,605	66,605
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Inflation & Market Adjustment Fund</i>	0	0
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Leasing</i>	66,333	66,333
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Maintenance</i>	105,470	105,470
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Management</i>	59,312	64,312
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Miscellaneous</i>	411	411
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Services</i>	16,494	16,494
<i>FH Ops, Navy</i>	<i>Unspecified Worldwide Locations</i>	<i>Utilities</i>	42,417	42,417
<i>Family Housing Operation and Maintenance, Navy and Marine Corps Total</i>			368,224	378,224
FAMILY HOUSING CONSTRUCTION, AIR FORCE				
<i>Delaware</i>				
<i>FH Con, Air Force</i>	<i>Dover Air Force Base</i>	<i>MHPI Restructure</i>	25,492	25,492
<i>Florida</i>				
<i>FH Con, Air Force</i>	<i>Tyndall Air Force Base</i>	<i>AETC Restructuring</i>	150,685	150,685
<i>Illinois</i>				
<i>FH Con, Air Force</i>	<i>Scott Air Force Base</i>	<i>MHPI Restructure</i>	52,003	52,003
<i>Japan</i>				
<i>FH Con, Air Force</i>	<i>Kadena Air Base</i>	<i>Family Housing North Terrance Improvement, Phase 2 (4 Units).</i>	0	3,800

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Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
	<i>Maryland</i>			
<i>FH Con, Air Force</i>	<i>Andrews Air Force Base</i>	<i>MHPI Equity Contribution CMSSF House</i>	<i>1,878</i>	<i>1,878</i>
	<i>Worldwide Unspecified</i>			
<i>FH Con, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Family Housing Construction P&D</i>	<i>0</i>	<i>15,000</i>
<i>FH Con, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Inflation & Market Adjustment Fund</i>	<i>0</i>	<i>0</i>
	<i>Locations</i>			
<i>FH Con, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Planning & Design</i>	<i>2,730</i>	<i>2,730</i>
	<i>Locations</i>			
	<i>Family Housing Construction, Air Force Total</i>		<i>232,788</i>	<i>251,588</i>
FAMILY HOUSING O&M, AIR FORCE				
	<i>Worldwide Unspecified</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Furnishings</i>	<i>27,379</i>	<i>27,379</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Housing Privatization</i>	<i>33,517</i>	<i>38,517</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Inflation & Market Adjustment Fund</i>	<i>0</i>	<i>0</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Leasing</i>	<i>7,882</i>	<i>7,882</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Maintenance</i>	<i>150,375</i>	<i>150,375</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Management</i>	<i>77,042</i>	<i>82,042</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Miscellaneous</i>	<i>2,240</i>	<i>2,240</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Services</i>	<i>10,570</i>	<i>10,570</i>
	<i>Locations</i>			
<i>FH Ops, Air Force</i>	<i>Unspecified Worldwide</i>	<i>Utilities</i>	<i>46,217</i>	<i>46,217</i>
	<i>Locations</i>			
	<i>Family Housing Operation and Maintenance, Air Force Total</i>		<i>355,222</i>	<i>365,222</i>
FAMILY HOUSING O&M, DEFENSE-WIDE				
	<i>Worldwide Unspecified</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Furnishings</i>	<i>87</i>	<i>87</i>
	<i>Locations</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Furnishings</i>	<i>656</i>	<i>656</i>
	<i>Locations</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Leasing</i>	<i>13,306</i>	<i>13,306</i>
	<i>Locations</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Leasing</i>	<i>31,849</i>	<i>31,849</i>
	<i>Locations</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Maintenance</i>	<i>34</i>	<i>34</i>
	<i>Locations</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Utilities</i>	<i>15</i>	<i>15</i>
	<i>Locations</i>			
<i>FH Ops, Defense-Wide</i>	<i>Unspecified Worldwide</i>	<i>Utilities</i>	<i>4,166</i>	<i>4,166</i>
	<i>Locations</i>			
	<i>Family Housing Operation and Maintenance, Defense-Wide Total</i>		<i>50,113</i>	<i>50,113</i>
FAMILY HOUSING IMPROVEMENT FUND				
	<i>Worldwide Unspecified</i>			
<i>FHIF</i>	<i>Unspecified Worldwide</i>	<i>Administrative Expenses—FHIF</i>	<i>6,442</i>	<i>6,442</i>
	<i>Locations</i>			
<i>FHIF</i>	<i>Unspecified Worldwide</i>	<i>Inflation & Market Adjustment Fund</i>	<i>0</i>	<i>0</i>
	<i>Locations</i>			
	<i>Family Housing Improvement Fund Total</i>		<i>6,442</i>	<i>6,442</i>
UNACCOMPANIED HOUSING IMPROVEMENT FUND				
	<i>Worldwide Unspecified</i>			
<i>UHIF</i>	<i>Unspecified Worldwide</i>	<i>Administrative Expenses—UHIF</i>	<i>494</i>	<i>494</i>
	<i>Locations</i>			
	<i>Unaccompanied Housing Improvement Fund Total</i>		<i>494</i>	<i>494</i>
BASE REALIGNMENT AND CLOSURE, ARMY				
	<i>Worldwide Unspecified</i>			
<i>BRAC, Army</i>	<i>Unspecified Worldwide</i>	<i>Base Realignment & Closure</i>	<i>67,706</i>	<i>117,706</i>
	<i>Locations</i>			
<i>BRAC, Army</i>	<i>Unspecified Worldwide</i>	<i>Inflation & Market Adjustment Fund</i>	<i>0</i>	<i>0</i>
	<i>Locations</i>			
	<i>Base Realignment and Closure—Army Total</i>		<i>67,706</i>	<i>117,706</i>

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
BASE REALIGNMENT AND CLOSURE, NAVY				
	<i>Worldwide Unspecified</i>			
BRAC, Navy	Unspecified Worldwide Locations	Base Realignment & Closure	106,664	156,664
BRAC, Navy	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
	<i>Base Realignment and Closure—Navy Total</i>		106,664	156,664
BASE REALIGNMENT AND CLOSURE, AIR FORCE				
	<i>Worldwide Unspecified</i>			
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
	<i>Base Realignment and Closure—Air Force Total</i>		107,311	157,311
BASE REALIGNMENT AND CLOSURE, DEFENSE-WIDE				
	<i>Worldwide Unspecified</i>			
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
	<i>Base Realignment and Closure—Defense-wide Total</i>		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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2023 Request	Conference Authorized
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
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2023 Request	Conference Authorized
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		
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		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2023 Request	Conference Authorized
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 program	438,970	438,970
Subtotal, Defense Nuclear Nonproliferation	2,469,305	2,476,305
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
SSG 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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2023 Request	Conference Authorized
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—LBI/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-403 Calcine Construction	10,000	10,000
Subtotal, Construction	26,000	26,000
Total, Idaho National Laboratory	379,363	379,363
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,842	1,842
LLNL Excess Facilities D&D	12,004	22,004
Program increase		(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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2023 Request</i>	<i>Conference Authorized</i>
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
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.

5 ***Subtitle A—Advisory Committees***

6 ***SEC. 5101. ANNUAL REPORT FROM ADVISORY COMMITTEE***
 7 ***ON WOMEN VETERANS.***

8 *Section 542(c)(1) of title 38, United States Code, is*
 9 *amended by striking “even-numbered year” and inserting*
 10 *“year”.*

1 **SEC. 5102. DEPARTMENT OF VETERANS AFFAIRS ADVISORY**
2 **COMMITTEE ON UNITED STATES OUTLYING**
3 **AREAS AND FREELY ASSOCIATED STATES.**

4 (a) *ESTABLISHMENT OF ADVISORY COMMITTEE.*—
5 *Subchapter III of chapter 5 of title 38, United States Code,*
6 *is amended by adding at the end the following new section*
7 *(and conforming the table of sections at the beginning of*
8 *such chapter accordingly):*

9 **“§ 548. Advisory Committee on United States Outlying**
10 **Areas and Freely Associated States**

11 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
12 *an advisory committee, to be known as the ‘Advisory Com-*
13 *mittee on United States Outlying Areas and Freely Associ-*
14 *ated States’, to provide advice and guidance to the Sec-*
15 *retary on matters relating to covered veterans.*

16 “(b) *DUTIES.*—*The duties of the Committee shall be*
17 *the following:*

18 “(1) *To advise the Secretary on matters relating*
19 *to covered veterans, including how the Secretary may*
20 *improve the programs and services of the Department*
21 *to better serve such veterans.*

22 “(2) *To identify for the Secretary evolving issues*
23 *of relevance to covered veterans.*

24 “(3) *To propose clarifications, recommendations,*
25 *and solutions to address issues raised by covered vet-*
26 *erans.*

1 “(4) *To provide a forum for covered veterans,*
2 *veterans service organizations serving covered vet-*
3 *erans, and the Department to discuss issues and pro-*
4 *posals for changes to regulations, policies, and proce-*
5 *dures of the Department.*

6 “(5) *To identify priorities for and provide ad-*
7 *vice to the Secretary on appropriate strategies for*
8 *consultation with veterans service organizations serv-*
9 *ing covered veterans.*

10 “(6) *To encourage the Secretary to work with the*
11 *heads of other Federal departments and agencies, and*
12 *Congress, to ensure covered veterans are provided the*
13 *full benefits of their status as covered veterans.*

14 “(7) *To highlight contributions of covered vet-*
15 *erans in the Armed Forces.*

16 “(8) *To conduct other duties as determined ap-*
17 *propriate by the Secretary.*

18 “(c) *MEMBERSHIP.—(1) The Committee shall be com-*
19 *prised of 15 voting members appointed by the Secretary.*

20 “(2) *In appointing members pursuant to paragraph*
21 *(1), the Secretary shall ensure the following:*

22 “(A) *At least one member is appointed to rep-*
23 *resent covered veterans in each of the following areas:*

24 “(i) *American Samoa.*

25 “(ii) *Guam.*

1 “(iii) *Puerto Rico.*

2 “(iv) *The Commonwealth of the Northern*
3 *Mariana Islands.*

4 “(v) *The Virgin Islands of the United*
5 *States.*

6 “(vi) *The Federated States of Micronesia.*

7 “(vii) *The Republic of the Marshall Islands.*

8 “(viii) *The Republic of Palau.*

9 “(B) *Not fewer than half of the members ap-*
10 *pointed are covered veterans, unless the Secretary de-*
11 *termines that an insufficient number of qualified cov-*
12 *ered veterans are available.*

13 “(C) *Each member appointed resides in an area*
14 *specified in subparagraph (A).*

15 “(3) *In appointing members pursuant to paragraph*
16 *(1), the Secretary may consult with any Member of Con-*
17 *gress who represents an area specified in paragraph (2)(A).*

18 “(4) *In addition to the members appointed pursuant*
19 *to paragraph (1), the Committee shall be comprised of such*
20 *ex officio members as the Secretary of State and the Sec-*
21 *retary of the Interior shall appoint from among employees*
22 *of the Department of State and the Department of the Inte-*
23 *rior, respectively.*

24 “(d) *TERMS; VACANCIES.—(1) A member of the Com-*
25 *mittee—*

1 “(A) shall be appointed for a term of two years;
2 and

3 “(B) may be reappointed to serve an additional
4 two-year term.

5 “(2) Not later than 180 days after the Secretary (or
6 in the case of an *ex officio* member, the Secretary of State
7 or the Secretary of the Interior, as the case may be) receives
8 notice of a vacancy in the Committee, the vacancy shall
9 be filled in the same manner as the original appointment.

10 “(e) *MEETING FORMAT AND FREQUENCY.*—(1) *Except*
11 *as provided in paragraph (2), the Committee shall meet in-*
12 *person with the Secretary not less frequently than once each*
13 *year and hold monthly conference calls as necessary.*

14 “(2) *Meetings held under paragraph (1) may be con-*
15 *ducted virtually if determined necessary based on—*

16 “(A) *Department protocols; and*

17 “(B) *timing and budget considerations.*

18 “(f) *ADDITIONAL REPRESENTATION.*—(1) *Representa-*
19 *tives of relevant Federal departments and agencies may at-*
20 *tend meetings of the Committee and provide information*
21 *to the Committee.*

22 “(2) *One representative of the Department shall attend*
23 *each meeting of the Committee.*

24 “(3) *Representatives attending meetings under this*
25 *subsection—*

1 “(A) *may not be considered voting members of*
2 *the Committee; and*

3 “(B) *may not receive additional compensation*
4 *for services performed with respect to the Committee.*

5 “(g) *SUBCOMMITTEES.—(1) The Committee may es-*
6 *tablish subcommittees.*

7 “(2) *The Secretary may, in consultation with the Com-*
8 *mittee, appoint a member to a subcommittee established*
9 *under paragraph (1) who is not a member of the Committee.*

10 “(3) *A subcommittee established under paragraph (1)*
11 *may enhance the function of the Committee, but may not*
12 *supersede the authority of the Committee or provide direct*
13 *advice or work products to the Secretary.*

14 “(h) *REPORTS.—(1) Not less frequently than once*
15 *every two years, the Committee shall submit to the Sec-*
16 *retary and the appropriate congressional committees a re-*
17 *port—*

18 “(A) *containing such recommendations as the*
19 *Committee may have for legislative or administrative*
20 *action; and*

21 “(B) *describing the activities of the Committee*
22 *during the previous two years.*

23 “(2) *Not later than 120 days after the date on which*
24 *the Secretary receives a report under paragraph (1), the*

1 *Secretary shall submit to the appropriate congressional*
2 *committees a written response to the report after—*

3 “(A) *giving the Committee an opportunity to re-*
4 *view such written response; and*

5 “(B) *including in such written response any*
6 *comments the Committee considers appropriate.*

7 “(3) *The Secretary shall make publicly available on*
8 *an internet website of the Department—*

9 “(A) *each report the Secretary receives under*
10 *paragraph (1); and*

11 “(B) *each written response the Secretary submits*
12 *under paragraph (2).*

13 “(i) *COMMITTEE PERSONNEL MATTERS.—A member*
14 *of the Committee shall be allowed travel expenses, including*
15 *per diem in lieu of subsistence, at rates authorized for an*
16 *employee of an agency under subchapter I of chapter 57*
17 *of title 5 while away from the home or regular place of*
18 *business of the member in the performance of the duties of*
19 *the Committee.*

20 “(j) *CONSULTATION.—In carrying out this section, the*
21 *Secretary shall consult with veterans service organizations*
22 *serving covered veterans.*

23 “(k) *TERMINATION.—The Committee shall terminate*
24 *on the date that is 10 years after the date of the enactment*
25 *of this section.*

1 “(l) *DEFINITIONS.*—*In this section:*

2 “(1) *The term ‘appropriate congressional com-*
3 *mittees’ means—*

4 “(A) *the Committee on Veterans’ Affairs of*
5 *the House of Representatives; and*

6 “(B) *the Committee on Veterans’ Affairs of*
7 *the Senate.*

8 “(2) *The term ‘Committee’ means the Advisory*
9 *Committee on United States Outlying Areas and*
10 *Freely Associated States established under subsection*
11 *(a).*

12 “(3) *The term ‘covered veteran’ means a veteran*
13 *residing in an area specified in subsection (c)(2)(A).*

14 “(4) *The term ‘veterans service organization*
15 *serving covered veterans’ means any organization*
16 *that—*

17 “(A) *serves the interests of covered veterans;*

18 “(B) *has covered veterans in substantive*
19 *and policymaking positions within the organiza-*
20 *tion; and*

21 “(C) *has demonstrated experience working*
22 *with covered veterans.”.*

23 “(b) *DEADLINE FOR ESTABLISHMENT.*—*Not later than*
24 *180 days after the date of the enactment of this Act, the*
25 *Secretary of Veterans Affairs shall establish the advisory*

1 *committee required by section 548 of title 38, United States*
2 *Code, as added by subsection (a) of this section.*

3 (c) *DEADLINE FOR INITIAL APPOINTMENTS.*—*Not later*
4 *than 90 days after the date on which the Secretary estab-*
5 *lishes the advisory committee required by such section 548,*
6 *the members of such advisory committee shall be appointed.*

7 (d) *INITIAL MEETING.*—*Not later than 180 days after*
8 *the date on which the Secretary establishes the advisory*
9 *committee required by such section 548, such advisory com-*
10 *mittee shall hold its first meeting.*

11 ***Subtitle B—Studies and Reports***

12 ***SEC. 5111. SECRETARY OF VETERANS AFFAIRS STUDY ON*** 13 ***DISSEMINATION OF INFORMATION ON DE-*** 14 ***PARTMENT OF VETERANS AFFAIRS HOME*** 15 ***LOAN BENEFITS.***

16 (a) *STUDY.*—*The Secretary of Veterans Affairs shall*
17 *conduct a study to identify the means by which the Sec-*
18 *retary informs lenders and veterans about the availability*
19 *of loans guaranteed by the Department of Veterans Affairs*
20 *under chapter 37 of title 38, United States Code, for any*
21 *purpose described in section 3710(a) of such title.*

22 (b) *REPORT.*—*Not later than six months after the date*
23 *of the enactment of this Act, the Secretary of Veterans Af-*
24 *fairs shall—*

1 (1) *submit to the Committee on Veterans' Affairs*
2 *of the Senate and the Committee on Veterans' Affairs*
3 *of the House of Representatives a report on the results*
4 *of the study conducted under subsection (a); and*

5 (2) *make such report publicly available on an*
6 *appropriate website of the Department of Veterans Af-*
7 *fairs.*

8 **SEC. 5112. GAO STUDY ON POST-MARKET SURVEILLANCE OF**
9 **MEDICAL DEVICES BY DEPARTMENT OF VET-**
10 **ERANS AFFAIRS.**

11 (a) *STUDY.*—*The Comptroller General of the United*
12 *States shall conduct a study on the efforts of the Under Sec-*
13 *retary of Veterans Affairs for Health relating to post-market*
14 *surveillance of implantable medical devices.*

15 (b) *REPORT.*—*Not later than one year after the date*
16 *of the enactment of this Act, the Comptroller General shall*
17 *submit to the Committees on Veterans' Affairs of the House*
18 *of Representatives and the Senate a report on the findings*
19 *of the study under subsection (a). Such report shall include*
20 *the following:*

21 (1) *A description of the process used by the*
22 *Under Secretary of Veterans Affairs for Health for*
23 *documenting implantable medical devices issued to*
24 *patients.*

1 (2) *An evaluation of the capability of the Under*
2 *Secretary of Veterans Affairs for Health to identify,*
3 *in a timely manner, adverse events and safety issues*
4 *relating to implantable medical devices.*

5 (3) *An evaluation of the process for, and poten-*
6 *tial barriers to, the Under Secretary of Veterans Af-*
7 *fairs for Health notifying patients of an implantable*
8 *medical device recall.*

9 (4) *An evaluation of the accessibility of the ad-*
10 *verse event reporting systems of the Veterans Health*
11 *Administration for patients with disabilities.*

12 (5) *Recommendations to address gaps in such*
13 *adverse event reporting systems, to better identify ad-*
14 *verse events and safety issues from implantable med-*
15 *ical devices.*

16 **SEC. 5113. DEPARTMENT OF VETERANS AFFAIRS REPORT**
17 **ON SUPPORTIVE SERVICES AND HOUSING IN-**
18 **SECURITY.**

19 *Not later than one year after the date of the enactment*
20 *of this Act, the Secretary of Veterans Affairs, in coordina-*
21 *tion with the Secretary of Housing and Urban Development*
22 *and the Secretary of Labor, shall submit to Congress a re-*
23 *port on how often and what type of supportive services (in-*
24 *cluding career transition and mental health services and*
25 *services for elderly veterans) are being offered to and used*

1 *by veterans, and any correlation between a lack of sup-*
2 *portive services programs and the likelihood of veterans fall-*
3 *ing back into housing insecurity. The Secretary of Veterans*
4 *Affairs shall ensure that any medical information included*
5 *in the report is de-identified.*

6 **SEC. 5114. REPORT ON HANDLING OF CERTAIN RECORDS**
7 **OF THE DEPARTMENT OF VETERANS AF-**
8 **FAIRS.**

9 (a) *REPORT.*—*Not later than one year after the date*
10 *of the enactment of this Act, the Inspector General of the*
11 *Department of Veterans Affairs, in coordination with the*
12 *Secretary of Defense, shall submit to Congress a report on*
13 *the extent to which the procedures outlined in provision*
14 *M21-1 III.ii.2.F.1 of the Adjudication Procedures Manual*
15 *of the Department of Veterans Affairs, or any successor doc-*
16 *ument, are followed in assisting veterans obtain or recon-*
17 *struct service records or medical information damaged or*
18 *destroyed in the fire that occurred at the National Proc-*
19 *essing Records Center in St. Louis, Missouri, in July of*
20 *1973.*

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

23 (1) *The determination of the Inspector General*
24 *as to whether employees of the Department of Vet-*

1 *erans Affairs receive sufficient training on the proce-*
2 *dures specified in such subsection.*

3 (2) *The determination of the Inspector General*
4 *as to whether veterans are informed of actions nec-*
5 *essary to adhere to such procedures.*

6 (3) *The percentage of cases regarding such serv-*
7 *ice records and medical information in which em-*
8 *ployees of the Department of Veterans Affairs follow*
9 *such procedures.*

10 (4) *The average duration of time to resolve an*
11 *issue using such procedures.*

12 (5) *Recommendations on how to improve the im-*
13 *plementation of such procedures.*

14 ***Subtitle C—Other Matters***

15 ***SEC. 5121. IMPROVED APPLICATION OF EMPLOYMENT AND***
16 ***REEMPLOYMENT RIGHTS OF ALL MEMBERS***
17 ***OF UNIFORMED SERVICES.***

18 (a) *IN GENERAL.—Paragraph (5) of section 4303 of*
19 *title 38, United States Code, is amended to read as follows:*

20 “(5) *The term ‘Federal executive agency’—*

21 “(A) *except as provided in subparagraph*
22 *(B), includes—*

23 “(i) *the United States Postal Service;*

24 “(ii) *the Postal Regulatory Commis-*
25 *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 mem-
14 bers of the commissioned officer corps of the
15 National Oceanic and Atmospheric Admin-
16 istration; 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 such
23 section is amended by striking “commissioned corps of the
24 Public Health Service” and inserting “Commissioned Corps
25 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 paragraph:*

6 *“(4)(A) The director of each medical center of the De-*
7 *partment shall submit to the Secretary an annual locality*
8 *pay survey and rates of basic pay for covered positions at*
9 *such medical center to ensure that pay rates remain com-*
10 *petitive in the local labor market.*

11 *“(B) Not less than once per fiscal year, the Secretary*
12 *shall submit to the Committees on Veterans’ Affairs of the*
13 *House of Representatives and the Senate a report on rates*
14 *of basic pay for covered positions at medical centers of the*
15 *Department.”.*

16 **SEC. 5123. DEFINITION OF LAND USE REVENUE UNDER**
17 **WEST LOS ANGELES LEASING ACT OF 2016.**

18 *Section 2(d)(2) of the West Los Angeles Leasing Act*
19 *of 2016 (Public Law 114–226) is amended—*

20 *(1) in subparagraph (A), by striking “; and”*
21 *and inserting a semicolon;*

22 *(2) by redesignating subparagraph (B) as sub-*
23 *paragraph (C); and*

24 *(3) by inserting after subparagraph (A) the fol-*
25 *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 CER-*
8 *TAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN*
9 *PITS AND OTHER TOXINS.*—Section 1120(b)(2) of title 38,
10 *United States Code, is amended—*

11 (1) *by striking subparagraph (G); and*
12 (2) *by redesignating subparagraphs (H) through*
13 *(K) as subparagraphs (G) through (J), respectively.*

14 (b) *CONGRESSIONAL APPROVAL OF CERTAIN MEDICAL*
15 *FACILITY ACQUISITIONS.*—Section 703(c)(5)(C) of the *Hon-*
16 *oring our PACT Act of 2022 (Public Law 117–168; 136*
17 *Stat. 1797) is amended to read as follows:*

18 “(C) *by striking ‘or a major medical facil-*
19 *ity lease (as defined in subsection (a)(3)(B))’;*”.

20 (c) *USE OF COMPETITIVE PROCEDURES TO ACQUIRE*
21 *SPACE FOR THE PURPOSE OF PROVIDING HEALTH-CARE*
22 *RESOURCES TO VETERANS.*—Section 8103(h)(1) of title 38,
23 *United States Code, is amended by striking “section 2304*
24 *of title 10” and inserting “section 3301 of title 41”.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the enactment of*
3 *the Honoring our PACT Act of 2022 (Public Law 117–168).*

4 **SEC. 5125. IMPROVING PILOT PROGRAM ON ACCEPTANCE**
5 **BY THE DEPARTMENT OF VETERANS AFFAIRS**
6 **OF DONATED FACILITIES AND RELATED IM-**
7 **PROVEMENTS.**

8 (a) *IN GENERAL.*—*Section 2 of the Communities Help-*
9 *ing Invest through Property and Improvements Needed for*
10 *Veterans Act of 2016 (Public Law 114–294; 38 U.S.C. 8103*
11 *note) is amended—*

12 (1) *in subsection (b)(1)(A), by inserting before*
13 *the semicolon the following: “or for which funds are*
14 *available from the Construction, Minor Projects, or*
15 *Construction, Major Projects appropriations ac-*
16 *counts”;*

17 (2) *in subsection (e)(1)—*

18 (A) *in subparagraph (A)—*

19 (i) *by striking “The Secretary” and*
20 *inserting “Except as otherwise provided in*
21 *this paragraph, the Secretary”;* and

22 (ii) *by inserting “or funds already*
23 *generally available in the Construction,*
24 *Minor Projects, or Construction, Major*
25 *Projects appropriations accounts” after*

1 *“that are in addition to the funds appro-*
2 *priated for the facility”;*

3 *(B) in subparagraph (B), by striking “sub-*
4 *paragraph (A)” and inserting “this paragraph”;*

5 *(C) by redesignating subparagraph (B) as*
6 *subparagraph (F); and*

7 *(D) by inserting after subparagraph (A) the*
8 *following new subparagraphs:*

9 *“(B) UNOBLIGATED AMOUNTS.—The Sec-*
10 *retary may provide additional funds to help an*
11 *entity described in subsection (a)(2) finance, de-*
12 *sign, or construct a facility in connection with*
13 *real property and improvements to be donated*
14 *under the pilot program and proposed to be ac-*
15 *cepted by the Secretary under subsection*
16 *(b)(1)(B) if—*

17 *“(i) the Secretary determines that*
18 *doing so is in the best interest of the De-*
19 *partment and consistent with the mission of*
20 *the Department; and*

21 *“(ii) funding provided under this sub-*
22 *paragraph—*

23 *“(I) is in addition to amounts*
24 *that have been appropriated for the fa-*
25 *cility before the date on which the Sec-*

1 *retary and the entity enter into a for-*
2 *mal agreement under subsection (c) for*
3 *the construction and donation of the*
4 *real property and improvements; and*

5 *“(II) is derived only from*
6 *amounts that—*

7 *“(aa) are unobligated bal-*
8 *ances available in the Construc-*
9 *tion, Minor Projects, or Construc-*
10 *tion, Major Projects appropria-*
11 *tions accounts of the Department*
12 *that—*

13 *“(AA) are not associated*
14 *with a specific project; or*

15 *“(BB) are amounts that*
16 *are associated with a specific*
17 *project, but are unobligated*
18 *because they are the result of*
19 *bid savings; and*

20 *“(bb) were appropriated to*
21 *such an account before the date*
22 *described in subclause (I).*

23 *“(C) ESCALATION CLAUSES.—*

24 *“(i) IN GENERAL.—The Secretary may*
25 *include an escalation clause in a formal*

1 *agreement under subsection (c) that author-*
2 *izes an escalation of not more than an an-*
3 *nual amount based on a rate established in*
4 *the formal agreement and mutually agreed*
5 *upon by the Secretary and an entity to ac-*
6 *count for inflation for an area if the Sec-*
7 *retary determines, after consultation with*
8 *the head of an appropriate Federal entity*
9 *that is not part of the Department, that*
10 *such escalation is necessary and in the best*
11 *interest of the Department.*

12 “(ii) *USE OF EXISTING AMOUNTS.—*
13 *The Secretary may obligate funds pursuant*
14 *to clause (i) in connection with a formal*
15 *agreement under subsection (c) using*
16 *amounts that—*

17 “(I) *are unobligated balances*
18 *available in the Construction, Minor*
19 *Projects, or Construction, Major*
20 *Projects appropriations accounts of the*
21 *Department that—*

22 “(aa) *are not associated with*
23 *a specific project; or*

24 “(bb) *are amounts that are*
25 *associated with a specific project,*

1 *but are unobligated because they*
2 *are the result of bid savings; and*
3 *“(II) were appropriated to such*
4 *an account before the date on which the*
5 *Secretary and the entity entered into*
6 *the formal agreement.*

7 *“(D) AVAILABILITY.—Unobligated amounts*
8 *shall be available pursuant to subparagraphs (B)*
9 *and (C) only to the extent and in such amounts*
10 *as provided in advance in appropriations Acts*
11 *subsequent to the date of the enactment of this*
12 *subparagraph, subject to subparagraph (E).*

13 *“(E) LIMITATION.—Unobligated amounts*
14 *made available pursuant to subparagraphs (B)*
15 *and (C) may not exceed 40 percent of the*
16 *amount appropriated for the facility before the*
17 *date on which the Secretary and the entity en-*
18 *tered into a formal agreement under subsection*
19 *(c).”; and*
20 *(3) in subsection (j)—*

21 *(A) by striking “RULE” and inserting*
22 *“RULES”;*

23 *(B) by striking “Nothing in” and inserting*
24 *the following:*

1 “(1) *ENTERING ARRANGEMENTS AND AGREEMENTS.*—*Nothing in*”; and
2

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

5 “(2) *TREATMENT OF ASSISTANCE.*—*Nothing pro-*
6 *vided under this section shall be treated as Federal fi-*
7 *nancial assistance as defined in section 200.40 of title*
8 *2, Code of Federal Regulations, as in effect on Feb-*
9 *ruary 21, 2021.”.*

10 (b) *AMENDMENTS TO EXISTING AGREEMENTS.*—*Each*
11 *agreement entered into under section (2)(c) of such Act be-*
12 *fore the date of the enactment of this Act that was in effect*
13 *on the date of the enactment of this Act may be amended*
14 *to incorporate terms authorized by subparagraphs (B) and*
15 *(C) of section 2(e)(1) of such Act, as added by subsection*
16 *(a)(2)(D) of this section.*

17 **SEC. 5126. IMPROVEMENT OF VET CENTERS AT DEPART-**
18 **MENT OF VETERANS AFFAIRS.**

19 (a) *PRODUCTIVITY EXPECTATIONS FOR READJUST-*
20 *MENT COUNSELORS OF VET CENTERS.*—

21 (1) *EVALUATION OF PRODUCTIVITY EXPECTA-*
22 *TIONS.*—*Not later than one year after the date of the*
23 *enactment of this Act, the Secretary of Veterans Af-*
24 *fairs shall evaluate productivity expectations for read-*
25 *justment counselors of Vet Centers, including by ob-*

1 *taining systematic feedback from counselors on such*
2 *expectations, including with respect to following:*

3 *(A) Any potential effects of productivity ex-*
4 *pectations, whether positive or negative, on client*
5 *care and the welfare of readjustment counselors.*

6 *(B) Distances readjustment counselors may*
7 *travel to appointments, especially with respect to*
8 *servicing rural veterans.*

9 *(C) The possibility that some veterans may*
10 *not want to use nor benefit from telehealth or*
11 *group counseling.*

12 *(D) Availability and access of veteran pop-*
13 *ulations to broadband and telehealth.*

14 *(E) Any effect of productivity expectations*
15 *on readjustment counselors, including with re-*
16 *spect to recruitment, retention, and welfare.*

17 *(F) Whether productivity expectations pro-*
18 *vide incentives or pressure to inaccurately report*
19 *client visits.*

20 *(G) Whether directors and readjustment*
21 *counselors of Vet Centers need additional train-*
22 *ing or guidance on how productivity expecta-*
23 *tions are calculated.*

24 *(H) Such other criteria as the Secretary*
25 *considers appropriate.*

1 (2) *SYSTEMATIC FEEDBACK.*—

2 (A) *IN GENERAL.*—*The Secretary shall—*

3 (i) *make every effort to ensure that all*
4 *readjustment counselors of Vet Centers are*
5 *given the opportunity to fully provide feed-*
6 *back, positive or negative, including through*
7 *a survey containing open- and close-ended*
8 *questions, on all items under paragraph (1);*

9 (ii) *in obtaining feedback under para-*
10 *graph (1), ensure that the items under*
11 *paragraph (1) are adequately and com-*
12 *pletely addressed in a way that permits re-*
13 *sponses to be relevant to the evaluation of*
14 *productivity expectations;*

15 (iii) *collect and safely store the feed-*
16 *back obtained under paragraph (1)—*

17 (I) *in an electronic database that*
18 *cannot be altered by any party;*

19 (II) *in an anonymized manner,*
20 *in order to protect the privacy of each*
21 *respondent; and*

22 (III) *in a manner that allows for*
23 *evaluation by third parties of the feed-*
24 *back, such as audit of the feedback by*

1 *the Government Accountability Office;*
2 *and*
3 *(iv) provide the feedback obtained*
4 *under paragraph (1) in an anonymized*
5 *manner to the working group established*
6 *under subsection (c).*

7 *(B) GOVERNMENT ACCOUNTABILITY OFFICE*
8 *AUDIT.—Not less frequently than once each year*
9 *during the five-year period beginning on the date*
10 *of the enactment of this Act, the Comptroller*
11 *General of the United States shall audit the feed-*
12 *back obtained from readjustment counselors of*
13 *Vet Centers under paragraph (1).*

14 *(3) IMPLEMENTATION OF CHANGES.—Not later*
15 *than 90 days after the date of the completion of the*
16 *evaluation required by paragraph (1), the Secretary*
17 *shall implement any needed changes to the produc-*
18 *tivity expectations described in such paragraph in*
19 *order to ensure—*

20 *(A) quality of care and access to care for*
21 *veterans; and*

22 *(B) the welfare of readjustment counselors.*

23 *(4) REPORT TO CONGRESS.—Not later than 180*
24 *days after the date of the completion of the evaluation*

1 *required by paragraph (1), the Secretary shall submit*
2 *to Congress a report on—*

3 *(A) the findings of the evaluation; and*

4 *(B) any planned or implemented changes*
5 *described in paragraph (3).*

6 (5) *PLAN FOR REASSESSMENT AND IMPLEMENTA-*
7 *TION.—*

8 (A) *PLAN.—Not later than one year after*
9 *the date of the enactment of this Act, the Sec-*
10 *retary shall develop and implement a plan for—*

11 (i) *reassessing productivity expecta-*
12 *tions for readjustment counselors of Vet*
13 *Centers, in consultation with such coun-*
14 *selors; and*

15 (ii) *implementing any needed changes*
16 *to such expectations, as the Secretary deter-*
17 *mines appropriate.*

18 (B) *REASSESSMENTS.—Under the plan re-*
19 *quired by subparagraph (A), the Secretary shall*
20 *conduct a reassessment described in such para-*
21 *graph not less frequently than once each year.*

22 (b) *STAFFING MODEL FOR VET CENTERS.—*

23 (1) *IN GENERAL.—Not later than one year after*
24 *the date of the enactment of this Act, the Secretary of*
25 *Veterans Affairs shall develop and implement a staff-*

1 *ing model for Vet Centers that incorporates key prac-*
2 *tices in the design of such staffing model.*

3 (2) *ELEMENTS.—In developing the staffing*
4 *model under paragraph (1), the Secretary shall—*

5 (A) *involve key stakeholders, including read-*
6 *justment counselors, outreach specialists, and di-*
7 *rectors of Vet Centers;*

8 (B) *incorporate key work activities and the*
9 *frequency and time required to conduct such ac-*
10 *tivities;*

11 (C) *ensure the data used in the model is*
12 *high quality to provide assurance that staffing*
13 *estimates are reliable; and*

14 (D) *incorporate—*

15 (i) *risk factors, including case com-*
16 *plexity;*

17 (ii) *geography;*

18 (iii) *availability, advisability, and*
19 *willingness of veterans to use telehealth or*
20 *group counseling; and*

21 (iv) *such other factors as the Secretary*
22 *considers appropriate.*

23 (3) *PLAN FOR ASSESSMENTS AND UPDATES.—*
24 *Not later than one year after the date of the enact-*

1 *ment of this Act, the Secretary shall develop a plan*
2 *for—*

3 *(A) assessing and updating the staffing*
4 *model developed and implemented under para-*
5 *graph (1) not less frequently than once every*
6 *four years; and*

7 *(B) implementing any needed changes to*
8 *such model, as the Secretary determines appro-*
9 *priate.*

10 *(c) WORKING GROUP OF READJUSTMENT COUN-*
11 *SELORS, OUTREACH SPECIALISTS, AND DIRECTORS OF VET*
12 *CENTERS.—*

13 *(1) IN GENERAL.—In conducting the evaluation*
14 *of productivity expectations under subsection (a) (1)*
15 *and developing the staffing model for Vet Centers*
16 *under subsection (b)(1), the Secretary of Veterans Af-*
17 *airs shall establish a working group to assess—*

18 *(A) the efficacy, impact, and composition of*
19 *performance metrics for such expectations with*
20 *respect to—*

21 *(i) quality of care and access to care*
22 *for veterans; and*

23 *(ii) the welfare of readjustment coun-*
24 *selors and other employees of Vet Centers;*
25 *and*

1 (B) *key considerations for the development*
2 *of such staffing model, including with respect*
3 *to—*

4 (i) *quality of care and access to care*
5 *for veterans and other individuals eligible*
6 *for care through Vet Centers; and*

7 (ii) *recruitment, retention, and welfare*
8 *of employees of Vet Centers.*

9 (2) *MEMBERSHIP.—The working group estab-*
10 *lished under paragraph (1) shall be composed of read-*
11 *justment counselors, outreach specialists, and direc-*
12 *tors of Vet Centers.*

13 (3) *FEEDBACK AND RECOMMENDATIONS.—The*
14 *working group established under paragraph (1) shall*
15 *provide to the Secretary—*

16 (A) *feedback from readjustment counselors,*
17 *outreach specialists, and directors of Vet Centers;*
18 *and*

19 (B) *recommendations on how to improve—*

20 (i) *quality of care and access to care*
21 *for veterans; and*

22 (ii) *the welfare of readjustment coun-*
23 *selors and other employees of Vet Centers.*

24 (d) *IMPROVEMENTS OF HIRING PRACTICES AT VET*
25 *CENTERS.—*

1 (1) *STANDARDIZATION OF POSITION DESCRIPTIONS.—*
2

3 (A) *IN GENERAL.—Not later than one year*
4 *after the date of the enactment of this Act, the*
5 *Secretary of Veterans Affairs shall standardize*
6 *descriptions of position responsibilities at Vet*
7 *Centers.*

8 (B) *REPORTING REQUIREMENT.—In each of*
9 *the first two annual reports submitted under sec-*
10 *tion 7309(e) of title 38, United States Code, after*
11 *the date of the enactment of this Act, the Sec-*
12 *retary shall include a description of the actions*
13 *taken by the Secretary to carry out subpara-*
14 *graph (A).*

15 (2) *EXPANSION OF REPORTING REQUIREMENTS*
16 *ON READJUSTMENT COUNSELING TO INCLUDE ACTIONS*
17 *TO REDUCE STAFFING VACANCIES AND TIME TO*
18 *HIRE.—Section 7309(e)(2) of title 38, United States*
19 *Code, is amended by adding at the end the following*
20 *new subparagraph:*

21 “(D) *A description of actions taken by the Sec-*
22 *retary to reduce—*

23 “(i) *vacancies in counselor positions in the*
24 *Readjustment Counseling Service; and*

1 “(ii) the time it takes to hire such coun-
2 selors.”.

3 (e) *REPORT BY GOVERNMENT ACCOUNTABILITY OF-*
4 *FICE ON VET CENTER INFRASTRUCTURE AND FUTURE IN-*
5 *VESTMENTS.*—

6 (1) *IN GENERAL.*—Not later than one year after
7 the date of the enactment of this Act, the Comptroller
8 General of the United States shall submit to Congress
9 a report on physical infrastructure and future invest-
10 ments with respect to Vet Centers.

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

13 (A) An assessment of—

14 (i) the condition of the physical infra-
15 structure of all assets of Vet Centers, wheth-
16 er owned or leased by the Department of
17 Veterans Affairs; and

18 (ii) the short-, medium-, and long-term
19 plans of the Department to maintain and
20 upgrade the physical infrastructure of Vet
21 Centers to address the operational needs of
22 Vet Centers as of the date of the submittal
23 of the report and future needs.

24 (B) An assessment of management and stra-
25 tegic planning for the physical infrastructure of

1 *Vet Centers, including whether the Department*
2 *should buy or lease existing or additional loca-*
3 *tions in areas with stable or growing popu-*
4 *lations of veterans.*

5 *(C) An assessment of whether, as of the date*
6 *of the submittal of the report, Vet Center build-*
7 *ings, mobile Vet Centers, community access*
8 *points, and similar infrastructure are sufficient*
9 *to care for veterans or if such infrastructure is*
10 *negatively affecting care due to limited space for*
11 *veterans and Vet Center personnel or other fac-*
12 *tors.*

13 *(D) An assessment of the areas with the*
14 *greatest need for investments in—*

15 *(i) improved physical infrastructure,*
16 *including upgraded Vet Centers; or*

17 *(ii) additional physical infrastructure*
18 *for Vet Centers, including new Vet Centers*
19 *owned or leased by the Department.*

20 *(E) A description of the authorities and re-*
21 *sources that may be required for the Secretary to*
22 *make such investments.*

23 *(F) A review of all annual reports sub-*
24 *mitted under 7309(e) of title 38, United States*

1 Code, before the date of the submittal of the re-
2 port under paragraph (1).

3 (f) *PILOT PROGRAM TO COMBAT FOOD INSECURITY*
4 *AMONG VETERANS AND FAMILY MEMBERS OF VETERANS.—*

5 (1) *IN GENERAL.—Not later than 18 months*
6 *after the date of the enactment of this Act, the Sec-*
7 *retary of Veterans Affairs shall establish a pilot pro-*
8 *gram to award grants to eligible entities to support*
9 *partnerships that address food insecurity among vet-*
10 *erans and family members of veterans who receive*
11 *services through Vet Centers or other facilities of the*
12 *Department as determined by the Secretary.*

13 (2) *DURATION OF PILOT.—The Secretary shall*
14 *carry out the pilot program for a three-year period*
15 *beginning on the date of the establishment of the pilot*
16 *program.*

17 (3) *TRAINING AND TECHNICAL ASSISTANCE.—*
18 *The Secretary may provide eligible entities receiving*
19 *grant funding under the pilot program with training*
20 *and technical assistance on the provision of food inse-*
21 *curity assistance services to veterans and family*
22 *members of veterans.*

23 (4) *ELIGIBLE ENTITIES.—For purposes of the*
24 *pilot program, an eligible entity is—*

25 (A) *a nonprofit organization;*

1 (B) an organization recognized by the Sec-
2 retary for the representation of veterans under
3 section 5902 of title 38, United States Code;

4 (C) a public agency;

5 (D) a community-based organization; or

6 (E) an institution of higher education.

7 (5) *APPLICATION.*—An eligible entity seeking a
8 grant under the pilot program shall submit to the
9 Secretary an application therefor at such time, in
10 such manner, and containing such information and
11 commitments as the Secretary may require.

12 (6) *SELECTION.*—The Secretary shall select eligi-
13 ble entities that submit applications under paragraph
14 (5) for the award of grants under the pilot program
15 using a competitive process that takes into account
16 the following:

17 (A) Capacity of the applicant entity to
18 serve veterans and family members of veterans.

19 (B) Demonstrated need of the population
20 the applicant entity would serve.

21 (C) Demonstrated need of the applicant en-
22 tity for assistance from the grant.

23 (D) Such other criteria as the Secretary
24 considers appropriate.

1 (7) *DISTRIBUTION.*—*The Secretary shall ensure,*
2 *to the extent practicable, an equitable geographic dis-*
3 *tribution of grants awarded under this subsection.*

4 (8) *MINIMUM PROGRAM REQUIREMENTS.*—*Any*
5 *grant awarded under this subsection shall be used—*

6 (A) *to coordinate with the Secretary with*
7 *respect to the provision of assistance to address*
8 *food insecurity among veterans and family mem-*
9 *bers of veterans described in paragraph (1);*

10 (B) *to increase participation in nutrition*
11 *counseling programs and provide educational*
12 *materials and counseling to veterans and family*
13 *members of veterans to address food insecurity*
14 *and healthy diets among those individuals;*

15 (C) *to increase access to and enrollment in*
16 *Federal assistance programs, including the sup-*
17 *plemental nutrition assistance program under*
18 *the Food and Nutrition Act of 2008 (7 U.S.C.*
19 *2011 et seq.), the special supplemental nutrition*
20 *program for women, infants, and children estab-*
21 *lished by section 17 of the Child Nutrition Act*
22 *of 1966 (42 U.S.C. 1786), the low-income home*
23 *energy assistance program established under the*
24 *Low-Income Home Energy Assistance Act of*
25 *1981 (42 U.S.C. 8621 et seq.), and any other as-*

1 *sistance program that the Secretary considers*
2 *advisable; and*

3 *(D) to fulfill such other criteria as the Sec-*
4 *retary considers appropriate to further the pur-*
5 *pose of the grant and serve veterans.*

6 *(9) PROVISION OF INFORMATION.—Each entity*
7 *that receives a grant under this subsection shall pro-*
8 *vide to the Secretary, at least once each year during*
9 *the duration of the grant term, data on—*

10 *(A) the number of veterans and family*
11 *members of veterans screened for, and enrolled*
12 *in, programs described in subparagraphs (B)*
13 *and (C) of paragraph (8);*

14 *(B) other services provided by the entity to*
15 *veterans and family members of veterans using*
16 *funds from the grant; and*

17 *(C) such other data as the Secretary may*
18 *require.*

19 *(10) REPORT ON DATA COLLECTED.—For each*
20 *year of operation of the pilot program, the Secretary*
21 *shall submit to the appropriate committees of Con-*
22 *gress a report on the data collected under paragraph*
23 *(9) during such year.*

24 *(11) GOVERNMENT ACCOUNTABILITY OFFICE RE-*
25 *PORT.—*

1 (A) *IN GENERAL.*—Not later than one year
2 after the date on which the pilot program termi-
3 nates, the Comptroller General of the United
4 States shall submit to Congress a report evalu-
5 ating the effectiveness and outcomes of the activi-
6 ties carried out under this subsection in reducing
7 food insecurity among veterans and family mem-
8 bers of veterans.

9 (B) *ELEMENTS.*—The report required by
10 subparagraph (A) shall include the following:

11 (i) *A summary of the activities carried*
12 *out under this subsection.*

13 (ii) *An assessment of the effectiveness*
14 *and outcomes of the grants awarded under*
15 *this subsection, including with respect to*
16 *eligibility screening contacts, application*
17 *assistance consultations, and changes in*
18 *food insecurity among the population served*
19 *by the grant.*

20 (iii) *Best practices regarding the use of*
21 *partnerships to improve the effectiveness*
22 *and outcomes of public benefit programs to*
23 *address food insecurity among veterans and*
24 *family members of veterans.*

1 (iv) *An assessment of the feasibility*
2 *and advisability of making the pilot pro-*
3 *gram permanent and expanding to other lo-*
4 *cations.*

5 (12) *AUTHORIZATION OF APPROPRIATIONS.—*

6 (A) *IN GENERAL.—There is authorized to be*
7 *appropriated to carry out the pilot program es-*
8 *tablished under paragraph (1) \$15,000,000 for*
9 *each fiscal year in which the program is carried*
10 *out, beginning with the fiscal year in which the*
11 *program is established.*

12 (B) *ADMINISTRATIVE EXPENSES.—Of the*
13 *amounts authorized to be appropriated under*
14 *subparagraph (A), not more than ten percent*
15 *may be used for administrative expenses of the*
16 *Department of Veterans Affairs associated with*
17 *administering grants under this subsection.*

18 (13) *DEFINITIONS.—In this subsection:*

19 (A) *The term “appropriate committees of*
20 *Congress” means—*

21 (i) *the Committee on Veterans’ Affairs,*
22 *the Committee on Appropriations, and the*
23 *Committee on Agriculture, Nutrition, and*
24 *Forestry of the Senate; and*

1 (ii) *the Committee on Veterans' Af-*
2 *fairs, the Committee on Appropriations,*
3 *and the Committee on Agriculture of the*
4 *House of Representatives.*

5 (B) *The term "facilities of the Department"*
6 *has the meaning given that term in section*
7 *1701(3) of title 38, United States Code.*

8 (C) *The term "institution of higher edu-*
9 *cation" has the meaning given that term in sec-*
10 *tion 101 of the Higher Education Act of 1965*
11 *(20 U.S.C. 1001).*

12 (D) *The term "public agency" means a de-*
13 *partment, agency, other unit, or instrumentality*
14 *of Federal, State, Tribal, or local government.*

15 (E) *The term "State" has the meaning*
16 *given that term in section 101(20) of title 38,*
17 *United States Code.*

18 (F) *The term "veteran" means an indi-*
19 *vidual who served in the Armed Forces, includ-*
20 *ing an individual who served in a reserve com-*
21 *ponent of the Armed Forces, and who was dis-*
22 *charged or released therefrom, regardless of the*
23 *conditions of such discharge or release.*

1 (g) *DEFINITION OF VET CENTER.*—*In this section, the*
2 *term “Vet Center” has the meaning given that term in sec-*
3 *tion 1712A(h) of title 38, United States Code.*

4 **SEC. 5127. INFORMATION ON CERTAIN VETERANS WITH**
5 **PRIOR MEDICAL OCCUPATIONS; PROGRAM ON**
6 **INTERMEDIATE CARE TECHNICIANS OF DE-**
7 **PARTMENT OF VETERANS AFFAIRS.**

8 (a) *UPDATE OF WEB PORTAL TO IDENTIFY CERTAIN*
9 *VETERANS.*—

10 (1) *UPDATE.*—*The Secretary of Veterans Affairs*
11 *shall update web portals of the Department of Vet-*
12 *erans Affairs to provide for a method by which a vet-*
13 *eran who served in a medical occupation while serv-*
14 *ing as a member of the Armed Forces may elect to*
15 *provide the information described in paragraph (2).*

16 (2) *INFORMATION IN PORTAL.*—*The information*
17 *described in this paragraph is the following:*

18 (A) *Contact information for the veteran.*

19 (B) *A history of the medical experience and*
20 *trained competencies of the veteran.*

21 (3) *INCLUSIONS IN HISTORY.*—*To the extent*
22 *practicable, the history of a veteran provided under*
23 *paragraph (2)(B) shall include individual critical*
24 *task lists specific to the military occupational spe-*
25 *cialty of the veteran that align with standard occupa-*

1 *tional codes maintained by the Commissioner of the*
2 *Bureau of Labor Statistics.*

3 (4) *SHARING OF INFORMATION.—For purposes of*
4 *facilitating civilian medical credentialing and hiring*
5 *opportunities for veterans seeking to respond to a na-*
6 *tional emergency, including a public health emer-*
7 *gency declared by the Secretary of Health and*
8 *Human Services under section 319 of the Public*
9 *Health Service Act (42 U.S.C. 247d), the Secretary of*
10 *Veterans Affairs, in coordination with the Secretary*
11 *of Defense and the Secretary of Labor, shall establish*
12 *a program to share the information described in*
13 *paragraph (2) with the following:*

14 (A) *State departments of veterans affairs.*
15 (B) *Veterans service organizations.*
16 (C) *State credentialing bodies.*
17 (D) *State homes.*
18 (E) *Other stakeholders involved in State-*
19 *level credentialing, as determined appropriate by*
20 *the Secretary of Veterans Affairs.*

21 (b) *PROGRAM ON TRAINING OF INTERMEDIATE CARE*
22 *TECHNICIANS OF DEPARTMENT OF VETERANS AFFAIRS.—*

23 (1) *ESTABLISHMENT.—The Secretary of Veterans*
24 *Affairs shall establish a program to train, certify, and*

1 *employ covered veterans as intermediate care techni-*
2 *cians of the Department of Veterans Affairs.*

3 (2) *LOCATIONS.*—*The Secretary of Veterans Af-*
4 *fairs may assign an intermediate care technician of*
5 *the Department of Veterans Affairs trained under the*
6 *program under paragraph (1) to any medical center*
7 *of the Department of Veterans Affairs, giving priority*
8 *to locations with a significant staffing shortage.*

9 (3) *INCLUSION OF INFORMATION IN TRANSITION*
10 *ASSISTANCE PROGRAM.*—*As part of the Transition*
11 *Assistance Program under sections 1142 and 1144 of*
12 *title 10, United States Code, the Secretary of Veterans*
13 *Affairs shall conduct a communications campaign to*
14 *convey to appropriate members of the Armed Forces*
15 *separating from active duty opportunities for train-*
16 *ing, certification, and employment under the program*
17 *under paragraph (1).*

18 (4) *REPORT ON EXPANSION OF PROGRAM.*—*Not*
19 *later than 180 days after the date of the enactment*
20 *of this Act, the Secretary of Veterans Affairs shall*
21 *submit to the Committees on Veterans' Affairs of the*
22 *House of Representatives and the Senate a report on*
23 *whether the program under paragraph (1) may be*
24 *replicated for other medical positions within the De-*
25 *partment of Veterans Affairs.*

1 (c) *NOTIFICATION OF OPPORTUNITIES FOR VET-*
 2 *ERANS.—The Secretary of Veterans Affairs shall notify vet-*
 3 *erans service organizations and, in coordination with the*
 4 *Secretary of Defense, members of the reserve components of*
 5 *the Armed Forces of opportunities for veterans under this*
 6 *section.*

7 (d) *DEFINITIONS.—In this section:*

8 (1) *The term “covered veteran” means a veteran*
 9 *whom the Secretary of Veterans Affairs determines*
 10 *served as a basic health care technician while serving*
 11 *in the Armed Forces.*

12 (2) *The terms “State home” and “veteran” have*
 13 *the meanings given those terms in section 101 of title*
 14 *38, United States Code.*

15 (3) *The term “veterans service organization”*
 16 *means an organization that provides services to vet-*
 17 *erans, including organizations recognized by the Sec-*
 18 *retary of Veterans Affairs under section 5902 of title*
 19 *38, United States Code.*

20 **TITLE LII—INSPECTOR GENERAL**
 21 **INDEPENDENCE AND EM-**
 22 **POWERMENT 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”.*

1 **SEC. 5202. REMOVAL OR TRANSFER OF INSPECTORS GEN-**
2 **ERAL; PLACEMENT ON NON-DUTY STATUS.**

3 (a) *IN GENERAL.*—*The Inspector General Act of 1978*
4 *(5 U.S.C. App.) is amended—*

5 (1) *in section 3(b)—*

6 (A) *by inserting “(1)(A)” after “(b)”;*

7 (B) *in paragraph (1), as so designated—*

8 (i) *in subparagraph (A), as so des-*
9 *ignated, in the second sentence—*

10 (I) *by striking “reasons” and in-*
11 *serting the following: “substantive ra-*
12 *tionale, including detailed and case-*
13 *specific reasons,”; and*

14 (II) *by inserting “(including to*
15 *the appropriate congressional commit-*
16 *tees)” after “Houses of Congress”; and*

17 (ii) *by adding at the end the following:*

18 “(B) *If there is an open or completed in-*
19 *quiry into an Inspector General that relates to*
20 *the removal or transfer of the Inspector General*
21 *under subparagraph (A), the written commu-*
22 *nication required under that subparagraph*
23 *shall—*

24 “(i) *identify each entity that is con-*
25 *ducting, or that conducted, the inquiry; and*

1 “(i) in the case of a completed in-
2 quiry, contain the findings made during the
3 inquiry.”; and

4 (C) by adding at the end the following:

5 “(2)(A) Subject to the other provisions of this
6 paragraph, only the President may place an Inspec-
7 tor General on non-duty status.

8 “(B) If the President places an Inspector General
9 on non-duty status, the President shall communicate
10 in writing the substantive rationale, including de-
11 tailed and case-specific reasons, for the change in sta-
12 tus to both Houses of Congress (including to the ap-
13 propriate congressional committees) not later than 15
14 days before the date on which the change in status
15 takes effect, except that the President may submit that
16 communication not later than the date on which the
17 change in status takes effect if—

18 “(i) the President has made a determina-
19 tion that the continued presence of the Inspector
20 General in the workplace poses a threat described
21 in any of clauses (i) through (iv) of section
22 6329b(b)(2)(A) of title 5, United States Code;
23 and

1 “(i) in the communication, the President
2 includes a report on the determination described
3 in clause (i), which shall include—

4 “(I) a specification of which clause of
5 section 6329b(b)(2)(A) of title 5, United
6 States Code, the President has determined
7 applies under clause (i) of this subpara-
8 graph;

9 “(II) the substantive rationale, includ-
10 ing detailed and case-specific reasons, for
11 the determination made under clause (i);

12 “(III) an identification of each entity
13 that is conducting, or that conducted, any
14 inquiry upon which the determination
15 under clause (i) was made; and

16 “(IV) in the case of an inquiry de-
17 scribed in subclause (III) that is completed,
18 the findings made during that inquiry.

19 “(C) The President may not place an Inspector
20 General on non-duty status during the 30-day period
21 preceding the date on which the Inspector General is
22 removed or transferred under paragraph (1)(A) unless
23 the President—

24 “(i) has made a determination that the con-
25 tinued presence of the Inspector General in the

1 *workplace poses a threat described in any of*
2 *clauses (i) through (iv) of section 6329b(b)(2)(A)*
3 *of title 5, United States Code; and*

4 *“(ii) not later than the date on which the*
5 *change in status takes effect, submits to both*
6 *Houses of Congress (including to the appropriate*
7 *congressional committees) a written communica-*
8 *tion that contains the information required*
9 *under subparagraph (B), including the report re-*
10 *quired under clause (ii) of that subparagraph.*

11 *“(D) For the purposes of this paragraph—*

12 *“(i) the term ‘Inspector General’—*

13 *“(I) means an Inspector General who*
14 *was appointed by the President, without re-*
15 *gard to whether the Senate provided advice*
16 *and consent with respect to that appoint-*
17 *ment; and*

18 *“(II) includes the Inspector General of*
19 *an establishment, the Special Inspector*
20 *General for Afghanistan Reconstruction, the*
21 *Special Inspector General for the Troubled*
22 *Asset Relief Program, and the Special In-*
23 *pector General for Pandemic Recovery; and*

24 *“(ii) a reference to the removal or transfer*
25 *of an Inspector General under paragraph (1), or*

1 to the written communication described in that
2 paragraph, shall be considered to be—

3 “(I) in the case of the Special Inspec-
4 tor General for Afghanistan Reconstruction,
5 a reference to section 1229(c)(6) of the Na-
6 tional Defense Authorization Act for Fiscal
7 Year 2008 (Public Law 110–181; 122 Stat.
8 378);

9 “(II) in the case of the Special Inspec-
10 tor General for the Troubled Asset Relief
11 Program, a reference to section 121(b)(4) of
12 the Emergency Economic Stabilization Act
13 of 2008 (12 U.S.C. 5231(b)(4)); and

14 “(III) in the case of the Special Inspec-
15 tor General for Pandemic Recovery, a ref-
16 erence to section 4018(b)(3) of the CARES
17 Act (15 U.S.C. 9053(b)(3)).”;

18 (2) in section 8G(e)—

19 (A) in paragraph (1), by inserting “or
20 placement on non-duty status” after “a re-
21 moval”;

22 (B) in paragraph (2)—

23 (i) by inserting “(A)” after “(2)”;

24 (ii) in subparagraph (A), as so des-
25 ignated, in the first sentence—

1 (I) by striking “reasons” and in-
2 serting the following: “substantive ra-
3 tionale, including detailed and case-
4 specific reasons,”; and

5 (II) by inserting “(including to
6 the appropriate congressional commit-
7 tees)” after “Houses of Congress”; and
8 (iii) by adding at the end the fol-
9 lowing:

10 “(B) If there is an open or completed in-
11 quiry into an Inspector General that relates to
12 the removal or transfer of the Inspector General
13 under subparagraph (A), the written commu-
14 nication required under that subparagraph
15 shall—

16 “(i) identify each entity that is con-
17 ducting, or that conducted, the inquiry; and

18 “(ii) in the case of a completed in-
19 quiry, contain the findings made during the
20 inquiry.”; and

21 (C) by adding at the end the following:

22 “(3)(A) Subject to the other provisions of this
23 paragraph, only the head of the applicable designated
24 Federal entity (referred to in this paragraph as the

1 ‘covered official’) may place an Inspector General on
2 non-duty status.

3 “(B) If a covered official places an Inspector
4 General on non-duty status, the covered official shall
5 communicate in writing the substantive rationale, in-
6 cluding detailed and case-specific reasons, for the
7 change in status to both Houses of Congress (includ-
8 ing to the appropriate congressional committees) not
9 later than 15 days before the date on which the
10 change in status takes effect, except that the covered
11 official may submit that communication not later
12 than the date on which the change in status takes ef-
13 fect if—

14 “(i) the covered official has made a deter-
15 mination that the continued presence of the In-
16 specter General in the workplace poses a threat
17 described in any of clauses (i) through (iv) of
18 section 6329b(b)(2)(A) of title 5, United States
19 Code; and

20 “(ii) in the communication, the covered offi-
21 cial 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 covered official has deter-

1 *mined applies under clause (i) of this sub-*
2 *paragraph;*

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 completed,*
12 *the findings made during that inquiry.*

13 *“(C) A covered official may not place an Inspec-*
14 *tor General on non-duty status during the 30-day pe-*
15 *riod preceding the date on which the Inspector Gen-*
16 *eral is removed or transferred under paragraph*
17 *(2)(A) unless the covered official—*

18 *“(i) has made a determination that the con-*
19 *tinued presence of the Inspector General in the*
20 *workplace poses a threat described in any of*
21 *clauses (i) through (iv) of section 6329b(b)(2)(A)*
22 *of title 5, United States Code; and*

23 *“(ii) not later than the date on which the*
24 *change in status takes effect, submits to both*
25 *Houses of Congress (including to the appropriate*

1 *congressional committees) a written communica-*
2 *tion that contains the information required*
3 *under subparagraph (B), including the report re-*
4 *quired under clause (ii) of that subparagraph.*

5 “(D) *Nothing in this paragraph may be con-*
6 *strued to limit or otherwise modify—*

7 “(i) *any statutory protection that is af-*
8 *forded to an Inspector General; or*

9 “(ii) *any other action that a covered official*
10 *may take under law with respect to an Inspector*
11 *General.”;*

12 (3) *in section 103H(c) of the National Security*
13 *Act (50 U.S.C. 3033(c))—*

14 (A) *in paragraph (4)—*

15 (i) *by inserting “(A)” after “(4)”;*

16 (ii) *in subparagraph (A), as so des-*
17 *ignated, in the second sentence, by striking*
18 *“reasons” and inserting “substantive ra-*
19 *tionale, including detailed and case-specific*
20 *reasons,”; and*

21 (iii) *by adding at the end the fol-*
22 *lowing:*

23 “(B) *If there is an open or completed inquiry*
24 *into the Inspector General that relates to the removal*
25 *or transfer of the Inspector General under subpara-*

1 *graph (A), the written communication required under*
2 *that subparagraph shall—*

3 *“(i) identify each entity that is conducting,*
4 *or that conducted, the inquiry; and*

5 *“(ii) in the case of a completed inquiry,*
6 *contain the findings made during the inquiry.”;*
7 *and*

8 *(B) by adding at the end the following:*

9 *“(5)(A) Subject to the other provisions of this*
10 *paragraph, only the President may place the Inspec-*
11 *tor General on nonduty status.*

12 *“(B) If the President places the Inspector Gen-*
13 *eral on nonduty status, the President shall commu-*
14 *nicate in writing the substantive rationale, including*
15 *detailed and case-specific reasons, for the change in*
16 *status to the congressional intelligence committees not*
17 *later than 15 days before the date on which the*
18 *change in status takes effect, except that the President*
19 *may submit that communication not later than the*
20 *date on which the change in status takes effect if—*

21 *“(i) the President has made a determina-*
22 *tion that the continued presence of the Inspector*
23 *General in the workplace poses a threat described*
24 *in any of clauses (i) through (iv) of section*

1 6329b(b)(2)(A) of title 5, United States Code;
2 and

3 “(i) in the communication, the President
4 includes a report on the determination described
5 in clause (i), which shall include—

6 “(I) a specification of which clause of
7 section 6329b(b)(2)(A) of title 5, United
8 States Code, the President has determined
9 applies under clause (i);

10 “(II) the substantive rationale, includ-
11 ing detailed and case-specific reasons, for
12 the determination made under clause (i);

13 “(III) an identification of each entity
14 that is conducting, or that conducted, any
15 inquiry upon which the determination
16 under clause (i) was made; and

17 “(IV) in the case of an inquiry de-
18 scribed in subclause (III) that is completed,
19 the findings made during that inquiry.

20 “(C) The President may not place the Inspector
21 General on nonduty status during the 30-day period
22 preceding the date on which the Inspector General is
23 removed or transferred under paragraph (4)(A) unless
24 the President—

1 “(i) has made a determination that the con-
2 tinued presence of the Inspector General in the
3 workplace poses a threat described in any of
4 clauses (i) through (iv) of section 6329b(b)(2)(A)
5 of title 5, United States Code; and

6 “(ii) not later than the date on which the
7 change in status takes effect, submits to the con-
8 gressional intelligence committees a written com-
9 munication that contains the information re-
10 quired under subparagraph (B), including the
11 report required under clause (ii) of that subpara-
12 graph.”; and

13 (4) in section 17(b) of the Central Intelligence
14 Agency Act of 1949 (50 U.S.C. 3517(b))—

15 (A) in paragraph (6)—

16 (i) by inserting “(A)” after “(6)”;

17 (ii) in subparagraph (A), as so des-
18 ignated, in the second sentence, by striking
19 “reasons” and inserting “substantive ra-
20 tionale, including detailed and case-specific
21 reasons,”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(B) If there is an open or completed inquiry
25 into the Inspector General that relates to the removal

1 *or transfer of the Inspector General under subpara-*
2 *graph (A), the written communication required under*
3 *that subparagraph shall—*

4 *“(i) identify each entity that is conducting,*
5 *or that conducted, the inquiry; and*

6 *“(ii) in the case of a completed inquiry,*
7 *contain the findings made during the inquiry.”;*
8 *and*

9 *(B) by adding at the end the following:*

10 *“(7)(A) Subject to the other provisions of this*
11 *paragraph, only the President may place the Inspec-*
12 *tor General on nonduty status.*

13 *“(B) If the President places the Inspector Gen-*
14 *eral on nonduty status, the President shall commu-*
15 *nicate in writing the substantive rationale, including*
16 *detailed and case-specific reasons, for the change in*
17 *status to the congressional intelligence committees not*
18 *later than 15 days before the date on which the*
19 *change in status takes effect, except that the President*
20 *may submit that communication not later than the*
21 *date on which the change in status takes effect if—*

22 *“(i) the President has made a determina-*
23 *tion that the continued presence of the Inspector*
24 *General in the workplace poses a threat described*
25 *in any of clauses (i) through (iv) of section*

1 6329b(b)(2)(A) of title 5, United States Code;
2 and

3 “(i) in the communication, the President
4 includes a report on the determination described
5 in clause (i), which shall include—

6 “(I) a specification of which clause of
7 section 6329b(b)(2)(A) of title 5, United
8 States Code, the President has determined
9 applies under clause (i);

10 “(II) the substantive rationale, includ-
11 ing detailed and case-specific reasons, for
12 the determination made under clause (i);

13 “(III) an identification of each entity
14 that is conducting, or that conducted, any
15 inquiry upon which the determination
16 under clause (i) was made; and

17 “(IV) in the case of an inquiry de-
18 scribed in subclause (III) that is completed,
19 the findings made during that inquiry.

20 “(C) The President may not place the Inspector
21 General on non-duty status during the 30-day period
22 preceding the date on which the Inspector General is
23 removed or transferred under paragraph (6)(A) unless
24 the President—

1 “(i) has made a determination that the con-
2 tinued presence of the Inspector General in the
3 workplace poses a threat described in any of
4 clauses (i) through (iv) of section 6329b(b)(2)(A)
5 of title 5, United States Code; and

6 “(ii) not later than the date on which the
7 change in status takes effect, submits to the con-
8 gressional intelligence committees a written com-
9 munication that contains the information re-
10 quired under subparagraph (B), including the
11 report required under clause (ii) of that subpara-
12 graph.”.

13 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—Sec-
14 tion 12(3) of the Inspector General Act of 1978 (5 U.S.C.
15 App.) is amended by inserting “except as otherwise ex-
16 pressly provided,” before “the term”.

17 **SEC. 5203. VACANCY IN POSITION OF INSPECTOR GENERAL.**

18 (a) *IN GENERAL.*—Section 3 of the Inspector General
19 Act of 1978 (5 U.S.C. App.) is amended by adding at the
20 end the following:

21 “(h)(1) In this subsection—

22 “(A) the term ‘first assistant to the position of
23 Inspector General’ means, with respect to an Office of
24 Inspector General—

1 “(i) an individual who, as of the day before
2 the date on which the Inspector General dies, re-
3 signs, or otherwise becomes unable to perform the
4 functions and duties of that position—

5 “(I) is serving in a position in that
6 Office; and

7 “(II) has been designated in writing by
8 the Inspector General, through an order of
9 succession or otherwise, as the first assistant
10 to the position of Inspector General; or

11 “(ii) if the Inspector General has not made
12 a designation described in clause (i)(II)—

13 “(I) the Principal Deputy Inspector
14 General of that Office, as of the day before
15 the date on which the Inspector General
16 dies, resigns, or otherwise becomes unable to
17 perform the functions and duties of that po-
18 sition; or

19 “(II) if there is no Principal Deputy
20 Inspector General of that Office, the Deputy
21 Inspector General of that Office, as of the
22 day before the date on which the Inspector
23 General dies, resigns, or otherwise becomes
24 unable to perform the functions and duties
25 of that position; and

1 “(B) the term ‘Inspector General’—

2 “(i) means an Inspector General who is ap-
3 pointed by the President, by and with the advice
4 and consent of the Senate; and

5 “(ii) includes the Inspector General of an
6 establishment, the Special Inspector General for
7 the Troubled Asset Relief Program, and the Spe-
8 cial Inspector General for Pandemic Recovery.

9 “(2) If an Inspector General dies, resigns, or is other-
10 wise unable to perform the functions and duties of the posi-
11 tion—

12 “(A) section 3345(a) of title 5, United States
13 Code, and section 103(e) of the National Security Act
14 of 1947 (50 U.S.C. 3025(e)) shall not apply;

15 “(B) subject to paragraph (4), the first assistant
16 to the position of Inspector General shall perform the
17 functions and duties of the Inspector General tempo-
18 rarily in an acting capacity subject to the time limi-
19 tations of section 3346 of title 5, United States Code;
20 and

21 “(C) notwithstanding subparagraph (B), and
22 subject to paragraphs (4) and (5), the President (and
23 only the President) may direct an officer or employee
24 of any Office of an Inspector General to perform the
25 functions and duties of the Inspector General tempo-

1 *rarily in an acting capacity subject to the time limi-*
2 *tations of section 3346 of title 5, United States Code,*
3 *only if—*

4 *“(i) during the 365-day period preceding*
5 *the date of death, resignation, or beginning of in-*
6 *ability to serve of the Inspector General, the offi-*
7 *cer or employee served in a position in an Office*
8 *of an Inspector General for not less than 90*
9 *days, except that—*

10 *“(I) the requirement under this clause*
11 *shall not apply if the officer is an Inspector*
12 *General; and*

13 *“(II) for the purposes of this subpara-*
14 *graph, performing the functions and duties*
15 *of an Inspector General temporarily in an*
16 *acting capacity does not qualify as service*
17 *in a position in an Office of an Inspector*
18 *General;*

19 *“(ii) the rate of pay for the position of the*
20 *officer or employee described in clause (i) is*
21 *equal to or greater than the minimum rate of*
22 *pay payable for a position at GS–15 of the Gen-*
23 *eral Schedule;*

24 *“(iii) the officer or employee has dem-*
25 *onstrated ability in accounting, auditing, finan-*

1 *cial analysis, law, management analysis, public*
2 *administration, or investigations; and*

3 “(iv) not later than 30 days before the date
4 on which the direction takes effect, the President
5 communicates in writing to both Houses of Con-
6 gress (including to the appropriate congressional
7 committees) the substantive rationale, including
8 the detailed and case-specific reasons, for such
9 direction, including the reason for the direction
10 that someone other than the individual who is
11 performing the functions and duties of the In-
12 spector General temporarily in an acting capac-
13 ity (as of the date on which the President issues
14 that direction) perform those functions and du-
15 ties temporarily in an acting capacity.

16 “(3) Notwithstanding section 3345(a) of title 5, United
17 States Code, and subparagraphs (B) and (C) of paragraph
18 (2), and subject to paragraph (4), during any period in
19 which an Inspector General is on non-duty status—

20 “(A) the first assistant to the position of Inspec-
21 tor General shall perform the functions and duties of
22 the position temporarily in an acting capacity subject
23 to the time limitations of section 3346 of title 5,
24 United States Code; and

1 “(B) if the first assistant described in subpara-
2 graph (A) dies, resigns, or becomes otherwise unable
3 to perform those functions and duties, the President
4 (and only the President) may direct an officer or em-
5 ployee in that Office of Inspector General to perform
6 those functions and duties temporarily in an acting
7 capacity, subject to the time limitations of section
8 3346 of title 5, United States Code, if—

9 “(i) that direction satisfies the requirements
10 under clauses (ii), (iii), and (iv) of paragraph
11 (2)(C); and

12 “(ii) that officer or employee served in a po-
13 sition in that Office of Inspector General for not
14 fewer than 90 of the 365 days preceding the date
15 on which the President makes that direction.

16 “(4) An individual may perform the functions and du-
17 ties of an Inspector General temporarily and in an acting
18 capacity under subparagraph (B) or (C) of paragraph (2),
19 or under paragraph (3), with respect to only 1 Inspector
20 General position at any given time.

21 “(5) If the President makes a direction under para-
22 graph (2)(C), during the 30-day period preceding the date
23 on which the direction of the President takes effect, the func-
24 tions and duties of the position of the applicable Inspector
25 General shall be performed by—

1 “(A) *the first assistant to the position of Inspec-*
2 *tor General; or*

3 “(B) *the individual performing those functions*
4 *and duties temporarily in an acting capacity, as of*
5 *the date on which the President issues that direction,*
6 *if that individual is an individual other than the*
7 *first assistant to the position of Inspector General.”.*

8 (b) *AMENDMENT TO NATIONAL SECURITY ACT.—Sec-*
9 *tion 103H(c) of the National Security Act (50 U.S.C.*
10 *3033(c)), as amended by section 5202, is further amended*
11 *by adding at the end the following:*

12 “(6)(A) *In this subsection, the term ‘first assist-*
13 *ant to the position of Inspector General’ has the*
14 *meaning given in section 3 of the Inspector General*
15 *Act of 1978 (5 U.S.C. App.).*

16 “(B) *If the Inspector General dies, resigns, or is*
17 *otherwise unable to perform the functions and duties*
18 *of the position—*

19 “(i) *section 3345(a) of title 5, United States*
20 *Code, and section 103(e) of the National Security*
21 *Act of 1947 (50 U.S.C. 3025(e)) shall not apply;*

22 “(ii) *subject to subparagraph (D), the first*
23 *assistant to the position of Inspector General*
24 *shall perform the functions and duties of the In-*
25 *spector General temporarily in an acting capac-*

1 *ity subject to the time limitations of section 3346*
2 *of title 5, United States Code; and*

3 *“(iii) notwithstanding clause (ii), and sub-*
4 *ject to subparagraphs (D) and (E), the President*
5 *(and only the President) may direct an officer or*
6 *employee of any Office of an Inspector General*
7 *to perform the functions and duties of the In-*
8 *spector General temporarily in an acting capac-*
9 *ity subject to the time limitations of section 3346*
10 *of title 5, United States Code, only if—*

11 *“(I) during the 365-day period pre-*
12 *ceding the date of death, resignation, or be-*
13 *ginning of inability to serve of the Inspector*
14 *General, the officer or employee served in a*
15 *position in an Office of an Inspector Gen-*
16 *eral for not less than 90 days, except that—*

17 *“(aa) the requirement under this*
18 *subclause shall not apply if the officer*
19 *is an Inspector General; and*

20 *“(bb) for the purposes of this*
21 *clause, performing the functions and*
22 *duties of an Inspector General tempo-*
23 *rarily in an acting capacity does not*
24 *qualify as service in a position in an*
25 *Office of an Inspector General;*

1 “(II) the rate of pay for the position of
2 the officer or employee described in sub-
3 clause (I) is equal to or greater than the
4 minimum rate of pay payable for a posi-
5 tion at GS–15 of the General Schedule;

6 “(III) the officer or employee has dem-
7 onstrated ability in accounting, auditing,
8 financial analysis, law, management anal-
9 ysis, public administration, or investiga-
10 tions; and

11 “(IV) not later than 30 days before the
12 date on which the direction takes effect, the
13 President communicates in writing to the
14 congressional intelligence committees the
15 substantive rationale, including the detailed
16 and case-specific reasons, for such direction,
17 including the reason for the direction that
18 someone other than the individual who is
19 performing the functions and duties of the
20 Inspector General temporarily in an acting
21 capacity (as of the date on which the Presi-
22 dent issues that direction) perform those
23 functions and duties temporarily in an act-
24 ing capacity.

1 “(C) *Notwithstanding section 3345(a) of title 5,*
2 *United States Code, section 103(e) of the National Se-*
3 *curity Act of 1947 (50 U.S.C. 3025(e)), and clauses*
4 *(ii) and (iii) of subparagraph (B), and subject to sub-*
5 *paragraph (D), during any period in which the In-*
6 *pector General is on nonduty status—*

7 “(i) *the first assistant to the position of In-*
8 *pector General shall perform the functions and*
9 *duties of the position temporarily in an acting*
10 *capacity subject to the time limitations of section*
11 *3346 of title 5, United States Code; and*

12 “(ii) *if the first assistant described in clause*
13 *(i) dies, resigns, or becomes otherwise unable to*
14 *perform those functions and duties, the President*
15 *(and only the President) may direct an officer or*
16 *employee in the Office of Inspector General to*
17 *perform those functions and duties temporarily*
18 *in an acting capacity, subject to the time limita-*
19 *tions of section 3346 of title 5, United States*
20 *Code, if—*

21 “(I) *that direction satisfies the require-*
22 *ments under subclauses (II), (III), and (IV)*
23 *of subparagraph (B)(iii); and*

24 “(II) *that officer or employee served in*
25 *a position in that Office of Inspector Gen-*

1 *eral for not fewer than 90 of the 365 days*
2 *preceding the date on which the President*
3 *makes that direction.*

4 *“(D) An individual may perform the functions*
5 *and duties of the Inspector General temporarily and*
6 *in an acting capacity under clause (ii) or (iii) of sub-*
7 *paragraph (B), or under subparagraph (C), with re-*
8 *spect to only 1 Inspector General position at any*
9 *given time.*

10 *“(E) If the President makes a direction under*
11 *subparagraph (B)(iii), during the 30-day period pre-*
12 *ceding the date on which the direction of the Presi-*
13 *dent takes effect, the functions and duties of the posi-*
14 *tion of the Inspector General shall be performed by—*

15 *“(i) the first assistant to the position of In-*
16 *spector General; or*

17 *“(ii) the individual performing those func-*
18 *tions and duties temporarily in an acting capac-*
19 *ity, as of the date on which the President issues*
20 *that direction, if that individual is an indi-*
21 *vidual other than the first assistant to the posi-*
22 *tion of Inspector General.”.*

23 *(c) AMENDMENT TO CENTRAL INTELLIGENCE AGENCY*
24 *ACT.—Section 17(b) of the Central Intelligence Agency Act*

1 of 1949 (50 U.S.C. 3517(b)), as amended by section 5202,
2 is further amended by adding at the end the following:

3 “(8)(A) In this subsection, the term ‘first assist-
4 ant to the position of Inspector General’ has the
5 meaning given in section 3 of the Inspector General
6 Act of 1978 (5 U.S.C. App.).

7 “(B) If the Inspector General dies, resigns, or is
8 otherwise unable to perform the functions and duties
9 of the position—

10 “(i) section 3345(a) of title 5, United States
11 Code shall not apply;

12 “(ii) subject to subparagraph (D), the first
13 assistant to the position of Inspector General
14 shall perform the functions and duties of the In-
15 specter General temporarily in an acting capac-
16 ity subject to the time limitations of section 3346
17 of title 5, United States Code; and

18 “(iii) notwithstanding clause (ii), and sub-
19 ject to subparagraphs (D) and (E), the President
20 (and only the President) may direct an officer or
21 employee of any Office of an Inspector General
22 to perform the functions and duties of the In-
23 specter General temporarily in an acting capac-
24 ity subject to the time limitations of section 3346
25 of title 5, United States Code, only if—

1 “(I) during the 365-day period pre-
2 ceding the date of death, resignation, or be-
3 ginning of inability to serve of the Inspector
4 General, the officer or employee served in a
5 position in an Office of an Inspector Gen-
6 eral for not less than 90 days, except that—

7 “(aa) the requirement under this
8 subclause shall not apply if the officer
9 is an Inspector General; and

10 “(bb) for the purposes of this
11 clause, performing the functions and
12 duties of an Inspector General tempo-
13 rarily in an acting capacity does not
14 qualify as service in a position in an
15 Office of an Inspector General;

16 “(II) the rate of pay for the position of
17 the officer or employee described in sub-
18 clause (I) is equal to or greater than the
19 minimum rate of pay payable for a posi-
20 tion at GS–15 of the General Schedule;

21 “(III) the officer or employee has dem-
22 onstrated ability in accounting, auditing,
23 financial analysis, law, management anal-
24 ysis, public administration, or investiga-
25 tions; and

1 “(IV) not later than 30 days before the
2 date on which the direction takes effect, the
3 President communicates in writing to the
4 congressional intelligence committees the
5 substantive rationale, including the detailed
6 and case-specific reasons, for such direction,
7 including the reason for the direction that
8 someone other than the individual who is
9 performing the functions and duties of the
10 Inspector General temporarily in an acting
11 capacity (as of the date on which the Presi-
12 dent issues that direction) perform those
13 functions and duties temporarily in an act-
14 ing capacity.

15 “(C) Notwithstanding section 3345(a) of title 5,
16 United States Code and clauses (ii) and (iii) of sub-
17 paragraph (B), and subject to subparagraph (D),
18 during any period in which the Inspector General is
19 on nonduty status—

20 “(i) the first assistant to the position of In-
21 spector General shall perform the functions and
22 duties of the position temporarily in an acting
23 capacity subject to the time limitations of section
24 3346 of title 5, United States Code; and

1 “(ii) if the first assistant described in clause
2 (i) dies, resigns, or becomes otherwise unable to
3 perform those functions and duties, the President
4 (and only the President) may direct an officer or
5 employee in the Office of Inspector General to
6 perform those functions and duties temporarily
7 in an acting capacity, subject to the time limita-
8 tions of section 3346 of title 5, United States
9 Code, if—

10 “(I) that direction satisfies the require-
11 ments under subclauses (II), (III), and (IV)
12 of subparagraph (B)(iii); and

13 “(II) that officer or employee served in
14 a position in that Office of Inspector Gen-
15 eral for not fewer than 90 of the 365 days
16 preceding the date on which the President
17 makes that direction.

18 “(D) An individual may perform the functions
19 and duties of the Inspector General temporarily and
20 in an acting capacity under clause (ii) or (iii) of sub-
21 paragraph (B), or under subparagraph (C), with re-
22 spect to only 1 Inspector General position at any
23 given time.

24 “(E) If the President makes a direction under
25 subparagraph (B)(iii), during the 30-day period pre-

1 ceding the date on which the direction of the Presi-
2 dent takes effect, the functions and duties of the posi-
3 tion of the Inspector General shall be performed by—

4 “(i) the first assistant to the position of In-
5 specter General; or

6 “(ii) the individual performing those func-
7 tions and duties temporarily in an acting capac-
8 ity, as of the date on which the President issues
9 that direction, if that individual is an indi-
10 vidual other than the first assistant to the posi-
11 tion of Inspector General.”.

12 (d) *RULE OF CONSTRUCTION.*—Nothing in the amend-
13 ment made by subsection (a) may be construed to limit the
14 applicability of sections 3345 through 3349d of title 5,
15 United States Code (commonly known as the “Federal Va-
16 cancies Reform Act of 1998”), other than with respect to
17 section 3345(a) of that title.

18 (e) *EFFECTIVE DATE.*—

19 (1) *DEFINITION.*—In this subsection, the term
20 “Inspector General” has the meaning given the term
21 in subsection (h)(1)(B) of section 3 of the Inspector
22 General Act of 1978 (5 U.S.C. App.), as added by
23 subsection (a) of this section.

24 (2) *APPLICABILITY.*—

1 (A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), this section, and the amend-*
3 *ments made by this section, shall take effect on*
4 *the date of enactment of this Act.*

5 (B) *EXISTING VACANCIES.*—*If, as of the*
6 *date of enactment of this Act, an individual is*
7 *performing the functions and duties of an In-*
8 *spector General temporarily in an acting capac-*
9 *ity, this section, and the amendments made by*
10 *this section, shall take effect with respect to that*
11 *Inspector General position on the date that is 30*
12 *days after the date of enactment of this Act.*

13 **SEC. 5204. OFFICE OF INSPECTOR GENERAL WHISTLE-**
14 **BLOWER COMPLAINTS.**

15 (a) *WHISTLEBLOWER PROTECTION COORDINATOR.*—
16 *Section 3(d)(1)(C) of the Inspector General Act of 1978 (5*
17 *U.S.C. App.) is amended—*

18 (1) *in clause (i), in the matter preceding sub-*
19 *clause (I), by inserting “, including employees of that*
20 *Office of Inspector General” after “employees”; and*

21 (2) *in clause (iii), by inserting “(including the*
22 *Integrity Committee of that Council)” after “and Ef-*
23 *iciency”.*

24 (b) *COUNCIL OF THE INSPECTORS GENERAL ON IN-*
25 *TEGRITY AND EFFICIENCY.*—*Section 11(c)(5)(B) of the In-*

1 *spector General Act of 1978 (5 U.S.C. App.) is amended*
2 *by striking “, allegations of reprisal,” and inserting the fol-*
3 *lowing: “and allegations of reprisal (including the timely*
4 *and appropriate handling and consideration of protected*
5 *disclosures and allegations of reprisal that are internal to*
6 *an Office of Inspector General)”.*

7 ***Subtitle B—Presidential Expla-***
8 ***nation of Failure to Nominate***
9 ***an Inspector General***

10 ***SEC. 5221. PRESIDENTIAL EXPLANATION OF FAILURE TO***
11 ***NOMINATE AN INSPECTOR GENERAL.***

12 *(a) IN GENERAL.—Subchapter III of chapter 33 of*
13 *title 5, United States Code, is amended by inserting after*
14 *section 3349d the following:*

15 ***“§ 3349e. Presidential explanation of failure to nomi-***
16 ***nate an inspector general***

17 *“If the President fails to make a formal nomination*
18 *for a vacant inspector general position that requires a for-*
19 *mal nomination by the President to be filled within the pe-*
20 *riod beginning on the later of the date on which the vacancy*
21 *occurred or on which a nomination is rejected, withdrawn,*
22 *or returned, and ending on the day that is 210 days after*
23 *that date, the President shall communicate, within 30 days*
24 *after the end of such period and not later than June 1 of*
25 *each year thereafter, to the appropriate congressional com-*

1 *mittees, as defined in section 12 of the Inspector General*
2 *Act of 1978 (5 U.S.C. App.)—*

3 “(1) *the reasons why the President has not yet*
4 *made a formal nomination; and*

5 “(2) *a target date for making a formal nomina-*
6 *tion.*”.

7 ***(b) TECHNICAL AND CONFORMING AMENDMENT.—****The*
8 *table of sections for subchapter III of chapter 33 of title*
9 *5, United States Code, is amended by inserting after the*
10 *item relating to section 3349d the following:*

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

11 ***(c) EFFECTIVE DATE.—****The amendment made by sub-*
12 *section (a) shall take effect—*

13 (1) *on the date of enactment of this Act with re-*
14 *spect to any vacancy first occurring on or after that*
15 *date; and*

16 (2) *on the day that is 210 days after the date of*
17 *enactment of this Act with respect to any vacancy*
18 *that occurred before the date of enactment of this Act.*

19 ***Subtitle C—Integrity Committee of***
20 ***the Council of Inspectors Gen-***
21 ***eral on Integrity and Efficiency***
22 ***Transparency***

23 ***SEC. 5231. SHORT TITLE.***

24 *This subtitle may be cited as the “Integrity Committee*
25 *Transparency Act of 2022”.*

1 **SEC. 5232. ADDITIONAL INFORMATION TO BE INCLUDED IN**
2 **REQUESTS AND REPORTS TO CONGRESS.**

3 *Section 11(d) of the Inspector General Act of 1978 (5*
4 *U.S.C. App.) is amended—*

5 *(1) in paragraph (5)(B)(ii), by striking the pe-*
6 *riod at the end and inserting “, the length of time the*
7 *Integrity Committee has been evaluating the allega-*
8 *tion of wrongdoing, and a description of any previous*
9 *written notice provided under this clause with respect*
10 *to the allegation of wrongdoing, including the descrip-*
11 *tion provided for why additional time was needed.”;*
12 *and*

13 *(2) in paragraph (8)(A)(ii), by inserting “or*
14 *corrective action” after “disciplinary action”.*

15 **SEC. 5233. AVAILABILITY OF INFORMATION TO CONGRESS**
16 **ON CERTAIN ALLEGATIONS OF WRONGDOING**
17 **CLOSED WITHOUT REFERRAL.**

18 *Section 11(d)(5)(B) of the Inspector General Act of*
19 *1978 (5 U.S.C. App.) is amended by adding at the end the*
20 *following:*

21 *“(iii) AVAILABILITY OF INFORMATION*
22 *TO CONGRESS ON CERTAIN ALLEGATIONS OF*
23 *WRONGDOING CLOSED WITHOUT REFER-*
24 *RAL.—With respect to an allegation of*
25 *wrongdoing made by a member of Congress*
26 *that is closed by the Integrity Committee*

1 *without referral to the Chairperson of the*
2 *Integrity Committee to initiate an inves-*
3 *tigation, the Chairperson of the Integrity*
4 *Committee shall, not later than 60 days*
5 *after closing the allegation of wrongdoing,*
6 *provide a written description of the nature*
7 *of the allegation of wrongdoing and how the*
8 *Integrity Committee evaluated the allega-*
9 *tion of wrongdoing to—*

10 *“(I) the Chair and Ranking Mi-*
11 *nority Member of the Committee on*
12 *Homeland Security and Governmental*
13 *Affairs of the Senate; and*

14 *“(II) the Chair and Ranking Mi-*
15 *nority Member of the Committee on*
16 *Oversight and Reform of the House of*
17 *Representatives.”.*

18 **SEC. 5234. SEMIANNUAL REPORT.**

19 *Section 11(d)(9) of the Inspector General Act of 1978*
20 *(5 U.S.C. App.) is amended to read as follows:*

21 *“(9) SEMIANNUAL REPORT.—On or before May*
22 *31, 2023, and every 6 months thereafter, the Council*
23 *shall submit to Congress and the President a report*
24 *on the activities of the Integrity Committee during*
25 *the immediately preceding 6-month periods ending*

1 *March 31 and September 30, which shall include the*
2 *following with respect to allegations of wrongdoing*
3 *that are made against Inspectors General and staff*
4 *members of the various Offices of Inspector General*
5 *described in paragraph (4)(C):*

6 “(A) *An overview and analysis of the alle-*
7 *gations of wrongdoing disposed of by the Integ-*
8 *riety Committee, including—*

9 “(i) *analysis of the positions held by*
10 *individuals against whom allegations were*
11 *made, including the duties affiliated with*
12 *such positions;*

13 “(ii) *analysis of the categories or types*
14 *of the allegations of wrongdoing; and*

15 “(iii) *a summary of disposition of all*
16 *the allegations.*

17 “(B) *The number of allegations received by*
18 *the Integrity Committee.*

19 “(C) *The number of allegations referred to*
20 *the Department of Justice or the Office of Spe-*
21 *cial Counsel, including the number of allegations*
22 *referred for criminal investigation.*

23 “(D) *The number of allegations referred to*
24 *the Chairperson of the Integrity Committee for*
25 *investigation, a general description of the status*

1 *of such investigations, and a summary of the*
2 *findings of investigations completed.*

3 “(E) *An overview and analysis of allega-*
4 *tions of wrongdoing received by the Integrity*
5 *Committee during any previous reporting pe-*
6 *riod, but remained pending during some part of*
7 *the six months covered by the report, including—*

8 “(i) *analysis of the positions held by*
9 *individuals against whom allegations were*
10 *made, including the duties affiliated with*
11 *such positions;*

12 “(ii) *analysis of the categories or types*
13 *of the allegations of wrongdoing; and*

14 “(iii) *a summary of disposition of all*
15 *the allegations.*

16 “(F) *The number and category or type of*
17 *pending investigations.*

18 “(G) *For each allegation received—*

19 “(i) *the date on which the investigation*
20 *was opened;*

21 “(ii) *the date on which the allegation*
22 *was disposed of, as applicable; and*

23 “(iii) *the case number associated with*
24 *the allegation.*

1 “(H) *The nature and number of allegations*
2 *to the Integrity Committee closed without refer-*
3 *ral, including the justification for why each alle-*
4 *gation was closed without referral.*

5 “(I) *A brief description of any difficulty en-*
6 *countered by the Integrity Committee when re-*
7 *ceiving, evaluating, investigating, or referring*
8 *for investigation an allegation received by the*
9 *Integrity Committee, including a brief descrip-*
10 *tion of—*

11 “(i) *any attempt to prevent or hinder*
12 *an investigation; or*

13 “(ii) *concerns about the integrity or*
14 *operations at an Office of Inspector Gen-*
15 *eral.*

16 “(J) *Other matters that the Council con-*
17 *siders appropriate.”.*

18 **SEC. 5235. ADDITIONAL REPORTS.**

19 *Section 5 of the Inspector General Act of 1978 (5*
20 *U.S.C. App.) is amended—*

21 (1) *by redesignating subsections (e) and (f) as*
22 *subsections (g) and (h), respectively; and*

23 (2) *by inserting after subsection (d) the fol-*
24 *lowing:*

25 “(e) **ADDITIONAL REPORTS.—**

1 “(1) *REPORT TO INSPECTOR GENERAL.*—The
2 *Chairperson of the Integrity Committee of the Council*
3 *of the Inspectors General on Integrity and Efficiency*
4 *shall, immediately whenever the Chairperson of the*
5 *Integrity Committee becomes aware of particularly se-*
6 *rious or flagrant problems, abuses, or deficiencies re-*
7 *lating to the administration of programs and oper-*
8 *ations of an Office of Inspector General for which the*
9 *Integrity Committee may receive, review, and refer*
10 *for investigation allegations of wrongdoing under sec-*
11 *tion 11(d), submit a report to the Inspector General*
12 *who leads the Office at which the serious or flagrant*
13 *problems, abuses, or deficiencies were alleged.*

14 “(2) *REPORT TO PRESIDENT, CONGRESS, AND*
15 *THE ESTABLISHMENT.*—Not later than 7 days after
16 *the date on which an Inspector General receives a re-*
17 *port submitted under paragraph (1), the Inspector*
18 *General shall submit to the President, the appropriate*
19 *congressional committees, and the head of the estab-*
20 *lishment—*

21 “(A) *the report received under paragraph*
22 *(1); and*

23 “(B) *a report by the Inspector General con-*
24 *taining any comments the Inspector General de-*
25 *termines appropriate.”.*

1 **SEC. 5236. REQUIREMENT TO REPORT FINAL DISPOSITION**
2 **TO CONGRESS.**

3 *Section 11(d)(8)(B) of the Inspector General Act of*
4 *1978 (5 U.S.C. App.) is amended by inserting “and the*
5 *appropriate congressional committees” after “Integrity*
6 *Committee”.*

7 **SEC. 5237. INVESTIGATIONS OF OFFICES OF INSPECTOR**
8 **GENERAL OF ESTABLISHMENTS BY THE IN-**
9 **TEGRITY COMMITTEE.**

10 *Section 11(d)(7)(B)(i)(V) of the Inspector General Act*
11 *of 1978 (5 U.S.C. App.) is amended by inserting “, and*
12 *that an investigation of an Office of Inspector General of*
13 *an establishment is conducted by another Office of Inspector*
14 *General of an establishment” after “size”.*

15 **Subtitle D—Notice of Ongoing In-**
16 **vestigations When There Is a**
17 **Change in Status of Inspector**
18 **General**

19 **SEC. 5241. NOTICE OF ONGOING INVESTIGATIONS WHEN**
20 **THERE IS A CHANGE IN STATUS OF INSPEC-**
21 **TOR GENERAL.**

22 *Section 5 of the Inspector General Act of 1978 (5*
23 *U.S.C. App.) is amended by inserting after subsection (e),*
24 *as added by section 5625 of this title, the following:*

25 *“(f)(1) Except as provided in paragraph (2), not later*
26 *than 15 days after an Inspector General is removed, placed*

1 *on paid or unpaid nonduty status, or transferred to another*
2 *position or location within an establishment, the officer or*
3 *employee performing the functions and duties of the Inspec-*
4 *tor General temporarily in an acting capacity shall submit*
5 *to the appropriate congressional committees information re-*
6 *garding work being conducted by the Office as of the date*
7 *on which the Inspector General was removed, placed on*
8 *paid or unpaid non-duty status, or transferred, which shall*
9 *include—*

10 “(A) *for each investigation—*

11 “(i) *the type of alleged offense;*

12 “(ii) *the fiscal quarter in which the Office*
13 *initiated the investigation;*

14 “(iii) *the relevant Federal agency, including*
15 *the relevant component of that Federal agency*
16 *for any Federal agency listed in section 901(b)*
17 *of title 31, United States Code, under investiga-*
18 *tion or affiliated with the individual or entity*
19 *under investigation; and*

20 “(iv) *whether the investigation is adminis-*
21 *trative, civil, criminal, or a combination thereof,*
22 *if known; and*

23 “(B) *for any work not described in subpara-*
24 *graph (A)—*

1 “(i) a description of the subject matter and
2 scope;

3 “(ii) the relevant agency, including the rel-
4 evant component of that Federal agency, under
5 review;

6 “(iii) the date on which the Office initiated
7 the work; and

8 “(iv) the expected time frame for comple-
9 tion.

10 “(2) With respect to an inspector general of an element
11 of the intelligence community specified in section 8G(d)(2)
12 of the Inspector General Act of 1978 (5 U.S.C. App.), the
13 submission required by paragraph (1) shall only be made
14 to the committees of Congress specified in section
15 8G(d)(2)(E).”.

16 ***Subtitle E—Council of the Inspec-***
17 ***tors General on Integrity and Ef-***
18 ***iciency Report on Expenditures***

19 ***SEC. 5251. CIGIE REPORT ON EXPENDITURES.***

20 *Section 11(c)(3) of the Inspector General Act of 1978*
21 *(5 U.S.C. App.) is amended by adding at the end the fol-*
22 *lowing:*

23 “(D) *REPORT ON EXPENDITURES.—Not*
24 *later than November 30 of each year, the Chair-*
25 *person shall submit to the appropriate commit-*

1 *tees or subcommittees of Congress, including the*
2 *Committee on Appropriations of the Senate and*
3 *the Committee on Appropriations of the House of*
4 *Representatives, a report on the expenditures of*
5 *the Council for the preceding fiscal year, includ-*
6 *ing from direct appropriations to the Council,*
7 *interagency funding pursuant to subparagraph*
8 *(A), a revolving fund pursuant to subparagraph*
9 *(B), or any other source.”.*

10 ***Subtitle F—Notice of Refusal to***
11 ***Provide Inspectors General Access***

12 ***SEC. 5261. NOTICE OF REFUSAL TO PROVIDE INFORMATION***
13 ***OR ASSISTANCE TO INSPECTORS GENERAL.***

14 *Section 6(c) of the Inspector General Act of 1978 (5*
15 *U.S.C. App.) is amended by adding at the end the following:*

16 *“(3) If the information or assistance that is the*
17 *subject of a report under paragraph (2) is not pro-*
18 *vided to the Inspector General by the date that is 30*
19 *days after the report is made, the Inspector General*
20 *shall submit a notice that the information or assist-*
21 *ance requested has not been provided by the head of*
22 *the establishment involved or the head of the Federal*
23 *agency involved, as applicable, to the appropriate*
24 *congressional committees.”.*

1 ***Subtitle G—Training Resources for***
2 ***Inspectors General and Other***
3 ***Matters***

4 **SEC. 5271. TRAINING RESOURCES FOR INSPECTORS GEN-**
5 **ERAL.**

6 *Section 11(c)(1) of the Inspector General Act of 1978*
7 *(5 U.S.C. App.) is amended—*

8 *(1) by redesignating subparagraphs (E) through*
9 *(I) as subparagraphs (F) through (J), respectively;*
10 *and*

11 *(2) by inserting after subparagraph (D) the fol-*
12 *lowing:*

13 *“(E) support the professional development*
14 *of Inspectors General, including by providing*
15 *training opportunities on the duties, responsibil-*
16 *ities, and authorities under this Act and on top-*
17 *ics relevant to Inspectors General and the work*
18 *of Inspectors General, as identified by Inspectors*
19 *General and the Council.”.*

20 **SEC. 5272. DEFINITION OF APPROPRIATE CONGRESSIONAL**
21 **COMMITTEES.**

22 *The Inspector General Act of 1978 (5 U.S.C. App.) is*
23 *amended—*

24 *(1) in section 5—*

1 (A) in subsection (b), in the matter pre-
2 ceding paragraph (1), by striking “committees or
3 subcommittees of the Congress” and inserting
4 “congressional committees”; and

5 (B) in subsection (d), by striking “commit-
6 tees or subcommittees of Congress” and inserting
7 “congressional committees”;

8 (2) in section 6(h)(4)—

9 (A) in subparagraph (B), by striking “Gov-
10 ernment”; and

11 (B) by amending subparagraph (C) to read
12 as follows:

13 “(C) Any other relevant congressional com-
14 mittee or subcommittee of jurisdiction.”;

15 (3) in section 8—

16 (A) in subsection (b)—

17 (i) in paragraph (3), by striking “the
18 Committees on Armed Services and Govern-
19 mental Affairs of the Senate and the Com-
20 mittee on Armed Services and the Com-
21 mittee on Government Reform and Over-
22 sight of the House of Representatives and to
23 other appropriate committees or subcommit-
24 tees of the Congress” and inserting “the ap-
25 propriate congressional committees, includ-

1 *ing the Committee on Armed Services of the*
2 *Senate and the Committee on Armed Serv-*
3 *ices of the House of Representatives”;* and

4 *(ii) in paragraph (4), by striking “and*
5 *to other appropriate committees or sub-*
6 *committees”;* and

7 *(B) in subsection (f)—*

8 *(i) in paragraph (1), by striking “the*
9 *Committees on Armed Services and on*
10 *Homeland Security and Governmental Af-*
11 *airs of the Senate and the Committees on*
12 *Armed Services and on Oversight and Gov-*
13 *ernment Reform of the House of Representa-*
14 *tives and to other appropriate committees*
15 *or subcommittees of Congress” and inserting*
16 *“the appropriate congressional committees,*
17 *including the Committee on Armed Services*
18 *of the Senate and the Committee on Armed*
19 *Services of the House of Representatives”;*
20 *and*

21 *(ii) in paragraph (2), by striking*
22 *“committees or subcommittees of the Con-*
23 *gress” and inserting “congressional commit-*
24 *tees”;*

25 *(4) in section 8D—*

1 (A) *in subsection (a)(3), by striking “Com-*
2 *mittees on Governmental Affairs and Finance of*
3 *the Senate and the Committees on Government*
4 *Operations and Ways and Means of the House of*
5 *Representatives, and to other appropriate com-*
6 *mittees or subcommittees of the Congress” and*
7 *inserting “appropriate congressional committees,*
8 *including the Committee on Finance of the Sen-*
9 *ate and the Committee on Ways and Means of*
10 *the House of Representatives”; and*

11 (B) *in subsection (g)—*

12 (i) *in paragraph (1)—*

13 (I) *by striking “committees or*
14 *subcommittees of the Congress” and in-*
15 *serting “congressional committees”;*
16 *and*

17 (II) *by striking “Committees on*
18 *Governmental Affairs and Finance of*
19 *the Senate and the Committees on Gov-*
20 *ernment Reform and Oversight and*
21 *Ways and Means of the House of Rep-*
22 *resentatives” and inserting “Committee*
23 *on Finance of the Senate and the Com-*
24 *mittee on Ways and Means of the*
25 *House of Representatives”; and*

1 (ii) in paragraph (2), by striking
2 “committees or subcommittees of Congress”
3 and inserting “congressional committees”;

4 (5) in section 8E—

5 (A) in subsection (a)(3), by striking “Com-
6 mittees on Governmental Affairs and Judiciary
7 of the Senate and the Committees on Government
8 Operations and Judiciary of the House of Rep-
9 resentatives, and to other appropriate committees
10 or subcommittees of the Congress” and inserting
11 “appropriate congressional committees, includ-
12 ing the Committee on the Judiciary of the Sen-
13 ate and the Committee on the Judiciary of the
14 House of Representatives”; and

15 (B) in subsection (c)—

16 (i) by striking “committees or sub-
17 committees of the Congress” and inserting
18 “congressional committees”; and

19 (ii) by striking “Committees on the Ju-
20 diciary and Governmental Affairs of the
21 Senate and the Committees on the Judici-
22 ary and Government Operations of the
23 House of Representatives” and inserting
24 “Committee on the Judiciary of the Senate

1 *and the Committee on the Judiciary of the*
2 *House of Representatives”;*

3 (6) *in section 8G(f)(3)—*

4 (A) *in subparagraph (A)(iii), by striking*
5 *“Committee on Governmental Affairs of the Sen-*
6 *ate and the Committee on Government Reform*
7 *and Oversight of the House of Representatives,*
8 *and to other appropriate committees or sub-*
9 *committees of the Congress” and inserting “the*
10 *appropriate congressional committees”;* *and*

11 (B) *by striking subparagraph (C);*

12 (7) *in section 8I—*

13 (A) *in subsection (a)(3), in the matter pre-*
14 *ceding subparagraph (A), by striking “commit-*
15 *tees and subcommittees of Congress” and insert-*
16 *ing “congressional committees”;* *and*

17 (B) *in subsection (d), by striking “commit-*
18 *tees and subcommittees of Congress” each place*
19 *it appears and inserting “congressional commit-*
20 *tees”;*

21 (8) *in section 8N(b), by striking “committees of*
22 *Congress” and inserting “congressional committees”;*

23 (9) *in section 11—*

24 (A) *in subsection (b)(3)(B)(viii)—*

1 (i) *by striking subclauses (III) and*
2 *(IV);*

3 (ii) *in subclause (I), by adding “and”*
4 *at the end; and*

5 (iii) *by amending subclause (II) to*
6 *read as follows:*

7 *“(II) the appropriate congres-*
8 *sional committees.”; and*

9 (B) *in subsection (d)(8)(A)(iii), by striking*
10 *“to the” and all that follows through “jurisdic-*
11 *tion” and inserting “to the appropriate congres-*
12 *sional committees”; and*

13 (10) *in section 12—*

14 (A) *in paragraph (4), by striking “and” at*
15 *the end;*

16 (B) *in paragraph (5), by striking the period*
17 *at the end and inserting “; and”; and*

18 (C) *by adding at the end the following:*

19 *“(6) the term ‘appropriate congressional commit-*
20 *tees’ means—*

21 (A) *the Committee on Homeland Security*
22 *and Governmental Affairs of the Senate;*

23 (B) *the Committee on Oversight and Re-*
24 *form of the House of Representatives; and*

1 “(C) any other relevant congressional com-
2 mittee or subcommittee of jurisdiction.”.

3 **SEC. 5273. SEMIANNUAL REPORTS.**

4 *The Inspector General Act of 1978 (5 U.S.C. App.) is*
5 *amended—*

6 (1) *in section 4(a)(2)—*

7 (A) *by inserting “, including” after “to*
8 *make recommendations”; and*

9 (B) *by inserting a comma after “section*
10 *5(a)”;*

11 (2) *in section 5—*

12 (A) *in subsection (a)—*

13 (i) *by striking paragraphs (1) through*
14 *(12) and inserting the following:*

15 “(1) *a description of significant problems,*
16 *abuses, and deficiencies relating to the administration*
17 *of programs and operations of the establishment and*
18 *associated reports and recommendations for corrective*
19 *action made by the Office;*

20 “(2) *an identification of each recommendation*
21 *made before the reporting period, for which corrective*
22 *action has not been completed, including the potential*
23 *costs savings associated with the recommendation;*

24 “(3) *a summary of significant investigations*
25 *closed during the reporting period;*

1 “(4) an identification of the total number of con-
2 victions during the reporting period resulting from
3 investigations;

4 “(5) information regarding each audit, inspec-
5 tion, or evaluation report issued during the reporting
6 period, including—

7 “(A) a listing of each audit, inspection, or
8 evaluation;

9 “(B) if applicable, the total dollar value of
10 questioned costs (including a separate category
11 for the dollar value of unsupported costs) and the
12 dollar value of recommendations that funds be
13 put to better use, including whether a manage-
14 ment decision had been made by the end of the
15 reporting period;

16 “(6) information regarding any management de-
17 cision made during the reporting period with respect
18 to any audit, inspection, or evaluation issued during
19 a previous reporting period;”;

20 (ii) by redesignating paragraphs (13)
21 through (22) as paragraphs (7) through
22 (16), respectively;

23 (iii) by amending paragraph (13), as
24 so redesignated, to read as follows:

1 “(13) a report on each investigation conducted
2 by the Office where allegations of misconduct were
3 substantiated involving a senior Government em-
4 ployee or senior official (as defined by the Office) if
5 the establishment does not have senior Government
6 employees, which shall include—

7 “(A) the name of the senior Government
8 employee, if already made public by the Office;
9 and

10 “(B) a detailed description of—

11 “(i) the facts and circumstances of the
12 investigation; and

13 “(ii) the status and disposition of the
14 matter, including—

15 “(I) if the matter was referred to
16 the Department of Justice, the date of
17 the referral; and

18 “(II) if the Department of Justice
19 declined the referral, the date of the
20 declination;” and

21 (iv) by amending paragraph (15), as
22 so redesignated, to read as follows:

23 “(15) information related to interference by the
24 establishment, including—

1 “(A) a detailed description of any attempt
2 by the establishment to interfere with the inde-
3 pendence of the Office, including—

4 “(i) with budget constraints designed
5 to limit the capabilities of the Office; and

6 “(ii) incidents where the establishment
7 has resisted or objected to oversight activi-
8 ties of the Office or restricted or signifi-
9 cantly delayed access to information, in-
10 cluding the justification of the establishment
11 for such action; and

12 “(B) a summary of each report made to the
13 head of the establishment under section 6(c)(2)
14 during the reporting period;” and

15 (B) in subsection (b)—

16 (i) by striking paragraphs (2) and (3)
17 and inserting the following:

18 “(2) where final action on audit, inspection, and
19 evaluation reports had not been taken before the com-
20 mencement of the reporting period, statistical tables
21 showing—

22 “(A) with respect to management deci-
23 sions—

1 “(i) for each report, whether a manage-
2 ment decision was made during the report-
3 ing period;

4 “(ii) if a management decision was
5 made during the reporting period, the dol-
6 lar value of disallowed costs and funds to be
7 put to better use as agreed to in the man-
8 agement decision; and

9 “(iii) total number of reports where a
10 management decision was made during the
11 reporting period and the total cor-
12 responding dollar value of disallowed costs
13 and funds to be put to better use as agreed
14 to in the management decision; and

15 “(B) with respect to final actions—

16 “(i) whether, if a management decision
17 was made before the end of the reporting pe-
18 riod, final action was taken during the re-
19 porting period;

20 “(ii) if final action was taken, the dol-
21 lar value of—

22 “(I) disallowed costs that were re-
23 covered by management through collec-
24 tion, offset, property in lieu of cash, or
25 otherwise;

1 “(II) disallowed costs that were
2 written off by management;

3 “(III) disallowed costs and funds
4 to be put to better use not yet recovered
5 or written off by management;

6 “(IV) recommendations that were
7 completed; and

8 “(V) recommendations that man-
9 agement has subsequently concluded
10 should not or could not be implemented
11 or completed; and

12 “(iii) total number of reports where
13 final action was not taken and total num-
14 ber of reports where final action was taken,
15 including the total corresponding dollar
16 value of disallowed costs and funds to be
17 put to better use as agreed to in the man-
18 agement decisions;”;

19 (ii) by redesignating paragraph (4) as
20 paragraph (3);

21 (iii) in paragraph (3), as so redesign-
22 ated, by striking “subsection (a)(20)(A)”
23 and inserting “subsection (a)(14)(A)”; and

24 (iv) by striking paragraph (5) and in-
25 serting the following:

1 “(4) a statement explaining why final action has
2 not been taken with respect to each audit, inspection,
3 and evaluation report in which a management deci-
4 sion has been made but final action has not yet been
5 taken, except that such statement—

6 “(A) may exclude reports if—

7 “(i) a management decision was made
8 within the preceding year; or

9 “(ii) the report is under formal admin-
10 istrative or judicial appeal or management
11 of the establishment has agreed to pursue a
12 legislative solution; and

13 “(B) shall identify the number of reports in
14 each category so excluded.”;

15 (C) by redesignating subsection (h), as so
16 redesignated by section 5625 of this title, as sub-
17 section (i); and

18 (D) by inserting after subsection (g), as so
19 redesignated by section 5625 of this title, the fol-
20 lowing:

21 “(h) If an Office has published any portion of the re-
22 port or information required under subsection (a) to the
23 website of the Office or on [oversight.gov](https://www.oversight.gov), the Office may elect
24 to provide links to the relevant webpage or website in the

1 *report of the Office under subsection (a) in lieu of including*
2 *the information in that report.”.*

3 **SEC. 5274. SUBMISSION OF REPORTS THAT SPECIFICALLY**
4 **IDENTIFY NON-GOVERNMENTAL ORGANIZA-**
5 **TIONS OR BUSINESS ENTITIES.**

6 *(a) IN GENERAL.—Section 5(g) of the Inspector Gen-*
7 *eral Act of 1978 (5 U.S.C. App.), as so redesignated by sec-*
8 *tion 5625 of this title, is amended by adding at the end*
9 *the following:*

10 *“(6)(A) Except as provided in subparagraph*
11 *(B), if an audit, evaluation, inspection, or other non-*
12 *investigative report prepared by an Inspector General*
13 *specifically identifies a specific non-governmental or-*
14 *ganization or business entity, whether or not the non-*
15 *governmental organization or business entity is the*
16 *subject of that audit, evaluation, inspection, or non-*
17 *investigative report—*

18 *“(i) the Inspector General shall notify the*
19 *non-governmental organization or business enti-*
20 *ty;*

21 *“(ii) the non-governmental organization or*
22 *business entity shall have—*

23 *“(I) 30 days to review the audit, eval-*
24 *uation, inspection, or non-investigative re-*
25 *port beginning on the date of publication of*

1 *the audit, evaluation, inspection, or non-in-*
2 *vestigative report; and*

3 *“(II) the opportunity to submit a writ-*
4 *ten response for the purpose of clarifying or*
5 *providing additional context as it directly*
6 *relates to each instance wherein an audit,*
7 *evaluation, inspection, or non-investigative*
8 *report specifically identifies that non-gov-*
9 *ernmental organization or business entity;*
10 *and*

11 *“(iii) if a written response is submitted*
12 *under clause (ii)(II) within the 30-day period*
13 *described in clause (ii)(I)—*

14 *“(I) the written response shall be at-*
15 *tached to the audit, evaluation, inspection,*
16 *or non-investigative report; and*

17 *“(II) in every instance where the re-*
18 *port may appear on the public-facing*
19 *website of the Inspector General, the website*
20 *shall be updated in order to access a version*
21 *of the audit, evaluation, inspection, or non-*
22 *investigative report that includes the writ-*
23 *ten response.*

24 *“(B) Subparagraph (A) shall not apply with re-*
25 *spect to a non-governmental organization or business*

1 *entity that refused to provide information or assist-*
2 *ance sought by an Inspector General during the cre-*
3 *ation of the audit, evaluation, inspection, or non-in-*
4 *vestigative report.*

5 *“(C) An Inspector General shall review any*
6 *written response received under subparagraph (A) for*
7 *the purpose of preventing the improper disclosure of*
8 *classified information or other non-public informa-*
9 *tion, consistent with applicable laws, rules, and regu-*
10 *lations, and, if necessary, redact such information.”.*

11 *(b) RETROACTIVE APPLICABILITY.—During the 30-*
12 *day period beginning on the date of enactment of this Act—*

13 *(1) the amendment made by subsection (a) shall*
14 *apply upon the request of a non-governmental organi-*
15 *zation or business entity named in an audit, evalua-*
16 *tion, inspection, or other non-investigative report pre-*
17 *pared on or after January 1, 2019; and*

18 *(2) any written response submitted under clause*
19 *(iii) of section 5(g)(6)(A) of the Inspector General Act*
20 *of 1978 (5 U.S.C. App.), as added by subsection (a),*
21 *with respect to such an audit, evaluation, inspection,*
22 *or other non-investigative report shall attach to the*
23 *original report in the manner described in that*
24 *clause.*

1 **SEC. 5275. REVIEW RELATING TO VETTING, PROCESSING,**
2 **AND RESETTLEMENT OF EVACUEES FROM AF-**
3 **GHANISTAN AND THE AFGHANISTAN SPECIAL**
4 **IMMIGRANT VISA PROGRAM.**

5 (a) *IN GENERAL.*—*In accordance with the Inspector*
6 *General Act of 1978 (5 U.S.C. App.), the Inspector General*
7 *of the Department of Homeland Security, jointly with the*
8 *Inspector General of the Department of State, and in co-*
9 *ordination with the Inspector General of the Department*
10 *of Defense and any appropriate Inspector General estab-*
11 *lished by that Act or section 103H of the National Security*
12 *Act of 1947 (50 U.S.C. 3033), shall conduct a thorough re-*
13 *view of efforts to support and process evacuees from Afghan-*
14 *istan and the Afghanistan special immigrant visa program.*

15 (b) *ELEMENTS.*—*The review required by subsection (a)*
16 *shall include an assessment of the systems, staffing, policies,*
17 *and programs used—*

18 (1) *to screen and vet such evacuees, including—*

19 (A) *an assessment of whether personnel con-*
20 *ducting such screening and vetting were appro-*
21 *priately authorized and provided with training,*
22 *including training in the detection of fraudulent*
23 *personal identification documents;*

24 (B) *an analysis of the degree to which such*
25 *screening and vetting deviated from United*
26 *States law, regulations, policy, and best practices*

1 *relating to the screening and vetting of parolees,*
2 *refugees, and applicants for United States visas*
3 *that have been in use at any time since January*
4 *1, 2016, particularly for individuals from coun-*
5 *tries containing any active terrorist organiza-*
6 *tions; and*

7 *(C) an identification of any risk to the na-*
8 *tional security of the United States posed by any*
9 *such deviations;*

10 *(D) an analysis of the processes used for*
11 *evacuees traveling without personal identifica-*
12 *tion records, including the creation or provision*
13 *of any new identification records to such evac-*
14 *uees; and*

15 *(E) an analysis of the degree to which such*
16 *screening and vetting process was capable of de-*
17 *tecting—*

18 *(i) instances of human trafficking and*
19 *domestic abuse;*

20 *(ii) evacuees who are unaccompanied*
21 *minors; and*

22 *(iii) evacuees with a spouse who is a*
23 *minor;*

24 *(2) to admit and process such evacuees at United*
25 *States ports of entry;*

1 (3) to temporarily house such evacuees prior to
2 resettlement;

3 (4) to account for the total number of individ-
4 uals evacuated from Afghanistan in 2021 with sup-
5 port of the United States Government, disaggregated
6 by—

7 (A) country of origin;

8 (B) citizenship, only if different from coun-
9 try of origin;

10 (C) age;

11 (D) gender;

12 (E) the number of individuals who were
13 holders of a special immigrant visa issued pur-
14 suant to the Afghan Allies Protection Act of 2009
15 (8 U.S.C. 1101 note; Public Law 111–8) or sec-
16 tion 1059 of the National Defense Authorization
17 Act for Fiscal Year 2006 (8 U.S.C. 1101 note;
18 Public Law 109–163) at the time of evacuation;

19 (F) the number of individuals who were ap-
20 plicants for a special immigrant visas pursuant
21 to the Afghan Allies Protection Act of 2009 (8
22 U.S.C. 1101 note; Public Law 111–8) or section
23 1059 of the National Defense Authorization Act
24 for Fiscal Year 2006 (8 U.S.C. 1101 note; Public
25 Law 109–163) at the time of evacuation;

1 (G) *the number who were in possession of a*
2 *valid nonimmigrant visa to enter the United*
3 *States at the time of evacuation; and*

4 (H) *familial relationship to individuals de-*
5 *scribed in subparagraphs (E) through (G).*

6 (c) *INTERIM REPORTING.—*

7 (1) *IN GENERAL.—Not later than 180 days after*
8 *the date of the enactment of this Act, the Inspector*
9 *General of the Department of Homeland Security and*
10 *the Inspector General of the Department of State shall*
11 *submit to the appropriate congressional committees*
12 *not fewer than one interim report on the review con-*
13 *ducted under this section.*

14 (2) *FORM.—Any report submitted under para-*
15 *graph (1) shall be submitted in unclassified form, but*
16 *may include a classified annex.*

17 (3) *DEFINITIONS.—In this subsection:*

18 (A) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES.—The term “appropriate congressional*
20 *committees” means—*

21 (i) *the Committee on Homeland Secu-*
22 *rity and Governmental Affairs, the Com-*
23 *mittee on Armed Services, the Committee on*
24 *Foreign Relations, the Select Committee on*

1 *Intelligence, and the Committee on the Ju-*
2 *diciary of the Senate; and*

3 (ii) *the Committee on Oversight and*
4 *Reform, the Committee on Armed Services,*
5 *the Committee on Foreign Affairs, the Per-*
6 *manent Select Committee on Intelligence,*
7 *and the Committee on the Judiciary of the*
8 *House of Representatives.*

9 (B) *SCREEN; SCREENING.—The terms*
10 *“screen” and “screening”, with respect to an*
11 *evacuee, mean the process by which a Federal of-*
12 *ficial determines—*

13 (i) *the identity of the evacuee;*

14 (ii) *whether the evacuee has a valid*
15 *identification documentation; and*

16 (iii) *whether any database of the*
17 *United States Government contains deroga-*
18 *tory information about the evacuee.*

19 (C) *VET; VETTING.—The term “vet” and*
20 *“vetting”, with respect to an evacuee, means the*
21 *process by which a Federal official interviews the*
22 *evacuee to determine whether the evacuee is who*
23 *they purport to be, including whether the evacuee*
24 *poses a national security risk.*

1 (d) *DISCHARGE OF RESPONSIBILITIES.*—The Inspec-
2 tor General of the Department of Homeland Security and
3 the Inspector General of the Department of State shall dis-
4 charge the responsibilities under this section in a manner
5 consistent with the authorities and requirements of the In-
6 spector General Act of 1978 (5 U.S.C. App.) and the au-
7 thorities and requirements applicable to the Inspector Gen-
8 eral of the Department of Homeland Security and the In-
9 spector General of the Department of State under that Act.

10 (e) *COORDINATION.*—Upon request of an Inspector
11 General for information or assistance under subsection (a),
12 the head of any Federal agency involved shall, insofar as
13 is practicable and not in contravention of any existing stat-
14 utory restriction or regulation of the Federal agency from
15 which the information is requested, furnish to such Inspec-
16 tor General, or to an authorized designee, such information
17 or assistance.

18 (f) *RULE OF CONSTRUCTION.*—Nothing in this section
19 shall be construed to limit the ability of the Inspector Gen-
20 eral of the Department of Homeland Security or the Inspec-
21 tor General of the Department of State to enter into agree-
22 ments to conduct joint audits, inspections, or investigations
23 in the exercise of the oversight responsibilities of the Inspec-
24 tor General of the Department of Homeland Security and
25 the Inspector General of the Department of State, in accord-

1 *ance with the Inspector General Act of 1978 (5 U.S.C.*
 2 *App.), with respect to oversight of the evacuation from Af-*
 3 *ghanistan, the selection, vetting, and processing of appli-*
 4 *cants for special immigrant visas and asylum, and any re-*
 5 *settlement in the United States of such evacuees.*

6 **TITLE LIII—OVERSIGHT AND**
 7 **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 al-
legations; 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.

8 **Subtitle A—General Provisions**

9 **SEC. 5301. ACCESS FOR VETERANS TO RECORDS.**

10 (a) *PLAN TO ELIMINATE RECORDS BACKLOG AT THE*
 11 *NATIONAL PERSONNEL RECORDS CENTER.—*

12 (1) *PLAN REQUIRED.—Not later than 60 days*
 13 *after the date of the enactment of this Act, the Archi-*
 14 *ivist of the United States shall submit to the appro-*
 15 *priate congressional committees a comprehensive plan*
 16 *for reducing the backlog of requests for records from*
 17 *the National Personnel Records Center and improving*
 18 *the efficiency and responsiveness of operations at the*

1 *National Personnel Records Center, that includes, at*
2 *a minimum, the following:*

3 (A) *An estimate of the number of backlogged*
4 *record requests for veterans.*

5 (B) *Target timeframes to reduce the backlog.*

6 (C) *A detailed plan for using existing funds*
7 *to improve the information technology infra-*
8 *structure, including secure access to appropriate*
9 *agency Federal records, to prevent future back-*
10 *logs.*

11 (D) *Actions to improve customer service for*
12 *requesters.*

13 (E) *Measurable goals with respect to the*
14 *comprehensive plan and metrics for tracking*
15 *progress toward such goals.*

16 (F) *Strategies to prevent future record re-*
17 *quest backlogs, including backlogs caused by an*
18 *event that prevents employees of the Center from*
19 *reporting to work in person.*

20 (2) *UPDATES.—Not later than 90 days after the*
21 *date on which the comprehensive plan is submitted*
22 *under paragraph (1), and biannually thereafter until*
23 *the response rate by the National Personnel Records*
24 *Center reaches 90 percent of all requests in 20 days*
25 *or less, not including any request involving a record*

1 *damaged or lost in the National Personnel Records*
2 *Center fire of 1973 or any request that is subject to*
3 *a fee that has not been paid in a timely manner by*
4 *the requestor (provided the National Personnel*
5 *Records Center issues an invoice within 20 days after*
6 *the date on which the request is made), the Archivist*
7 *of the United States shall submit to the appropriate*
8 *congressional committees an update of such plan*
9 *that—*

10 *(A) describes progress made by the National*
11 *Personnel Records Center during the preceding*
12 *90-day period with respect to record request*
13 *backlog reduction and efficiency and responsive-*
14 *ness improvement;*

15 *(B) provides data on progress made toward*
16 *the goals identified in the comprehensive plan;*
17 *and*

18 *(C) describes any changes made to the com-*
19 *prehensive plan.*

20 *(3) CONSULTATION REQUIREMENT.—In carrying*
21 *out paragraphs (1) and (2), the Archivist of the*
22 *United States shall consult with the Secretary of Vet-*
23 *erans Affairs.*

1 (4) *APPROPRIATE CONGRESSIONAL COMMITTEES*
2 *DEFINED.—In this subsection, the term “appropriate*
3 *congressional committees” means—*

4 (A) *the Committee on Oversight and Re-*
5 *form, the Committee on Veterans’ Affairs, and*
6 *the Committee on Appropriations of the House of*
7 *Representatives; and*

8 (B) *the Committee on Homeland Security*
9 *and Governmental Affairs, the Committee on*
10 *Veterans’ Affairs, and the Committee on Appro-*
11 *priations of the Senate.*

12 (b) *ADDITIONAL FUNDING TO ADDRESS RECORDS*
13 *BACKLOG.—*

14 (1) *AUTHORIZATION OF APPROPRIATIONS.—In*
15 *addition to amounts otherwise available, there is au-*
16 *thorized to be appropriated to the National Archives*
17 *and Records Administration, \$60,000,000 to address*
18 *backlogs in responding to requests from veterans for*
19 *military personnel records, improve cybersecurity,*
20 *improve digital preservation and access to archival*
21 *Federal records, and address backlogs in requests*
22 *made under section 552 of title 5, United States Code*
23 *(commonly referred to as the Freedom of Information*
24 *Act). Such amounts may also be used for the Federal*
25 *Records Center Program.*

1 (2) *REQUIREMENT TO MAINTAIN IN-PERSON*
2 *STAFFING LEVELS.*—*Subject to the availability of ap-*
3 *propriations, and not later than 30 days after the*
4 *date of the enactment of this Act, the Archivist of the*
5 *United States shall ensure, to the extent practicable,*
6 *that the National Personnel Records Center main-*
7 *tains staffing levels and telework arrangements that*
8 *enable the maximum processing of records requests*
9 *possible in order to achieve the performance goal of*
10 *responding to 90 percent of all requests in 20 days or*
11 *less, not including any request involving a record*
12 *damaged or lost in the National Personnel Records*
13 *Center fire of 1973 or any request that is subject to*
14 *a fee that has not been paid in a timely manner by*
15 *the requestor (provided the National Personnel*
16 *Records Center issues an invoice within 20 days after*
17 *the date on which the request is made).*

18 (3) *INSPECTOR GENERAL REPORTING.*—*The In-*
19 *pector General for the National Archives and Records*
20 *Administration shall, for two years following the date*
21 *of the enactment of this Act, include in every semi-*
22 *annual report submitted to Congress pursuant to the*
23 *Inspector General Act of 1978 (5 U.S.C. App.), a de-*
24 *tailed summary of—*

1 (A) efforts taken by the National Archives
2 and Records Administration to address the back-
3 log of records requests at the National Personnel
4 Records Center; and

5 (B) any recommendations for action pro-
6 posed by the Inspector General related to reduc-
7 ing the backlog of records requests at the Na-
8 tional Personnel Records Center and the status
9 of compliance with those recommendations by the
10 National Archives and Records Administration.

11 **SEC. 5302. ONDCP SUPPLEMENTAL STRATEGIES.**

12 Section 706(h) of the Office of National Drug Control
13 Policy Reauthorization Act of 1998 (21 U.S.C. 1705(h)) is
14 amended—

15 (1) in paragraph (5), by striking “; and” and
16 inserting a semicolon;

17 (2) in paragraph (6), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new para-
20 graph:

21 “(7) develops performance measures and targets
22 for the National Drug Control Strategy for supple-
23 mental strategies (the Southwest Border, Northern
24 Border, and Caribbean Border Counternarcotics
25 Strategies) to effectively evaluate region- specific

1 *goals, to the extent the performance measurement sys-*
2 *tem does not adequately measure the effectiveness of*
3 *the strategies, as determined by the Director, such*
4 *strategies may evaluate interdiction efforts at and be-*
5 *tween ports of entry, interdiction technology, intel-*
6 *ligence sharing, diplomacy, and other appropriate*
7 *metrics, specific to each supplemental strategies re-*
8 *gion, as determined by the Director.”.*

9 **SEC. 5303. PERFORMANCE ENHANCEMENT.**

10 *(a) SHORT TITLE.—This section may be cited as the*
11 *“Performance Enhancement Reform Act”.*

12 *(b) IN GENERAL.—Section 1115 of title 31, United*
13 *States Code, is amended—*

14 *(1) by amending subsection (b)(5) to read as fol-*
15 *lows:*

16 *“(5) provide a description of how the perform-*
17 *ance goals are to be achieved, including—*

18 *“(A) the human capital, training, data and*
19 *evidence, information technology, and skill sets*
20 *required to meet the performance goals;*

21 *“(B) the technology modernization invest-*
22 *ments, system upgrades, staff technology skills*
23 *and expertise, stakeholder input and feedback,*
24 *and other resources and strategies needed and re-*
25 *quired to meet the performance goals;*

1 “(C) clearly defined milestones;

2 “(D) an identification of the organizations,
3 program activities, regulations, policies, oper-
4 ational processes, and other activities that con-
5 tribute to each performance goal, both within
6 and external to the agency;

7 “(E) a description of how the agency is
8 working with other agencies and the organiza-
9 tions identified in subparagraph (D) to measure
10 and achieve its performance goals as well as rel-
11 evant Federal Government performance goals;
12 and

13 “(F) an identification of the agency officials
14 responsible for the achievement of each perform-
15 ance goal, who shall be known as goal leaders;”;
16 and

17 (2) by amending subsection (g) to read as fol-
18 lows:

19 “(g) *PREPARATION OF PERFORMANCE PLAN.*—The
20 Performance Improvement Officer of each agency (or the
21 functional equivalent) shall collaborate with the Chief
22 Human Capital Officer (or the functional equivalent), the
23 Chief Information Officer (or the functional equivalent), the
24 Chief Data Officer (or the functional equivalent), and the
25 Chief Financial Officer (or the functional equivalent) of

1 *that agency to prepare that portion of the annual perform-*
2 *ance plan described under subsection (b)(5) for that agen-*
3 *cy.”.*

4 **SEC. 5304. APPEALS TO MERIT SYSTEMS PROTECTION**
5 **BOARD RELATING TO FBI REPRISAL ALLEGA-**
6 **TIONS; SALARY OF SPECIAL COUNSEL.**

7 *(a) APPEALS TO MSPB.—Section 2303 of title 5,*
8 *United States Code, is amended by adding at the end the*
9 *following:*

10 *“(d)(1) An employee of the Federal Bureau of Inves-*
11 *tigation who makes an allegation of a reprisal under regu-*
12 *lations promulgated under this section may appeal a final*
13 *determination or corrective action order by the Bureau*
14 *under those regulations to the Merit Systems Protection*
15 *Board pursuant to section 1221.*

16 *“(2) If no final determination or corrective action*
17 *order has been made or issued for an allegation described*
18 *in paragraph (1) before the expiration of the 180-day period*
19 *beginning on the date on which the allegation is received*
20 *by the Federal Bureau of Investigation, the employee de-*
21 *scribed in that paragraph may seek corrective action di-*
22 *rectly from the Merit Systems Protection Board pursuant*
23 *to section 1221.”.*

24 *(b) SPECIAL COUNSEL SALARY.—*

1 (1) *IN GENERAL.*—Subchapter II of chapter 53 of
2 title 5, United States Code, is amended—

3 (A) in section 5314, by adding at the end
4 the following new item: “Special Counsel of the
5 Office of Special Counsel.”; and

6 (B) in section 5315, by striking “Special
7 Counsel of the Merit Systems Protection Board.”.

8 (2) *APPLICATION.*—The rate of pay applied
9 under the amendments made by paragraph (1) shall
10 begin to apply on the first day of the first pay period
11 beginning after date of enactment of this Act.

12 **SEC. 5305. FAIRNESS FOR FEDERAL FIREFIGHTERS.**

13 (a) *CERTAIN ILLNESSES AND DISEASES PRESUMED TO*
14 *BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR*
15 *FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.*—

16 (1) *PRESUMPTION RELATING TO EMPLOYEES IN*
17 *FIRE PROTECTION ACTIVITIES.*—

18 (A) *IN GENERAL.*—Subchapter I of chapter
19 81 of title 5, United States Code, is amended by
20 inserting after section 8143a the following:

21 **“§ 8143b. Employees in fire protection activities**

22 “(a) *DEFINITIONS.*—In this section:

23 “(1) *EMPLOYEE IN FIRE PROTECTION ACTIVI-*
24 *TIES.*—The term ‘employee in fire protection activi-

25 *ties’ means an employee employed as a firefighter (in-*

1 *cluding a wildland firefighter), paramedic, emergency*
2 *medical technician, rescue worker, ambulance per-*
3 *sonnel, or hazardous material worker who—*

4 *“(A) is trained in fire suppression;*

5 *“(B) has the legal authority and responsi-*
6 *bility to engage in fire suppression;*

7 *“(C) is engaged in the prevention, control,*
8 *or extinguishment of fires or response to emer-*
9 *gency situations in which life, property, or the*
10 *environment is at risk, including the prevention,*
11 *control, suppression, or management of wildland*
12 *fires; and*

13 *“(D) performs the activities described in*
14 *subparagraph (C) as a primary responsibility of*
15 *the job of the employee.*

16 *“(2) RULE.—The term ‘rule’ has the meaning*
17 *given the term in section 804.*

18 *“(3) SECRETARY.—The term ‘Secretary’ means*
19 *the Secretary of Labor.*

20 *“(b) CERTAIN ILLNESSES AND DISEASED DEEMED TO*
21 *BE PROXIMATELY CAUSED BY EMPLOYMENT IN FIRE PRO-*
22 *TECTION ACTIVITIES.—*

23 *“(1) IN GENERAL.—For a claim under this sub-*
24 *chapter of disability or death of an employee who has*
25 *been employed for not less than 5 years in aggregate*

1 *as an employee in fire protection activities, an illness*
2 *or disease specified on the list established under para-*
3 *graph (2) shall be deemed to be proximately caused*
4 *by the employment of that employee, if the employee*
5 *is diagnosed with that illness or disease not later than*
6 *10 years after the last activedate of employment as an*
7 *employee in fire protection activities.*

8 “(2) *ESTABLISHMENT OF INITIAL LIST.—There*
9 *is established under this section the following list of*
10 *illnesses and diseases:*

11 “(A) *Bladder cancer.*

12 “(B) *Brain cancer.*

13 “(C) *Chronic obstructive pulmonary disease.*

14 “(D) *Colorectal cancer.*

15 “(E) *Esophageal cancer.*

16 “(F) *Kidney cancer.*

17 “(G) *Leukemias.*

18 “(H) *Lung cancer.*

19 “(I) *Mesothelioma.*

20 “(J) *Multiple myeloma.*

21 “(K) *Non-Hodgkin lymphoma.*

22 “(L) *Prostate cancer.*

23 “(M) *Skin cancer (melanoma).*

24 “(N) *A sudden cardiac event or stroke suf-*
25 *fered while, or not later than 24 hours after, en-*

1 gaging in the activities described in subsection
2 (a)(1)(C).

3 “(O) Testicular cancer.

4 “(P) Thyroid cancer.

5 “(3) ADDITIONS TO THE LIST.—

6 “(A) IN GENERAL.—

7 “(i) PERIODIC REVIEW.—The Sec-
8 retary shall—

9 “(I) in consultation with the Di-
10 rector of the National Institute for Oc-
11 cupational Safety and Health and any
12 advisory committee determined appro-
13 priate by the Secretary, periodically
14 review the list established under para-
15 graph (2); and

16 “(II) if the Secretary determines
17 that the weight of the best available sci-
18 entific evidence warrants adding an
19 illness or disease to the list established
20 under paragraph (2), as described in
21 subparagraph (B) of this paragraph,
22 make such an addition through a rule
23 that clearly identifies that scientific
24 evidence.

1 “(i) *CLASSIFICATION.*—A rule issued
2 by the Secretary under clause (i) shall be
3 considered to be a major rule for the pur-
4 poses of chapter 8.

5 “(B) *BASIS FOR DETERMINATION.*—The
6 Secretary shall add an illness or disease to the
7 list established under paragraph (2) based on the
8 weight of the best available scientific evidence
9 that there is a significant risk to employees in
10 fire protection activities of developing that illness
11 or disease.

12 “(C) *AVAILABLE EXPERTISE.*—In deter-
13 mining significant risk for purposes of subpara-
14 graph (B), the Secretary may accept as authori-
15 tative, and may rely upon, recommendations,
16 risk assessments, and scientific studies (includ-
17 ing analyses of National Firefighter Registry
18 data pertaining to Federal firefighters) by the
19 National Institute for Occupational Safety and
20 Health, the National Toxicology Program, the
21 National Academies of Sciences, Engineering,
22 and Medicine, and the International Agency for
23 Research on Cancer.”.

24 “(B) *TECHNICAL AND CONFORMING AMEND-*
25 *MENT.*—The table of sections for subchapter I of

1 *chapter 81 of title 5, United States Code, is*
2 *amended by inserting after the item relating to*
3 *section 8143a the following:*

“8143b. Employees in fire protection activities.”.

4 (C) *APPLICATION.—The amendments made*
5 *by this paragraph shall apply to claims for com-*
6 *ensation filed on or after the date of enactment*
7 *of this Act.*

8 (2) *RESEARCH COOPERATION.—Not later than*
9 *120 days after the date of enactment of this Act, the*
10 *Secretary of Labor (referred to in this subsection as*
11 *the “Secretary”) shall establish a process by which an*
12 *employee in fire protection activities, as defined in*
13 *subsection (a) of section 8143b of title 5, United*
14 *States Code, as added by paragraph (1) of this sub-*
15 *section (referred to in this subsection as an “employee*
16 *in fire protection activities”) filing a claim under*
17 *chapter 81 of title 5, United States Code, as amended*
18 *by this subsection, relating to an illness or disease on*
19 *the list established under subsection (b)(2) of such sec-*
20 *tion 8143b (referred to in this subsection as “the*
21 *list”) as the list may be updated under such section*
22 *8143b, shall be informed about, and offered the oppor-*
23 *tunity to contribute to science by voluntarily enroll-*
24 *ing in, the National Firefighter Registry or a similar*

1 *research or public health initiative conducted by the*
2 *Centers for Disease Control and Prevention.*

3 (3) *AGENDA FOR FURTHER REVIEW.—Not later*
4 *than 3 years after the date of enactment of this Act,*
5 *the Secretary shall—*

6 (A) *evaluate the best available scientific evi-*
7 *dence of the risk to an employee in fire protec-*
8 *tion activities of developing breast cancer, gynec-*
9 *ological cancers, and rhabdomyolysis;*

10 (B) *add breast cancer, gynecological can-*
11 *cers, and rhabdomyolysis to the list, by rule in*
12 *accordance with subsection (b)(3) of section*
13 *8143b of title 5, United States Code, as added by*
14 *paragraph (1) of this subsection, if the Secretary*
15 *determines that such evidence supports that ad-*
16 *dition; and*

17 (C) *submit to the Committee on Homeland*
18 *Security and Governmental Affairs of the Senate*
19 *and the Committee on Education and Labor of*
20 *the House of Representatives a report con-*
21 *taining—*

22 (i) *the findings of the Secretary after*
23 *making the evaluation required under sub-*
24 *paragraph (A); and*

1 (ii) the determination of the Secretary
2 under subparagraph (B).

3 (4) *REPORT ON FEDERAL WILDLAND FIRE-*
4 *FIGHTERS.—*

5 (A) *DEFINITION.—In this paragraph, the*
6 *term “Federal wildland firefighter” means an*
7 *individual occupying a position in the occupa-*
8 *tional series developed pursuant to section*
9 *40803(d)(1) of the Infrastructure Investment and*
10 *Jobs Act (16 U.S.C. 6592(d)(1)).*

11 (B) *STUDY.—The Secretary of the Interior*
12 *and the Secretary of Agriculture, in consultation*
13 *with the Director of the National Institute for*
14 *Occupational Safety and Health and the Sec-*
15 *retary, shall conduct a comprehensive study on*
16 *long-term health effects that Federal wildland*
17 *firefighters who are eligible to receive compensa-*
18 *tion for work injuries under chapter 81 of title*
19 *5, United States Code, as amended by this sub-*
20 *section, experience after being exposed to fires,*
21 *smoke, and toxic fumes when in service.*

22 (C) *REQUIREMENTS.—The study required*
23 *under subparagraph (B) shall include—*

1 (i) *the race, ethnicity, age, gender, and*
2 *time of service of the Federal wildland fire-*
3 *fighters participating in the study; and*

4 (ii) *recommendations to Congress re-*
5 *garding what legislative actions are needed*
6 *to support the Federal wildland firefighters*
7 *described in clause (i) in preventing health*
8 *issues from the toxic exposure described in*
9 *subparagraph (B), similar to veterans who*
10 *are exposed to burn pits.*

11 (D) *SUBMISSION AND PUBLICATION.—The*
12 *Secretary of the Interior and the Secretary of*
13 *Agriculture shall submit the results of the study*
14 *conducted under this paragraph to the Com-*
15 *mittee on Homeland Security and Governmental*
16 *Affairs of the Senate and the Committee on Edu-*
17 *cation and Labor of the House of Representatives*
18 *and make those results publicly available.*

19 (5) *REPORT ON AFFECTED EMPLOYEES.—Begin-*
20 *ning on the date that is 1 year after the date of enact-*
21 *ment of this Act, with respect to each annual report*
22 *required under section 8152 of title 5, United States*
23 *Code, the Secretary—*

24 (A) *shall include in the report the total*
25 *number of, and demographics regarding, employ-*

1 *ees in fire protection activities with illnesses and*
2 *diseases described in the list (as the list may be*
3 *updated under this subsection and the amend-*
4 *ments made by this subsection), as of the date on*
5 *which that annual report is submitted, which*
6 *shall be disaggregated by the specific illness or*
7 *disease for the purposes of understanding the*
8 *scope of the problem facing those employees; and*

9 *(B) may—*

10 *(i) include in the report any informa-*
11 *tion with respect to employees in fire pro-*
12 *tection activities that the Secretary deter-*
13 *mines to be necessary; and*

14 *(ii) as appropriate, make recommenda-*
15 *tions in the report for additional actions*
16 *that could be taken to minimize the risk of*
17 *adverse health impacts for employees in fire*
18 *protection activities.*

19 *(b) SUBROGATION OF CONTINUATION OF PAY.—*

20 *(1) SUBROGATION OF THE UNITED STATES.—*

21 *Section 8131 of title 5, United States Code, is amend-*
22 *ed—*

23 *(A) in subsection (a), in the matter pre-*
24 *ceding paragraph (1), by inserting “continu-*
25 *ation of pay or” before “compensation”; and*

1 (B) in subsection (c), in the second sentence,
2 by inserting “continuation of pay or” before
3 “compensation already paid”.

4 (2) *ADJUSTMENT AFTER RECOVER FROM THIRD*
5 *PERSON.*—Section 8132 of title 5, United States Code,
6 is amended—

7 (A) in the first sentence—

8 (i) by inserting “continuation of pay
9 or” before “compensation is payable”;

10 (ii) by inserting “continuation of pay
11 or” before “compensation from the United
12 States”;

13 (iii) by striking “in his behalf” and
14 inserting “on his behalf”; and

15 (iv) by inserting “continuation of pay
16 or” before “compensation paid by the
17 United States”; and

18 (B) by striking the fourth sentence and in-
19 serting the following: “If continuation of pay or
20 compensation has not been paid to the bene-
21 ficiary, the money or property shall be credited
22 against continuation of pay or compensation
23 payable to him by the United States for the same
24 injury.”.

1 (c) *INCREASE IN TIME-PERIOD FOR FECA CLAIMANT*
2 *SUPPLY SUPPORTING DOCUMENTATION TO OFFICE OF*
3 *WORKER’S COMPENSATION.—Not later than 16 days after*
4 *the date of enactment of this Act, the Secretary of Labor*
5 *shall—*

6 (1) *amend section 10.121 of title 20, Code of*
7 *Federal Regulations, or any successor regulation, by*
8 *striking “30 days” and inserting “60 days”; and*

9 (2) *modify the Federal Employees’ Compensation*
10 *Act manual to reflect the changes made by the Sec-*
11 *retary pursuant to paragraph (1).*

12 ***Subtitle B—PLUM Act of 2022***

13 ***SEC. 5321. SHORT TITLE.***

14 *This subtitle may be cited as the “Periodically Listing*
15 *Updates to Management Act of 2022” or the “PLUM Act*
16 *of 2022”.*

17 ***SEC. 5322. ESTABLISHMENT OF PUBLIC WEBSITE ON GOV-***
18 ***ERNMENT POLICY AND SUPPORTING POSI-***
19 ***TIONS.***

20 (a) *ESTABLISHMENT.—*

21 (1) *IN GENERAL.—Subchapter I of chapter 33 of*
22 *title 5, United States Code, is amended by adding at*
23 *the end the following:*

1 **“§ 3330f. Government policy and supporting position**
2 **data**

3 “(a) DEFINITIONS.—*In this section:*

4 “(1) AGENCY.—*The term ‘agency’ means—*

5 “(A) *any Executive agency, the United*
6 *States Postal Service, and the Postal Regulatory*
7 *Commission;*

8 “(B) *the Architect of the Capitol, the Gov-*
9 *ernment Accountability Office, the Government*
10 *Publishing Office, and the Library of Congress;*
11 *and*

12 “(C) *the Executive Office of the President*
13 *and any component within that Office (includ-*
14 *ing any successor component), including—*

15 “(i) *the Council of Economic Advisors;*

16 “(ii) *the Council on Environmental*
17 *Quality;*

18 “(iii) *the National Security Council;*

19 “(iv) *the Office of the Vice President;*

20 “(v) *the Office of Policy Development;*

21 “(vi) *the Office of Administration;*

22 “(vii) *the Office of Management and*
23 *Budget;*

24 “(viii) *the Office of the United States*
25 *Trade Representative;*

1 “(ix) the Office of Science and Tech-
2 nology Policy;

3 “(x) the Office of National Drug Con-
4 trol Policy; and

5 “(xi) the White House Office, including
6 the White House Office of Presidential Per-
7 sonnel.

8 “(2) APPOINTEE.—The term ‘appointee’—

9 “(A) means an individual serving in a pol-
10 icy and supporting position; and

11 “(B) includes an individual serving in such
12 a position temporarily in an acting capacity in
13 accordance with—

14 “(i) sections 3345 through 3349d (com-
15 monly referred to as the ‘Federal Vacancies
16 Reform Act of 1998’);

17 “(ii) any other statutory provision de-
18 scribed in section 3347(a)(1); or

19 “(iii) a Presidential appointment de-
20 scribed in section 3347(a)(2).

21 “(3) COVERED WEBSITE.—The term ‘covered
22 website’ means the website established and main-
23 tained by the Director under subsection (b).

24 “(4) DIRECTOR.—The term ‘Director’ means the
25 Director of the Office of Personnel Management.

1 “(5) *POLICY AND SUPPORTING POSITION.*—*The*
2 *term ‘policy and supporting position’—*

3 “(A) *means any position at an agency, as*
4 *determined by the Director, that, but for this sec-*
5 *tion and section 2(b)(3) of the PLUM Act of*
6 *2022, would be included in the publication enti-*
7 *tled ‘United States Government Policy and Sup-*
8 *porting Positions’, (commonly referred to as the*
9 *‘Plum Book’); and*

10 “(B) *may include—*

11 “(i) *a position on any level of the Ex-*
12 *ecutive Schedule under subchapter II of*
13 *chapter 53, or another position with an*
14 *equivalent rate of pay;*

15 “(ii) *a general position (as defined in*
16 *section 3132(a)(9)) in the Senior Executive*
17 *service;*

18 “(iii) *a position in the Senior Foreign*
19 *Service;*

20 “(iv) *a position of a confidential or*
21 *policy-determining character under schedule*
22 *C of subpart C of part 213 of title 5, Code*
23 *of Federal Regulations, or any successor*
24 *regulation; and*

1 “(v) any other position classified at or
2 above level GS–14 of the General Schedule
3 (or equivalent) that is excepted from the
4 competitive service by law because of the
5 confidential or policy-determining nature of
6 the position duties.

7 “(b) *ESTABLISHMENT OF WEBSITE.*—Not later than 1
8 year after the date of enactment of the PLUM Act of 2022,
9 the Director shall establish, and thereafter the Director shall
10 maintain, a public website containing the following infor-
11 mation for the President in office on the date of establish-
12 ment and for each subsequent President:

13 “(1) Each policy and supporting position in the
14 Federal Government, including any such position
15 that is vacant.

16 “(2) The name of each individual who—

17 “(A) is serving in a position described in
18 paragraph (1); or

19 “(B) previously served in a position de-
20 scribed in such paragraph under the applicable
21 President.

22 “(3) Information on—

23 “(A) any Government-wide or agency-wide
24 limitation on the total number of positions in
25 the Senior Executive Service under section 3133

1 *or 3134 or the total number of positions under*
2 *schedule C of subpart C of part 213 of title 5,*
3 *Code of Federal Regulations; and*

4 *“(B) the total number of individuals occu-*
5 *pying such positions.*

6 *“(c) CONTENTS.—With respect to any policy and sup-*
7 *porting position listed on the covered website, the Director*
8 *shall include—*

9 *“(1) the agency, and agency component, (includ-*
10 *ing the agency and bureau code used by the Office of*
11 *Management and Budget) in which the position is lo-*
12 *cated;*

13 *“(2) the name of the position;*

14 *“(3) the name of the individual occupying the*
15 *position (if any);*

16 *“(4) the geographic location of the position, in-*
17 *cluding the city, State or province, and country;*

18 *“(5) the pay system under which the position is*
19 *paid;*

20 *“(6) the level, grade, or rate of pay;*

21 *“(7) the term or duration of the appointment (if*
22 *any);*

23 *“(8) the expiration date, in the case of a time-*
24 *limited appointment;*

25 *“(9) a unique identifier for each appointee;*

1 “(10) *whether the position is vacant; and*

2 “(11) *for any position that is vacant—*

3 “(A) *for a position for which appointment*
4 *is required to be made by the President, by and*
5 *with the advice and consent of the Senate, the*
6 *name of the acting official; and*

7 “(B) *for other positions, the name of the of-*
8 *ficial performing the duties of the vacant posi-*
9 *tion.*

10 “(d) *CURRENT DATA.—For each agency, the Director*
11 *shall indicate in the information on the covered website the*
12 *date that the agency last updated the data.*

13 “(e) *FORMAT.—The Director shall make the data on*
14 *the covered website available to the public at no cost over*
15 *the internet in a searchable, sortable, downloadable, and*
16 *machine-readable format so that the data qualifies as an*
17 *open Government data asset, as defined in section 3502 of*
18 *title 44.*

19 “(f) *AUTHORITY OF DIRECTOR.—*

20 “(1) *INFORMATION REQUIRED.—Each agency*
21 *shall provide to the Director any information that the*
22 *Director determines necessary to establish and main-*
23 *tain the covered website, including the information*
24 *uploaded under paragraph (4).*

1 “(2) *REQUIREMENTS FOR AGENCIES.*—Not later
2 than 1 year after the date of enactment of the *PLUM*
3 *Act of 2022*, the Director shall issue instructions to
4 agencies with specific requirements for the provision
5 or uploading of information required under para-
6 graph (1), including—

7 “(A) specific data standards that an agency
8 shall follow to ensure that the information is
9 complete, accurate, and reliable;

10 “(B) data quality assurance methods; and

11 “(C) the timeframe during which an agency
12 shall provide or upload the information, includ-
13 ing the timeframe described under paragraph
14 (4).

15 “(3) *PUBLIC ACCOUNTABILITY.*—The Director
16 shall identify on the covered website any agency that
17 has failed to provide—

18 “(A) the information required by the Direc-
19 tor;

20 “(B) complete, accurate, and reliable infor-
21 mation; or

22 “(C) the information during the timeframe
23 specified by the Director.

24 “(4) *ANNUAL UPDATES.*—

1 “(A) *IN GENERAL.*—Not later than 90 days
2 after the date on which the covered website is es-
3 tablished, and not less than once during each
4 year thereafter, the head of each agency shall
5 upload to the covered website updated informa-
6 tion (if any) on—

7 “(i) *the policy and supporting posi-*
8 *tions in the agency;*

9 “(ii) *the appointees occupying such po-*
10 *sitions in the agency; and*

11 “(iii) *the former appointees who served*
12 *in such positions in the agency under the*
13 *President then in office.*

14 “(B) *SUPPLEMENT NOT SUPPLANT.*—Infor-
15 mation provided under subparagraph (A) shall
16 supplement, not supplant, previously provided
17 information under that subparagraph.

18 “(5) *OPM HELP DESK.*—The Director shall estab-
19 lish a central help desk, to be operated by not more
20 than 1 full-time employee, to assist any agency with
21 implementing this section.

22 “(6) *COORDINATION.*—The Director may des-
23 ignate 1 or more agencies to participate in the devel-
24 opment, establishment, operation, and support of the
25 covered website. With respect to any such designation,

1 *the Director may specify the scope of the responsibil-*
2 *ities of the agency so designated.*

3 “(7) *DATA STANDARDS AND TIMING.*—*The Direc-*
4 *tor shall make available on the covered website infor-*
5 *mation regarding data collection standards, quality*
6 *assurance methods, and time frames for reporting*
7 *data to the Director.*

8 “(8) *REGULATIONS.*—*The Director may pre-*
9 *scribe regulations necessary for the administration of*
10 *this section.*

11 “(g) *RESPONSIBILITY OF AGENCIES.*—

12 “(1) *PROVISION OF INFORMATION.*—*Each agency*
13 *shall comply with the instructions and guidance*
14 *issued by the Director to carry out this section, and,*
15 *upon request of the Director, shall provide appro-*
16 *priate assistance to the Director to ensure the success-*
17 *ful operation of the covered website in the manner*
18 *and within the timeframe specified by the Director*
19 *under subsection (f)(2).*

20 “(2) *ENSURING COMPLETENESS, ACCURACY, AND*
21 *RELIABILITY.*—*With respect to any submission of in-*
22 *formation described in paragraph (1), the head of an*
23 *agency shall include—*

1 “(A) an explanation of how the agency en-
2 sured the information is complete, accurate, and
3 reliable; and

4 “(B) a certification that the information is
5 complete, accurate, and reliable.

6 “(h) INFORMATION VERIFICATION.—

7 “(1) CONFIRMATION.—

8 “(A) IN GENERAL.—On the date that is 90
9 days after the date on which the covered website
10 is established, the Director, in coordination with
11 the White House Office of Presidential Personnel,
12 shall confirm that the information on the covered
13 website is complete, accurate, reliable, and up-to-
14 date.

15 “(B) CERTIFICATION.—On the date on
16 which the Director makes a confirmation under
17 subparagraph (A), the Director shall publish on
18 the covered website a certification that the con-
19 firmation has been made.

20 “(2) AUTHORITY OF DIRECTOR.—In carrying out
21 paragraph (1), the Director may—

22 “(A) request additional information from
23 an agency; and

24 “(B) use any additional information pro-
25 vided to the Director or the White House Office

1 *of Presidential Personnel for the purposes of*
2 *verification.*

3 “(3) *PUBLIC COMMENT.*—*The Director shall es-*
4 *tablish a process under which members of the public*
5 *may provide feedback regarding the accuracy of the*
6 *information on the covered website.*

7 “(i) *DATA ARCHIVING.*—

8 “(1) *IN GENERAL.*—*As soon as practicable after*
9 *a transitional inauguration day (as defined in sec-*
10 *tion 3349a), the Director, in consultation with the*
11 *Archivist of the United States, shall archive the data*
12 *that was compiled on the covered website for the pre-*
13 *ceding presidential administration.*

14 “(2) *PUBLIC AVAILABILITY.*—*The Director shall*
15 *make the data described in paragraph (1) publicly*
16 *available over the internet—*

17 “(A) *on, or through a link on, the covered*
18 *website;*

19 “(B) *at no cost; and*

20 “(C) *in a searchable, sortable, downloadable,*
21 *and machine-readable format.”.*

22 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
23 *tions for subchapter I of chapter 33 of title 5, United*
24 *States Code, is amended by adding at the end the fol-*
25 *lowing:*

“3330f. *Government policy and supporting position data.*”.

1 **(b) OTHER MATTERS.**—

2 **(1) DEFINITIONS.**—*In this subsection, the terms*
3 *“agency”, “covered website”, “Director”, and “policy*
4 *and supporting position” have the meanings given*
5 *those terms in section 3330f of title 5, United States*
6 *Code, as added by subsection (a).*

7 **(2) GAO REVIEW AND REPORT.**—*Not later than*
8 *1 year after the date on which the Director establishes*
9 *the covered website, the Comptroller General of the*
10 *United States shall conduct a review of, and issue a*
11 *briefing or report on, the implementation of this sub-*
12 *title and the amendments made by this subtitle, which*
13 *shall include—*

14 **(A)** *the quality of data required to be col-*
15 *lected and whether the data is complete, accu-*
16 *rate, timely, and reliable;*

17 **(B)** *any challenges experienced by agencies*
18 *in implementing this subtitle and the amend-*
19 *ments made by this subtitle; and*

20 **(C)** *any suggestions or modifications to en-*
21 *hance compliance with this subtitle and the*
22 *amendments made by this subtitle, including best*
23 *practices for agencies to follow.*

24 **(3) SUNSET OF PLUM BOOK.**—*Beginning on*
25 *January 1, 2026—*

1 (A) *the covered website shall serve as the*
 2 *public directory for policy and supporting posi-*
 3 *tions in the Government; and*

4 (B) *the publication entitled “United States*
 5 *Government Policy and Supporting Positions”,*
 6 *commonly referred to as the “Plum Book”, shall*
 7 *no longer be issued or published.*

8 (4) *FUNDING.—*

9 (A) *IN GENERAL.—No additional amounts*
 10 *are authorized to be appropriated to carry out*
 11 *this subtitle or the amendments made by this*
 12 *subtitle.*

13 (B) *OTHER FUNDING.—The Director shall*
 14 *carry out this subtitle and the amendments made*
 15 *by this subtitle using amounts otherwise avail-*
 16 *able to the Director.*

17 **TITLE LIV—21ST CENTURY**
 18 **ASSISTIVE TECHNOLOGY ACT**

Sec. 5401. Short title.

Sec. 5402. Reauthorization.

Sec. 5403. Effective date.

19 **SEC. 5401. SHORT TITLE.**

20 *This title may be cited as the “21st Century Assistive*
 21 *Technology Act”.*

22 **SEC. 5402. REAUTHORIZATION.**

23 *The Assistive Technology Act of 1998 (29 U.S.C. 3001*
 24 *et seq.) is amended to read as follows:*

1 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 “(a) *SHORT TITLE.*—*This Act may be cited as the ‘As-*
3 *sistive Technology Act of 1998’.*

4 “(b) *TABLE OF CONTENTS.*—*The table of contents of*
5 *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 tech-*
nology.

“*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.*

6 **“SEC. 2. PURPOSES.**

7 “*The purposes of this Act are to—*

8 “(1) *to support State efforts to improve the pro-*
9 *vision of assistive technology to individuals with dis-*
10 *abilities of all ages, including underrepresented popu-*
11 *lations, through comprehensive statewide programs of*
12 *technology-related assistance that are designed to—*

13 “(A) *increase the availability of, funding*
14 *for, access to, provision of, and education about*
15 *assistive technology devices and assistive tech-*
16 *nology services;*

17 “(B) *increase the ability of individuals with*
18 *disabilities to secure and maintain possession of*
19 *assistive technology devices as such individuals*
20 *make the transition between services offered by*
21 *educational or human service agencies or be-*

1 *tween settings of daily living (for example, be-*
2 *tween home and work);*

3 *“(C) increase the capacity of public agen-*
4 *cies and private entities to provide and pay for*
5 *assistive technology devices and assistive tech-*
6 *nology services on a statewide basis for individ-*
7 *uals with disabilities;*

8 *“(D) increase the involvement of individ-*
9 *uals with disabilities and, if appropriate, their*
10 *family members, guardians, advocates, and au-*
11 *thorized representatives, in decisions related to*
12 *the provision of assistive technology devices and*
13 *assistive technology services;*

14 *“(E) increase and promote coordination*
15 *among and between State and local agencies and*
16 *private entities (such as managed care pro-*
17 *viders), that are involved in carrying out activi-*
18 *ties under this Act;*

19 *“(F) increase the awareness and facilitate*
20 *the change of laws, regulations, policies, prac-*
21 *tices, procedures, and organizational structures*
22 *that facilitate the availability or provision of as-*
23 *istive technology devices and assistive technology*
24 *services; and*

1 “(G) increase awareness and knowledge of
2 the benefits of assistive technology devices and
3 assistive technology services among targeted indi-
4 viduals and entities and the general population;
5 and

6 “(2) to provide States and protection and advoca-
7 cy systems with financial assistance that supports
8 programs designed to maximize the ability of individ-
9 uals with disabilities and their family members,
10 guardians, advocates, and authorized representatives
11 to obtain assistive technology devices and assistive
12 technology services.

13 **“SEC. 3. DEFINITIONS.**

14 *“In this Act:*

15 “(1) *ADULT SERVICE PROGRAM.*—The term
16 ‘adult service program’ means a program that pro-
17 vides services to, or is otherwise substantially involved
18 with the major life functions of, individuals with dis-
19 abilities. Such term includes—

20 “(A) a program providing residential, sup-
21 portive, or employment-related services, to indi-
22 viduals with disabilities;

23 “(B) a program carried out by a center for
24 independent living, such as a center described in

1 *part C of title VII of the Rehabilitation Act of*
2 *1973 (29 U.S.C. 796f et seq.);*

3 *“(C) a program carried out by an employ-*
4 *ment support agency connected to adult voca-*
5 *tional rehabilitation, such as a one-stop partner,*
6 *as defined in section 3 of the Workforce Innova-*
7 *tion and Opportunity Act (29 U.S.C. 3102); and*

8 *“(D) a program carried out by another or-*
9 *ganization or vender licensed or registered by the*
10 *designated State agency, as defined in section 7*
11 *of the Rehabilitation Act of 1973 (29 U.S.C.*
12 *705).*

13 *“(2) AMERICAN INDIAN CONSORTIUM.—The term*
14 *‘American Indian consortium’ means an entity that*
15 *is an American Indian Consortium (as defined in*
16 *section 102 of the Developmental Disabilities Assist-*
17 *ance and Bill of Rights Act of 2000 (42 U.S.C.*
18 *15002)), and that is established to provide protection*
19 *and advocacy services for purposes of receiving fund-*
20 *ing under subtitle C of title I of such Act (42 U.S.C.*
21 *15041 et seq.).*

22 *“(3) ASSISTIVE TECHNOLOGY.—The term ‘assist-*
23 *ive technology’ means technology designed to be uti-*
24 *lized in an assistive technology device or assistive*
25 *technology service.*

1 “(4) *ASSISTIVE TECHNOLOGY DEVICE*.—*The term*
2 *‘assistive technology device’ means any item, piece of*
3 *equipment, or product system, whether acquired com-*
4 *mercially, modified, or customized, that is used to in-*
5 *crease, maintain, or improve functional capabilities*
6 *of individuals with disabilities.*

7 “(5) *ASSISTIVE TECHNOLOGY SERVICE*.—*The*
8 *term ‘assistive technology service’ means any service*
9 *that directly assists an individual with a disability*
10 *in the selection, acquisition, or use of an assistive*
11 *technology device. Such term includes—*

12 “(A) *the evaluation of the assistive tech-*
13 *nology needs of an individual with a disability,*
14 *including a functional evaluation of the impact*
15 *of the provision of appropriate assistive tech-*
16 *nology devices and services to the individual in*
17 *the customary environment of the individual;*

18 “(B) *a service consisting of purchasing,*
19 *leasing, or otherwise providing for the acquisi-*
20 *tion of assistive technology devices by individ-*
21 *uals with disabilities;*

22 “(C) *a service consisting of selecting, de-*
23 *signing, fitting, customizing, adapting, apply-*
24 *ing, maintaining, repairing, replacing, or donat-*
25 *ing assistive technology devices;*

1 “(D) coordination and use of necessary
2 therapies, interventions, or services with assistive
3 technology devices, such as therapies, interven-
4 tions, or services associated with education and
5 rehabilitation plans and programs;

6 “(E) instruction or technical assistance for
7 an individual with a disability or, where appro-
8 priate, the family members, guardians, advo-
9 cates, or authorized representatives of such an
10 individual;

11 “(F) instruction or technical assistance for
12 professionals (including individuals providing
13 education and rehabilitation services and entities
14 that manufacture or sell assistive technology de-
15 vices), employers, providers of employment and
16 training services, or other individuals who pro-
17 vide services to, employ, or are otherwise sub-
18 stantially involved in the major life functions of
19 individuals with disabilities; and

20 “(G) a service consisting of expanding the
21 availability of access to technology, including
22 electronic and information technology, to indi-
23 viduals with disabilities.

1 “(6) *CAPACITY BUILDING AND ADVOCACY ACTIVITIES.*—*The term ‘capacity building and advocacy activities’ means efforts that—*

4 “(A) *result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and*

8 “(B) *facilitate and increase access to, provision of, and funding for assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.*

15 “(7) *COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.*—*The term ‘comprehensive statewide program of technology-related assistance’ means a consumer-responsive program of technology-related assistance for individuals with disabilities that—*

21 “(A) *is implemented by a State;*

22 “(B) *is equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of*

1 *assistive technology device or assistive technology*
2 *service required; and*

3 “(C) *incorporates all the activities described*
4 *in section 4(e) (unless excluded pursuant to sec-*
5 *tion 4(e)(5)).*

6 “(8) *CONSUMER-RESPONSIVE.—The term ‘con-*
7 *sumer-responsive’—*

8 “(A) *with regard to policies, means that the*
9 *policies are consistent with the principles of—*

10 “(i) *respect for individual dignity, per-*
11 *sonal responsibility, self-determination, and*
12 *pursuit of meaningful careers, based on in-*
13 *formed choice, of individuals with disabil-*
14 *ities;*

15 “(ii) *respect for the privacy, rights,*
16 *and equal access (including the use of acces-*
17 *sible formats) of such individuals;*

18 “(iii) *inclusion, integration, and full*
19 *participation of such individuals in society;*

20 “(iv) *support for the involvement in*
21 *decisions of a family member, a guardian,*
22 *an advocate, or an authorized representa-*
23 *tive, if an individual with a disability re-*
24 *quests, desires, or needs such involvement;*
25 *and*

1 “(v) support for individual and sys-
2 tems advocacy and community involvement;
3 and

4 “(B) with respect to an entity, program, or
5 activity, means that the entity, program, or ac-
6 tivity—

7 “(i) is easily accessible to, and usable
8 by, individuals with disabilities and, when
9 appropriate, their family members, guard-
10 ians, advocates, or authorized representa-
11 tives;

12 “(ii) responds to the needs of individ-
13 uals with disabilities in a timely and ap-
14 propriate manner; and

15 “(iii) facilitates the full and meaning-
16 ful participation of individuals with dis-
17 abilities and their family members, guard-
18 ians, advocates, and authorized representa-
19 tives, in—

20 “(I) decisions relating to the pro-
21 vision of assistive technology devices
22 and assistive technology services to
23 such individuals; and

24 “(II) decisions related to the
25 maintenance, improvement, and eval-

1 *uation of the comprehensive statewide*
2 *program of technology-related assist-*
3 *ance, including decisions that affect ca-*
4 *capacity building and advocacy activi-*
5 *ties.*

6 “(9) *DISABILITY.*—*The term ‘disability’ has the*
7 *meaning given the term under section 3 of the Ameri-*
8 *cans with Disabilities Act of 1990 (42 U.S.C. 12102).*

9 “(10) *INDIVIDUAL WITH A DISABILITY.*—*The*
10 *term ‘individual with a disability’ means any indi-*
11 *vidual—*

12 “(A) *who has a disability; and*

13 “(B) *who is or would be enabled by an as-*
14 *sistive technology device or an assistive tech-*
15 *nology service to minimize deterioration in func-*
16 *tioning, to maintain a level of functioning, or to*
17 *achieve a greater level of functioning in any*
18 *major life activity.*

19 “(11) *INSTITUTION OF HIGHER EDUCATION.*—
20 *The term ‘institution of higher education’ has the*
21 *meaning given such term in section 101(a) of the*
22 *Higher Education Act of 1965 (20 U.S.C. 1001(a)),*
23 *and includes a community college receiving funding*
24 *under the Tribally Controlled Colleges and Univer-*
25 *sities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).*

1 “(12) *PROTECTION AND ADVOCACY SERVICES.*—
2 *The term ‘protection and advocacy services’ means*
3 *services that—*

4 “(A) *are described in subtitle C of title I of*
5 *the Developmental Disabilities Assistance and*
6 *Bill of Rights Act of 2000 (42 U.S.C. 15041 et*
7 *seq.), the Protection and Advocacy for Individ-*
8 *uals with Mental Illness Act (42 U.S.C. 10801 et*
9 *seq.), or section 509 of the Rehabilitation Act of*
10 *1973 (29 U.S.C. 794e); and*

11 “(B) *assist individuals with disabilities*
12 *with respect to assistive technology devices and*
13 *assistive technology services.*

14 “(13) *SECRETARY.*—*The term ‘Secretary’ means*
15 *the Secretary of Health and Human Services, acting*
16 *through the Administrator of the Administration for*
17 *Community Living.*

18 “(14) *STATE.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
20 *subparagraph (B), the term ‘State’ means each*
21 *of the 50 States of the United States, the District*
22 *of Columbia, the Commonwealth of Puerto Rico,*
23 *the United States Virgin Islands, Guam, Amer-*
24 *ican Samoa, and the Commonwealth of the*
25 *Northern Mariana Islands.*

1 “(B) *OUTLYING AREAS.*—*In section 4(b):*

2 “(i) *OUTLYING AREA.*—*The term ‘out-*
3 *lying area’ means the United States Virgin*
4 *Islands, Guam, American Samoa, and the*
5 *Commonwealth of the Northern Mariana Is-*
6 *lands.*

7 “(ii) *STATE.*—*The term ‘State’ does*
8 *not include the United States Virgin Is-*
9 *lands, Guam, American Samoa, and the*
10 *Commonwealth of the Northern Mariana Is-*
11 *lands.*

12 “(15) *STATE ASSISTIVE TECHNOLOGY PRO-*
13 *GRAM.*—*The term ‘State assistive technology program’*
14 *means a program authorized under section 4.*

15 “(16) *TARGETED INDIVIDUALS AND ENTITIES.*—
16 *The term ‘targeted individuals and entities’ means—*

17 “(A) *individuals with disabilities and their*
18 *family members, guardians, advocates, and au-*
19 *thorized representatives;*

20 “(B) *underrepresented populations;*

21 “(C) *individuals who work for public or*
22 *private entities (including centers for inde-*
23 *pendent living described in part C of title VII of*
24 *the Rehabilitation Act of 1973 (29 U.S.C. 796f*
25 *et seq.), insurers, or managed care providers)*

1 *that have contact with, or provide services to, in-*
2 *dividuals with disabilities;*

3 “(D) *educators and related services per-*
4 *sonnel, including personnel in elementary, sec-*
5 *ondary, and postsecondary schools, and in voca-*
6 *tional and early intervention programs;*

7 “(E) *technology experts (including web de-*
8 *signers and procurement officials);*

9 “(F) *health, allied health, and rehabilita-*
10 *tion professionals, and employees of hospitals,*
11 *skilled nursing, intermediate care, and assisted*
12 *living facilities (including discharge planners);*

13 “(G) *employers, especially small business*
14 *employers, and providers of employment and*
15 *training services;*

16 “(H) *entities that manufacture or sell as-*
17 *sistive technology devices;*

18 “(I) *entities that carry out community pro-*
19 *grams designed to develop essential community*
20 *services in rural and urban areas; and*

21 “(J) *other appropriate individuals and en-*
22 *tities, including public and private entities in-*
23 *volved in housing and transportation, as deter-*
24 *mined for a State by the State.*

1 “(17) *UNDERREPRESENTED POPULATION.*—*The*
2 *term ‘underrepresented population’ means a popu-*
3 *lation that is typically underrepresented in service*
4 *provision, and includes populations such as individ-*
5 *uals who have low-incidence disabilities, racial and*
6 *ethnic minorities, low income individuals, homeless*
7 *individuals (including children and youth), children*
8 *in foster care, individuals with limited English pro-*
9 *ficiency, individuals living in institutions seeking to*
10 *transition to the community from institutional set-*
11 *tings, youth with disabilities aging into adulthood,*
12 *older individuals, or individuals living in rural*
13 *areas.*

14 “(18) *UNIVERSAL DESIGN.*—*The term ‘universal*
15 *design’ means a concept or philosophy for designing*
16 *and delivering products and services that are usable*
17 *by people with the widest possible range of functional*
18 *capabilities, which include products and services that*
19 *are directly accessible (without requiring assistive*
20 *technologies) and products and services that are inter-*
21 *operable with assistive technologies.*

22 **“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PRO-**
23 **GRAMS.**

24 “(a) *GRANTS TO STATES.*—*The Secretary shall award*
25 *grants under subsection (b) to States to maintain a com-*

1 *prehensive statewide program of assistive technology-related*
2 *assistance described in subsection (e) through State assistive*
3 *technology programs that are designed to—*

4 “(1) *maximize the ability of individuals with*
5 *disabilities across the human lifespan and across the*
6 *wide array of disabilities, and their family members,*
7 *guardians, advocates, and authorized representatives,*
8 *to obtain assistive technology; and*

9 “(2) *increase access to assistive technology.*

10 “(b) *AMOUNT OF FINANCIAL ASSISTANCE.—*

11 “(1) *IN GENERAL.—From funds made available*
12 *to carry out this section, the Secretary shall award a*
13 *grant to each State, and outlying area, that meets the*
14 *requirements of this section from an allotment deter-*
15 *mined in accordance with paragraph (2).*

16 “(2) *CALCULATION OF STATE GRANTS.—*

17 “(A) *BASE YEAR.—Except as provided in*
18 *subparagraphs (B) and (C), the Secretary shall*
19 *allot to each State and outlying area for a fiscal*
20 *year an amount that is not less than the amount*
21 *the State or outlying area received under the*
22 *grants provided under section 4 of this Act (as*
23 *in effect on the day before the effective date of the*
24 *21st Century Assistive Technology Act) for fiscal*
25 *year 2022.*

1 “(B) *RATABLE REDUCTION.*—

2 “(i) *IN GENERAL.*—*If funds made*
3 *available to carry out this section for any*
4 *fiscal year are insufficient to make the al-*
5 *lotments required for each State and out-*
6 *lying area under subparagraph (A) for such*
7 *fiscal year, the Secretary shall ratably re-*
8 *duce the allotments for such fiscal year.*

9 “(ii) *ADDITIONAL FUNDS.*—*If, after the*
10 *Secretary makes the reductions described in*
11 *clause (i), additional funds become avail-*
12 *able to carry out this section for the fiscal*
13 *year, the Secretary shall ratably increase*
14 *the allotments, until the Secretary has allot-*
15 *ted the entire base year amount under sub-*
16 *paragraph (A).*

17 “(C) *APPROPRIATION HIGHER THAN BASE*
18 *YEAR AMOUNT.*—*For a fiscal year for which the*
19 *amount of funds made available to carry out this*
20 *section is greater than the base year amount*
21 *under subparagraph (A) and no greater than*
22 *\$40,000,000, the Secretary shall—*

23 “(i) *make the allotments described in*
24 *subparagraph (A);*

1 “(ii) from a portion of the remainder
2 of the funds after the Secretary makes the
3 allotments described in clause (i), the Sec-
4 retary shall—

5 “(I) from 50 percent of the por-
6 tion, allot to each State an equal
7 amount; and

8 “(II) from 50 percent of the por-
9 tion, allot to each State an amount
10 that bears the same relationship to
11 such 50 percent as the population of
12 the State bears to the population of all
13 States,
14 until each State has received an allotment
15 of not less than \$410,000 under clause (i)
16 and this clause; and

17 “(iii) from the remainder of the funds
18 after the Secretary makes the allotments de-
19 scribed in clause (ii), the Secretary shall—

20 “(I) from 80 percent of the re-
21 mainder, allot to each State an
22 amount that bears the same relation-
23 ship to such 80 percent as the popu-
24 lation of the State bears to the popu-
25 lation of all States; and

1 “(II) from 20 percent of the re-
2 mainder, allot to each State an equal
3 amount.

4 “(D) APPROPRIATION HIGHER THAN
5 THRESHOLD AMOUNT.—For a fiscal year for
6 which the amount of funds made available to
7 carry out this section is \$40,000,000 or greater,
8 the Secretary shall—

9 “(i) make the allotments described in
10 subparagraph (A);

11 “(ii) from the funds remaining after
12 the allotment described in clause (i), allot to
13 each outlying area an amount of such funds
14 until each outlying area has received an al-
15 lotment of exactly \$150,000 under clause (i)
16 and this clause;

17 “(iii) from a portion of the remainder
18 of the funds after the Secretary makes the
19 allotments described in clauses (i) and (ii),
20 the Secretary shall—

21 “(I) from 50 percent of the por-
22 tion, allot to each State an equal
23 amount; and

24 “(II) from 50 percent of the por-
25 tion, allot to each State an amount

1 *that bears the same relationship to*
2 *such 50 percent as the population of*
3 *the State bears to the population of all*
4 *States,*

5 *until each State has received an allotment*
6 *of not less than \$450,000 under clause (i)*
7 *and this clause; and*

8 *“(iv) from the remainder of the funds*
9 *after the Secretary makes the allotments de-*
10 *scribed in clause (iii), the Secretary shall—*

11 *“(I) from 80 percent of the re-*
12 *mainder, allot to each State an*
13 *amount that bears the same relation-*
14 *ship to such 80 percent as the popu-*
15 *lation of the State bears to the popu-*
16 *lation of all States; and*

17 *“(II) from 20 percent of the re-*
18 *mainder, allot to each State an equal*
19 *amount.*

20 *“(3) AVAILABILITY OF FUNDS.—Amounts made*
21 *available for a fiscal year under this section shall be*
22 *available for the fiscal year and the year following the*
23 *fiscal year.*

24 *“(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND AD-*
25 *VISORY 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 the*
8 *funds made available through the grant*
9 *awarded to the State under this sec-*
10 *tion; and*

11 “(II) *to submit the application*
12 *described in subsection (d) on behalf of*
13 *the State, to ensure conformance with*
14 *Federal and State accounting require-*
15 *ments.*

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 *isions necessary to implement the*
24 *comprehensive statewide program of*
25 *technology-related assistance;*

1 “(II) coordinating the activities of
2 the comprehensive statewide program
3 of technology-related assistance among
4 public and private entities, including
5 coordinating efforts related to entering
6 into interagency agreements and main-
7 taining and evaluating the program;
8 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 mean-
13 ingful participation by individuals
14 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 implementing

1 *entity shall carry out responsibilities under this*
2 *Act through a subcontract or another adminis-*
3 *trative agreement with the lead agency.*

4 “(C) *CHANGE IN AGENCY OR ENTITY.*—

5 “(i) *IN GENERAL.*—*On obtaining the*
6 *approval of the Secretary—*

7 “(I) *the Governor may redesignate*
8 *the lead agency of a State, if the Gov-*
9 *ernor shows to the Secretary, in ac-*
10 *cordance with subsection (d)(2)(B),*
11 *good cause why the agency designated*
12 *as the lead agency should not serve as*
13 *that agency; and*

14 “(II) *the Governor may redesign-*
15 *ate the implementing entity of a*
16 *State, if the Governor shows to the Sec-*
17 *retary in accordance with subsection*
18 *(d)(2)(B), good cause why the entity*
19 *designated as the implementing entity*
20 *should not serve as that entity.*

21 “(ii) *CONSTRUCTION.*—*Nothing in this*
22 *paragraph shall be construed to require the*
23 *Governor of a State to change the lead agen-*
24 *cy or implementing entity of the State to an*
25 *agency other than the lead agency or imple-*

1 *menting entity of such State as of the date*
2 *of enactment of the ‘21st Century Assistive*
3 *Technology Act’.*

4 “(2) *ADVISORY COUNCIL.*—

5 “(A) *IN GENERAL.*—*There shall be estab-*
6 *lished an advisory council to provide consumer-*
7 *responsive, consumer-driven advice to the State*
8 *for planning, implementation, and evaluation of*
9 *the activities carried out through the grant, in-*
10 *cluding setting the measurable goals described in*
11 *subsection (d)(3)(C).*

12 “(B) *COMPOSITION AND REPRESENTA-*
13 *TION.*—

14 “(i) *COMPOSITION.*—*The advisory*
15 *council shall be composed of—*

16 “(I) *individuals with disabilities*
17 *who use assistive technology or the*
18 *family members or guardians of the in-*
19 *dividuals;*

20 “(II) *a representative of the des-*
21 *ignated State agency, as defined in sec-*
22 *tion 7 of the Rehabilitation Act of*
23 *1973 (29 U.S.C. 705);*

24 “(III) *a representative of the des-*
25 *ignated State agency for individuals*

1 *who are blind or that provides assist-*
2 *ance or services to adults who are blind*
3 *(within the meaning of section 101 of*
4 *that Act (29 U.S.C. 721)), if such*
5 *agency is separate from the agency de-*
6 *scribed in subclause (II);*

7 *“(IV) a representative of a State*
8 *center for independent living described*
9 *in part C of title VII of the Rehabilita-*
10 *tion Act of 1973 (29 U.S.C. 796f et*
11 *seq.), or the Statewide Independent*
12 *Living Council established under sec-*
13 *tion 705 of such Act (29 U.S.C. 796d);*

14 *“(V) a representative of the State*
15 *workforce development board estab-*
16 *lished under section 101 of the Work-*
17 *force Innovation and Opportunity Act*
18 *(29 U.S.C. 3111);*

19 *“(VI) a representative of the State*
20 *educational agency, as defined in sec-*
21 *tion 8101 of the Elementary and Sec-*
22 *ondary Education Act of 1965 (20*
23 *U.S.C. 7801);*

1 “(VII) a representative of an al-
2 ternative financing program for assist-
3 ive technology if—

4 “(aa) there is an alternative
5 financing program for assistive
6 technology in the State;

7 “(bb) such program is sepa-
8 rate from the State assistive tech-
9 nology program supported under
10 subsection (e)(2); and

11 “(cc) the program described
12 in item (aa) is operated by a non-
13 profit entity;

14 “(VIII) a representative of 1 or
15 more of—

16 “(aa) the agency responsible
17 for administering the State Med-
18 icaid program under title XIX of
19 the Social Security Act (42 U.S.C.
20 1396 et seq.);

21 “(bb) the designated State
22 agency for purposes of section 124
23 of the Developmental Disabilities
24 Assistance and Bill of Rights Act
25 of 2000 (42 U.S.C. 15024);

1 “(cc) the State agency des-
2 ignated under section 305(a)(1) of
3 the Older Americans Act of 1965
4 (42 U.S.C. 3025(a)(1)), or an or-
5 ganization that receives assistance
6 under such Act (42 U.S.C. 3001 et
7 seq.);

8 “(dd) an organization rep-
9 resenting disabled veterans;

10 “(ee) a University Center for
11 Excellence in Developmental Dis-
12 abilities Education, Research, and
13 Service designated under section
14 151(a) of the Developmental Dis-
15 abilities Assistance and Bill of
16 Rights Act of 2000 (42 U.S.C.
17 15061(a));

18 “(ff) the State protection and
19 advocacy system established in ac-
20 cordance with section 143 of the
21 Developmental Disabilities Assist-
22 ance and Bill of Rights Act of
23 2000 (42 U.S.C. 15043); or

24 “(gg) the State Council on
25 Developmental Disabilities estab-

1997

1 *lished under section 125 of the De-*
2 *velopmental Disabilities Assist-*
3 *ance and Bill of Rights Act of*
4 *2000 (42 U.S.C. 15025); and*

5 *“(IX) representatives of other*
6 *State agencies, public agencies, or pri-*
7 *ivate organizations, as determined by*
8 *the State.*

9 *“(ii) MAJORITY.—*

10 *“(I) IN GENERAL.—Not less than*
11 *51 percent of the members of the advi-*
12 *sory council shall be members ap-*
13 *pointed under clause (i)(I), a majority*
14 *of whom shall be individuals with dis-*
15 *abilities.*

16 *“(II) REPRESENTATIVES OF*
17 *AGENCIES.—Members appointed under*
18 *subclauses (II) through (IX) of clause*
19 *(i) shall not count toward the majority*
20 *membership requirement established in*
21 *subclause (I).*

22 *“(iii) REPRESENTATION.—The advi-*
23 *sory council shall be geographically rep-*
24 *resentative of the State and reflect the diver-*
25 *sity of the State with respect to race, eth-*

1 *nicity, age, and types of disabilities, and*
2 *users of types of services that an individual*
3 *with a disability may receive, including*
4 *home and community-based services (as de-*
5 *defined in section 9817(a)(2) of the American*
6 *Rescue Plan Act of 2021 (42 U.S.C. 1396d*
7 *note)), vocational rehabilitation services (as*
8 *defined in section 7 of the Rehabilitation*
9 *Act of 1973 (29 U.S.C. 705)), and services*
10 *through the Individuals with Disabilities*
11 *Education Act (20 U.S.C. 1400 et seq.).*

12 “(C) *EXPENSES.*—*The members of the advi-*
13 *sory council shall receive no compensation for*
14 *their service on the advisory council, but shall be*
15 *reimbursed for reasonable and necessary expenses*
16 *actually incurred in the performance of official*
17 *duties for the advisory council.*

18 “(D) *IMPACT ON EXISTING STATUTES,*
19 *RULES, OR POLICIES.*—*Nothing in this para-*
20 *graph shall be construed to affect State statutes,*
21 *rules, or official policies relating to advisory*
22 *bodies for State assistive technology programs or*
23 *require changes to governing bodies of incor-*
24 *porated agencies that carry out State assistive*
25 *technology programs.*

1 “(d) *APPLICATION.*—

2 “(1) *IN GENERAL.*—*Any State that desires to re-*
3 *ceive a grant under this section shall submit an ap-*
4 *plication to the Secretary, at such time, in such man-*
5 *ner, and containing such information as the Sec-*
6 *retary may require.*

7 “(2) *LEAD AGENCY AND IMPLEMENTING ENTI-*
8 *TY.*—

9 “(A) *IN GENERAL.*—*The application shall*
10 *contain—*

11 “(i) *information identifying and de-*
12 *scribing the lead agency referred to in sub-*
13 *section (c)(1)(A);*

14 “(ii) *information identifying and de-*
15 *scribing the implementing entity referred to*
16 *in subsection (c)(1)(B), if the Governor of*
17 *the State designates such an entity; and*

18 “(iii) *a description of how individuals*
19 *with disabilities were involved in the devel-*
20 *opment of the application and will be in-*
21 *volved in the implementation of the activi-*
22 *ties to be carried out through the grant and*
23 *through the advisory council established in*
24 *accordance with subsection (c)(2).*

1 “(B) *CHANGE IN LEAD AGENCY OR IMPLE-*
2 *MENTING ENTITY.—In any case where—*

3 “(i) *the Governor requests to redesign-*
4 *nate a lead agency, the Governor shall in-*
5 *clude in, or amend, the application to re-*
6 *quest the redesignation and provide a writ-*
7 *ten description of the rationale for the re-*
8 *quested change; or*

9 “(ii) *the Governor requests to redesign-*
10 *nate an implementing entity, the Governor*
11 *shall include in, or amend, the application*
12 *to request the redesignation and provide a*
13 *written description of the rationale for the*
14 *requested change.*

15 “(3) *STATE PLAN.—The application under this*
16 *subsection shall include a State plan for assistive*
17 *technology consisting of—*

18 “(A) *a description of how the State will*
19 *carry out a comprehensive statewide program*
20 *that provides assistive technology activities de-*
21 *scribed in subsection (e) (unless excluded by the*
22 *State pursuant to subsection (e)(5));*

23 “(B) *a description of how the State will al-*
24 *locate and utilize grant funds to implement the*
25 *activities described in subparagraph (A), includ-*

1 *ing describing proposed budget allocations and*
2 *planned procedures for tracking expenditures for*
3 *the activities;*

4 “(C) *measurable goals, and a timeline for*
5 *meeting the goals, that the State has set for ad-*
6 *ressing the assistive technology needs of individ-*
7 *uals with disabilities in the State related to—*

8 “(i) *education, including goals involv-*
9 *ing the provision of assistive technology to*
10 *individuals with disabilities who receive*
11 *services under the Individuals with Disabil-*
12 *ities Education Act (20 U.S.C. 1400 et*
13 *seq.);*

14 “(ii) *employment, including goals in-*
15 *volving the State vocational rehabilitation*
16 *program carried out under title I of the Re-*
17 *habilitation Act of 1973 (29 U.S.C. 720 et*
18 *seq.);*

19 “(iii) *access to teleassistive technology*
20 *to aid in the access of health care services,*
21 *including mental health and substance use*
22 *disorder services;*

23 “(iv) *accessible information and com-*
24 *munication technology instruction for indi-*

1 *viduals with disabilities receiving assistive*
2 *technology under this section; and*

3 *“(v) community living;*

4 *“(D) information describing how the State*
5 *will quantifiably measure the goals, in a manner*
6 *consistent with the data submitted through the*
7 *progress reports under subsection (f), to deter-*
8 *mine whether the goals have been achieved; and*

9 *“(E) a description of any activities de-*
10 *scribed in subsection (e) that the State will sup-*
11 *port with State or other non-Federal funds.*

12 *“(4) INVOLVEMENT OF PUBLIC AND PRIVATE EN-*
13 *TITIES.—The application shall describe how various*
14 *public and private entities, including individuals*
15 *with disabilities and their families, were involved in*
16 *the development of the application, including the*
17 *measurable goals and timeline described in paragraph*
18 *(3)(C) and the description of how the goals will be*
19 *quantifiably measured described in paragraph (3)(D),*
20 *and will be involved in the implementation of the ac-*
21 *tivities to be carried out through the grant, includ-*
22 *ing—*

23 *“(A) in cases determined to be appropriate*
24 *by the State, a description of the nature and ex-*
25 *tent of resources that will be committed by public*

1 *and private partners to assist in accomplishing*
2 *identified goals; and*

3 “(B) *a description of the mechanisms estab-*
4 *lished to ensure coordination of activities and*
5 *collaboration between the implementing entity, if*
6 *any, and the State.*

7 “(5) *ASSURANCES.—The application shall in-*
8 *clude assurances that—*

9 “(A) *the State will annually collect data re-*
10 *lated to the required activities implemented by*
11 *the State under this section in order to prepare*
12 *the progress reports required under subsection*
13 *(f);*

14 “(B) *funds received through the grant—*

15 “(i) *will be expended in accordance*
16 *with this section; and*

17 “(ii) *will be used to supplement, and*
18 *not supplant, funds available from other*
19 *sources for technology-related assistance, in-*
20 *cluding the provision of assistive technology*
21 *devices and assistive technology services;*

22 “(C) *the lead agency will control and ad-*
23 *minister the funds received through the grant;*

24 “(D) *the State will adopt such fiscal control*
25 *and accounting procedures as may be necessary*

1 *to ensure proper disbursement of and accounting*
2 *for the funds received through the grant;*

3 “(E) *the physical facility of the lead agency*
4 *and implementing entity, if any, meets the re-*
5 *quirements of the Americans with Disabilities*
6 *Act of 1990 (42 U.S.C. 12101 et seq.) regarding*
7 *accessibility for individuals with disabilities;*

8 “(F) *a public agency or an individual with*
9 *a disability holds title to any property pur-*
10 *chased with funds received under the grant and*
11 *administers that property;*

12 “(G) *activities carried out in the State that*
13 *are authorized under this Act, and supported by*
14 *Federal funds received under this Act, will com-*
15 *ply with the standards established by the Archi-*
16 *tectural and Transportation Barriers Compli-*
17 *ance Board under section 508 of the Rehabilita-*
18 *tion Act of 1973 (29 U.S.C. 794d); and*

19 “(H) *the State will—*

20 “(i) *prepare reports to the Secretary in*
21 *such form and containing such information*
22 *as the Secretary may require to carry out*
23 *the Secretary’s functions under this Act;*
24 *and*

1 “(i) *keep such records and allow ac-*
2 *cess to such records as the Secretary may*
3 *require to ensure the correctness and*
4 *verification of information provided to the*
5 *Secretary under this subparagraph.*

6 “(e) *USE OF FUNDS.—*

7 “(1) *REQUIRED ACTIVITIES.—*

8 “(A) *IN GENERAL.—Except as provided in*
9 *subparagraph (B) and paragraph (5), any State*
10 *that receives a grant under this section shall—*

11 “(i) *use a portion of not more than 40*
12 *percent of the funds made available through*
13 *the grant to carry out all activities de-*
14 *scribed in paragraph (3), of which not less*
15 *than 5 percent of such portion shall be*
16 *available for activities described in para-*
17 *graph (3)(A)(iii); and*

18 “(ii) *use a portion of the funds made*
19 *available through the grant to carry out all*
20 *of the activities described in paragraph (2).*

21 “(B) *STATE OR OTHER NON-FEDERAL FI-*
22 *NANCIAL SUPPORT.—A State receiving a grant*
23 *under this section shall not be required to use*
24 *grant funds to carry out the category of activi-*
25 *ties described in subparagraph (A), (B), (C), or*

1 *(D) of paragraph (2) in that State if, for such*
2 *category of activities, financial support is pro-*
3 *vided in that State—*

4 *“(i) from State or other non-Federal*
5 *resources or entities; and*

6 *“(ii) in an amount that is comparable*
7 *to, or greater than, the amount of the por-*
8 *tion of the funds made available through the*
9 *grant that the State would have expended*
10 *for such category of activities, in the ab-*
11 *sence of this subparagraph.*

12 *“(2) STATE-LEVEL ACTIVITIES.—*

13 *“(A) STATE FINANCING ACTIVITIES.—The*
14 *State shall support State financing activities to*
15 *increase access to, and funding for, assistive*
16 *technology devices and assistive technology serv-*
17 *ices (which shall not include direct payment for*
18 *such a device or service for an individual with*
19 *a disability but may include support and ad-*
20 *ministration of a program to provide such pay-*
21 *ment), including development of systems to pro-*
22 *vide and pay for such devices and services, for*
23 *targeted individuals and entities described in*
24 *section 3(16)(A), including—*

1 “(i) support for the development of sys-
2 tems for the purchase, lease, or other acqui-
3 sition of, or payment for, assistive tech-
4 nology devices and assistive technology serv-
5 ices;

6 “(ii) another mechanism that is ap-
7 proved by the Secretary; or

8 “(iii) support for the development of a
9 State-financed or privately financed alter-
10 native financing program engaged in the
11 provision of assistive technology devices,
12 such as—

13 “(I) a low-interest loan fund;

14 “(II) an interest buy-down pro-
15 gram;

16 “(III) a revolving loan fund; or

17 “(IV) a loan guarantee or insur-
18 ance program.

19 “(B) *DEVICE REUTILIZATION PROGRAMS.*—
20 The State shall directly, or in collaboration with
21 public or private entities, carry out assistive
22 technology device reutilization programs that
23 provide for the exchange, repair, recycling, or
24 other reutilization of assistive technology devices,

1 *which may include redistribution through device*
2 *sales, loans, rentals, or donations.*

3 “(C) *DEVICE LOAN PROGRAMS.*—*The State*
4 *shall directly, or in collaboration with public or*
5 *private entities, carry out device loan programs*
6 *that provide short-term loans of assistive tech-*
7 *nology devices to individuals, employers, public*
8 *agencies, or others seeking to meet the needs of*
9 *targeted individuals and entities, including oth-*
10 *ers seeking to comply with the Individuals with*
11 *Disabilities Education Act (20 U.S.C. 1400 et*
12 *seq.), the Americans with Disabilities Act of*
13 *1990 (42 U.S.C. 12101 et seq.), and section 504*
14 *of the Rehabilitation Act of 1973 (29 U.S.C.*
15 *794).*

16 “(D) *DEVICE DEMONSTRATIONS.*—
17 “(i) *IN GENERAL.*—*The State shall di-*
18 *rectly, or in collaboration with public and*
19 *private entities, such as one-stop partners,*
20 *as defined in section 3 of the Workforce In-*
21 *novation and Opportunity Act (29 U.S.C.*
22 *3102), demonstrate a variety of assistive*
23 *technology devices and assistive technology*
24 *services (including assisting individuals in*
25 *making informed choices regarding, and*

1 *providing experiences with, the devices and*
2 *services), using personnel who are familiar*
3 *with such devices and services and their ap-*
4 *plications.*

5 “(ii) *COMPREHENSIVE INFORMA-*
6 *TION.—The State shall directly, or through*
7 *referrals, provide to individuals, to the ex-*
8 *tent practicable, comprehensive information*
9 *about State and local assistive technology*
10 *venders, providers, and repair services.*

11 “(3) *STATE LEADERSHIP ACTIVITIES.—*

12 “(A) *EDUCATIONAL ACTIVITIES AND TECH-*
13 *NICAL ASSISTANCE.—*

14 “(i) *IN GENERAL.—The State shall, di-*
15 *rectly or through the provision of support to*
16 *public or private entities with demonstrated*
17 *expertise in collaborating with public or*
18 *private agencies that serve individuals with*
19 *disabilities, develop and disseminate train-*
20 *ing materials, conduct educational activi-*
21 *ties, and provide technical assistance, for*
22 *individuals statewide, including representa-*
23 *tives of State and local educational agen-*
24 *cies, State vocational rehabilitation pro-*
25 *grams, other State and local agencies, early*

1 *intervention programs, adult service pro-*
2 *grams, hospitals and other health care fa-*
3 *cilities, institutions of higher education,*
4 *and businesses.*

5 “(ii) *AUTHORIZED ACTIVITIES.—In*
6 *carrying out activities under clause (i), the*
7 *State shall carry out activities that enhance*
8 *the knowledge, skills, and competencies of*
9 *individuals from local settings described in*
10 *such clause, which may include—*

11 “(I) *raising awareness and pro-*
12 *viding instruction on the benefits of as-*
13 *istive technology and the Federal,*
14 *State, and private funding sources*
15 *available to assist targeted individuals*
16 *and entities in acquiring assistive*
17 *technology;*

18 “(II) *skills development in assess-*
19 *ing the need for assistive technology de-*
20 *vices and assistive technology services;*

21 “(III) *instruction to ensure the*
22 *appropriate application and use of as-*
23 *istive technology devices, assistive*
24 *technology services, and accessible in-*

1 *formation and communication tech-*
2 *nology for e-government functions;*

3 *“(IV) instruction in the impor-*
4 *tance of multiple approaches to assess-*
5 *ment and implementation necessary to*
6 *meet the individualized needs of indi-*
7 *viduals with disabilities; and*

8 *“(V) technical instruction on inte-*
9 *grating assistive technology into the*
10 *development and implementation of*
11 *service plans, including any education,*
12 *health, discharge, Olmstead, employ-*
13 *ment, or other plan required under*
14 *Federal or State law.*

15 *“(iii) TRANSITION ASSISTANCE TO IN-*
16 *DIVIDUALS WITH DISABILITIES.—The State*
17 *shall (directly or through the provision of*
18 *support to public or private entities) de-*
19 *velop and disseminate educational mate-*
20 *rials, conduct educational activities, facili-*
21 *tate access to assistive technology, and pro-*
22 *vide technical assistance, to assist—*

23 *“(I) students with disabilities,*
24 *within the meaning of the Individuals*
25 *with Disabilities Education Act (20*

1 *U.S.C. 1400 et seq.*), that receive tran-
2 *sition services; and*

3 “(II) *adults who are individuals*
4 *with disabilities maintaining or*
5 *transitioning to community living.*

6 “(B) *PUBLIC-AWARENESS ACTIVITIES.—*

7 “(i) *IN GENERAL.—The State shall*
8 *conduct public-awareness activities designed*
9 *to provide information to targeted individ-*
10 *uals and entities relating to the avail-*
11 *ability, benefits, appropriateness, and costs*
12 *of assistive technology devices and assistive*
13 *technology services, including—*

14 “(I) *the development of procedures*
15 *for providing direct communication be-*
16 *tween providers of assistive technology*
17 *and targeted individuals and entities,*
18 *which may include partnerships with*
19 *entities in the statewide and local*
20 *workforce development systems estab-*
21 *lished under the Workforce Innovation*
22 *and Opportunity Act (29 U.S.C. 3101*
23 *et seq.), State vocational rehabilitation*
24 *programs, public and private employ-*
25 *ers, centers for independent living de-*

1 *scribed in part C of title VII of the Re-*
2 *habilitation Act of 1973 (29 U.S.C.*
3 *796f et seq.), Aging and Disability Re-*
4 *source Centers (as defined in section*
5 *102 of the Older Americans Act of*
6 *1965 (42 U.S.C. 3002)), or elementary*
7 *schools and secondary schools (as de-*
8 *fined in section 8101 of the Elemen-*
9 *tary and Secondary Education Act of*
10 *1965 (20 U.S.C. 7801));*

11 *“(II) the development and dis-*
12 *semination, to targeted individuals*
13 *and entities, of information about*
14 *State efforts related to assistive tech-*
15 *nology; and*

16 *“(III) the distribution of mate-*
17 *rials to appropriate public and private*
18 *agencies that provide social, medical,*
19 *educational, employment, housing, and*
20 *transportation services to individuals*
21 *with disabilities.*

22 *“(i) STATEWIDE INFORMATION AND*
23 *REFERRAL SYSTEM.—*

24 *“(I) IN GENERAL.—The State*
25 *shall directly, or in collaboration with*

1 *public or private entities (including*
2 *nonprofit organizations), provide for*
3 *the continuation and enhancement of a*
4 *statewide information and referral sys-*
5 *tem designed to meet the needs of tar-*
6 *geted individuals and entities.*

7 “(II) *CONTENT.—The system shall*
8 *deliver information on assistive tech-*
9 *nology devices, assistive technology*
10 *services (with specific data regarding*
11 *provider availability within the State),*
12 *and the availability of resources, in-*
13 *cluding funding through public and*
14 *private sources, to obtain assistive*
15 *technology devices and assistive tech-*
16 *nology services. The system shall also*
17 *deliver information on the benefits of*
18 *assistive technology devices and assist-*
19 *ive technology services with respect to*
20 *enhancing the capacity of individuals*
21 *with disabilities to perform activities*
22 *of daily living.*

23 “(C) *COORDINATION AND COLLABORA-*
24 *TION.—The State shall coordinate activities de-*
25 *scribed in paragraph (2) and this paragraph,*

1 *among public and private entities that are re-*
2 *sponsible for policies, procedures, or funding for*
3 *the provision of assistive technology devices and*
4 *assistive technology services to improve access to*
5 *such devices and services in the State.*

6 “(4) *FUNDING RULES.*—

7 “(A) *PROHIBITION.*—*Funds made available*
8 *through a grant to a State under this section*
9 *shall not be used for direct payment for an as-*
10 *istive technology device for an individual with*
11 *a disability.*

12 “(B) *FEDERAL PARTNER COLLABORA-*
13 *TION.*—*In order to coordinate efforts regarding*
14 *the availability of funding to access and acquire*
15 *assistive technology through device demonstra-*
16 *tion, loan, reuse, and State financing activities,*
17 *a State receiving a grant under this section shall*
18 *ensure that the lead agency or implementing en-*
19 *tity is conducting outreach to and, as appro-*
20 *priate, collaborating with, other State agencies*
21 *that receive Federal funding for assistive tech-*
22 *nology, including—*

23 “(i) *the State educational agency re-*
24 *ceiving assistance under the Individuals*

1 *with Disabilities Education Act (20 U.S.C.*
2 *1400 et seq.);*

3 “(ii) *the State vocational rehabilita-*
4 *tion agency receiving assistance under title*
5 *I of the Rehabilitation Act of 1973 (29*
6 *U.S.C. 720 et seq.);*

7 “(iii) *the agency responsible for ad-*
8 *ministering the State Medicaid program*
9 *under title XIX of the Social Security Act*
10 *(42 U.S.C. 1396 et seq.);*

11 “(iv) *the State agency receiving assist-*
12 *ance under the Older Americans Act of 1965*
13 *(42 U.S.C. 3001 et seq.); and*

14 “(v) *any other agency in a State that*
15 *funds assistive technology.*

16 “(C) *INDIRECT COSTS.—Not more than 10*
17 *percent of the funds made available through a*
18 *grant to a State under this section may be used*
19 *for indirect costs.*

20 “(5) *STATE FLEXIBILITY.—*

21 “(A) *IN GENERAL.—Notwithstanding para-*
22 *graph (1)(A) and subject to subparagraph (B), a*
23 *State may use funds that the State receives*
24 *under a grant awarded under this section to*

1 *carry out any 2 or more of the activities de-*
2 *scribed in paragraph (2).*

3 “(B) *SPECIAL RULE.—Notwithstanding*
4 *paragraph (1)(A), any State that exercises its*
5 *authority under subparagraph (A)—*

6 “(i) *shall carry out each of the re-*
7 *quired activities described in paragraph (3);*
8 *and*

9 “(ii) *shall use not more than 30 per-*
10 *cent of the funds made available through the*
11 *grant to carry out such activities.*

12 “(6) *ASSISTIVE TECHNOLOGY DEVICE DISPOSI-*
13 *TION.—Notwithstanding other equipment disposition*
14 *policy under Federal law, an assistive technology de-*
15 *vice purchased to be used in activities authorized*
16 *under this section may be reutilized to the maximum*
17 *extent possible and then donated to a public agency,*
18 *private nonprofit agency, or individual with a dis-*
19 *ability in need of such device.*

20 “(f) *ANNUAL PROGRESS REPORTS.—*

21 “(1) *DATA COLLECTION.—Each State receiving a*
22 *grant under this section shall participate in data col-*
23 *lection as required by law, including data collection*
24 *required for preparation of the reports described in*
25 *paragraph (2).*

1 “(2) *REPORTS.*—

2 “(A) *IN GENERAL.*—*Each State shall pre-*
3 *pare and submit to the Secretary an annual*
4 *progress report on the activities carried out by*
5 *the State in accordance with subsection (e), in-*
6 *cluding activities funded by State or other non-*
7 *Federal sources under subsection (e)(1)(B) at*
8 *such time, and in such manner, as the Secretary*
9 *may require.*

10 “(B) *CONTENTS.*—*The report shall include*
11 *data collected pursuant to this section. The re-*
12 *port shall document, with respect to activities*
13 *carried out under this section in the State—*

14 “(i) *the type of State financing activi-*
15 *ties described in subsection (e)(2)(A) used*
16 *by the State;*

17 “(ii) *the amount and type of assistance*
18 *given to consumers of the State financing*
19 *activities described in subsection (e)(2)(A)*
20 *(which shall be classified by type of assistive*
21 *technology device or assistive technology*
22 *service financed through the State financing*
23 *activities, and geographic distribution with-*
24 *in the State), including—*

1 “(I) the number of applications
2 for assistance received;
3 “(II) the number of applica-
4 tions—
5 “(aa) approved;
6 “(bb) denied; or
7 “(cc) withdrawn;
8 “(III) the number, percentage,
9 and dollar amount of defaults for the
10 financing activities;
11 “(IV) the range and average inter-
12 est rate for the financing activities;
13 “(V) the range and average in-
14 come of approved applicants for the fi-
15 nancing activities; and
16 “(VI) the types and dollar
17 amounts of assistive technology fi-
18 nanced;
19 “(iii) the number, type, and length of
20 time of loans of assistive technology devices
21 provided to individuals with disabilities,
22 employers, public agencies, or public accom-
23 modations through the device loan program
24 described in subsection (e)(2)(C), and an
25 analysis of the types of such devices pro-

1 *vided through the program, and how each*
2 *device benefitted the individual who received*
3 *such device;*

4 *“(iv) the number, type, estimated*
5 *value, and scope of assistive technology de-*
6 *vices exchanged, repaired, recycled, or reuti-*
7 *lized (including redistributed through device*
8 *sales, loans, rentals, or donations) through*
9 *the device reutilization program described*
10 *in subsection (e)(2)(B), and an analysis of*
11 *the individuals with disabilities who have*
12 *benefited from the device reutilization pro-*
13 *gram;*

14 *“(v) the number and type of device*
15 *demonstrations and referrals provided*
16 *under subsection (e)(2)(D), and an analysis*
17 *of individuals with disabilities who have*
18 *benefited from the demonstrations and refer-*
19 *als;*

20 *“(vi)(I) the number and general char-*
21 *acteristics of individuals who participated*
22 *in educational activities under subsection*
23 *(e)(3)(A) (such as individuals with disabil-*
24 *ities, parents, educators, employers, pro-*
25 *viders of employment services, health care*

1 *workers, counselors, other service providers,*
2 *or venders) and the topics of such edu-*
3 *cational activities; and*

4 *“(II) to the extent practicable, the geo-*
5 *graphic distribution of individuals who*
6 *participated in the educational activities;*

7 *“(vii) the frequency of provision and*
8 *nature of technical assistance provided to*
9 *State and local agencies and other entities;*

10 *“(viii) the number of individuals as-*
11 *sisted through the statewide information*
12 *and referral system described in subsection*
13 *(e)(3)(B)(ii) and descriptions of the public*
14 *awareness activities under subsection*
15 *(e)(3)(B);*

16 *“(ix) the outcomes of any improvement*
17 *initiatives carried out by the State as a re-*
18 *sult of activities funded under this section,*
19 *including a description of any written poli-*
20 *cies, practices, and procedures that the*
21 *State has developed and implemented re-*
22 *garding access to, provision of, and funding*
23 *for, assistive technology devices, and assist-*
24 *ive technology services, in the contexts of*
25 *education, health care, employment, commu-*

1 *nity living, and accessible information and*
2 *communication technology, including e-gov-*
3 *ernment;*

4 *“(x) the source of leveraged funding or*
5 *other contributed resources, including re-*
6 *sources provided through subcontracts or*
7 *other collaborative resource-sharing agree-*
8 *ments, from and with public and private*
9 *entities to carry out State activities de-*
10 *scribed in subsection (e)(3)(C), the number*
11 *of individuals served with the contributed*
12 *resources for which information is not re-*
13 *ported under clauses (i) through (ix) or*
14 *clause (xi), and other outcomes accom-*
15 *plished as a result of such activities carried*
16 *out with the contributed resources; and*

17 *“(xi) the level of customer satisfaction*
18 *with the services provided.*

19 **“SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERV-**
20 **ICES RELATED TO ASSISTIVE TECHNOLOGY.**

21 *“(a) GRANTS.—*

22 *“(1) IN GENERAL.—The Secretary shall make*
23 *grants under subsection (b) to protection and advo-*
24 *cacy systems in each State for the purpose of enabling*
25 *such systems to assist in the acquisition, utilization,*

1 *or maintenance of assistive technology devices or as-*
2 *istive technology services for individuals with dis-*
3 *abilities.*

4 “(2) *GENERAL AUTHORITIES.*—*In providing the*
5 *assistance described under paragraph (1), protection*
6 *and advocacy systems shall have the same general au-*
7 *thorities as the systems are afforded under subtitle C*
8 *of title I of the Developmental Disabilities Assistance*
9 *and Bill of Rights Act of 2000 (42 U.S.C. 15041 et*
10 *seq.).*

11 “(b) *RESERVATION; DISTRIBUTION.*—

12 “(1) *RESERVATION.*—*For each fiscal year, the*
13 *Secretary shall reserve, from the amounts made avail-*
14 *able to carry out this section under section 9(b)(2)(B),*
15 *such sums as may be necessary to carry out para-*
16 *graph (4).*

17 “(2) *POPULATION BASIS.*—*From the amounts*
18 *appropriated to carry out this section for a fiscal*
19 *year that remain after the reservation required under*
20 *paragraph (1) has been made, the Secretary shall*
21 *make a grant to a protection and advocacy system*
22 *within each State in an amount bearing the same*
23 *ratio to the remaining amounts as the population of*
24 *the State bears to the population of all States.*

1 “(3) *MINIMUMS.*—Subject to the availability of
2 *appropriations and paragraph (5), the amount of a*
3 *grant to a protection and advocacy system under*
4 *paragraph (2) for a fiscal year shall—*

5 “(A) *in the case of a protection and advo-*
6 *cacy system located in American Samoa, Guam,*
7 *the United States Virgin Islands, or the Com-*
8 *monwealth of the Northern Mariana Islands, not*
9 *be less than \$30,000; and*

10 “(B) *in the case of a protection and advo-*
11 *cacy system located in a State not described in*
12 *subparagraph (A), not be less than \$50,000.*

13 “(4) *PAYMENT TO THE SYSTEM SERVING THE*
14 *AMERICAN INDIAN CONSORTIUM.—*

15 “(A) *IN GENERAL.*—The Secretary shall
16 *make grants to the protection and advocacy sys-*
17 *tem serving the American Indian consortium to*
18 *provide services in accordance with this section.*

19 “(B) *AMOUNT OF GRANTS.*—The amount of
20 *a grant under subparagraph (A) shall be the*
21 *same as the amount provided under paragraph*
22 *(3)(A).*

23 “(5) *ADJUSTMENTS.*—For each fiscal year for
24 *which the total amount appropriated under section*
25 *9(b)(2)(B) to carry out this section is \$8,000,000 or*

1 *more and such appropriated amount exceeds the total*
2 *amount appropriated to carry out this section for the*
3 *preceding fiscal year, the Secretary shall increase*
4 *each of the minimum grant amounts described in sub-*
5 *paragraphs (A) and (B) of paragraph (3) and para-*
6 *graph (4)(B) by a percentage equal to the percentage*
7 *increase in the total amount appropriated under sec-*
8 *tion 9 to carry out this section for the preceding fiscal*
9 *year and such total amount for the fiscal year for*
10 *which the determination is being made.*

11 “(c) *DIRECT PAYMENT.*—*Notwithstanding any other*
12 *provision of law, the Secretary shall pay directly to any*
13 *protection and advocacy system that complies with this sec-*
14 *tion, the total amount of the grant made for such system*
15 *under this section, unless the system provides otherwise for*
16 *payment of the grant amount.*

17 “(d) *CARRYOVER; PROGRAM INCOME.*—

18 “(1) *CARRYOVER.*—*Any amount paid to a pro-*
19 *tection and advocacy system for a fiscal year under*
20 *this section that remains unobligated at the end of*
21 *such fiscal year shall remain available to such system*
22 *for obligation during the subsequent fiscal year.*

23 “(2) *PROGRAM INCOME.*—*Program income gen-*
24 *erated from any amount paid to a protection and ad-*
25 *vocacy system for a fiscal year shall—*

1 “(A) remain available to the protection and
2 advocacy system for 5 additional fiscal years
3 after the year in which such amount was paid
4 to the protection and advocacy system and be
5 considered an addition to the grant; and

6 “(B) only be used to improve the awareness
7 of individuals with disabilities about the accessi-
8 bility of assistive technology and assist such in-
9 dividuals in the acquisition, utilization, or
10 maintenance of assistive technology devices or as-
11 sistive technology services.

12 “(e) *REPORT TO SECRETARY.*—A protection and advo-
13 cacy system that receives a grant under this section shall
14 annually prepare and submit to the Secretary a report that
15 contains documentation of the progress of the protection
16 and advocacy system in—

17 “(1) conducting consumer-responsive activities,
18 including activities that will lead to increased access
19 for individuals with disabilities to funding for assist-
20 ive technology devices and assistive technology serv-
21 ices;

22 “(2) engaging in informal advocacy to assist in
23 securing assistive technology devices and assistive
24 technology services for individuals with disabilities;

1 “(3) *engaging in formal representation for indi-*
2 *viduals with disabilities to secure systems change, and*
3 *in advocacy activities to secure assistive technology*
4 *devices and assistive technology services for individ-*
5 *uals with disabilities;*

6 “(4) *developing and implementing strategies to*
7 *enhance the long-term abilities of individuals with*
8 *disabilities and their family members, guardians, ad-*
9 *vocates, and authorized representatives to advocate the*
10 *provision of assistive technology devices and assistive*
11 *technology services to which the individuals with dis-*
12 *abilities are entitled under law other than this Act;*

13 “(5) *coordinating activities with protection and*
14 *advocacy services funded through sources other than*
15 *this Act, and coordinating activities with the capac-*
16 *ity building and advocacy activities carried out by*
17 *the lead agency; and*

18 “(6) *effectively allocating funds made available*
19 *under this section to improve the awareness of indi-*
20 *viduals with disabilities about the accessibility of as-*
21 *sistive technology and assist such individuals in the*
22 *acquisition, utilization, or maintenance of assistive*
23 *technology devices or assistive technology services.*

24 “(f) *REPORTS AND UPDATES TO STATE AGENCIES.—*
25 *A protection and advocacy system that receives a grant*

1 *under this section shall prepare and submit to the lead*
2 *agency of the State designated under section 4(c)(1) the re-*
3 *port described in subsection (e) and quarterly updates con-*
4 *cerning the activities described in such subsection.*

5 “(g) *COORDINATION.*—*On making a grant under this*
6 *section to a protection and advocacy system in a State, the*
7 *Secretary shall solicit and consider the opinions of the lead*
8 *agency of the State with respect to efforts at coordination*
9 *of activities, collaboration, and promoting outcomes between*
10 *the lead agency and the protection and advocacy system*
11 *that receives the grant under this section.*

12 **“SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**
13 **SUPPORT.**

14 “(a) *DEFINITIONS.*—*In this section:*

15 “(1) *QUALIFIED DATA COLLECTION AND REPORT-*
16 *ING ENTITY.*—*The term ‘qualified data collection and*
17 *reporting entity’ means an entity with demonstrated*
18 *expertise in data collection and reporting as described*
19 *in section 4(f)(2)(B), in order to—*

20 “(A) *provide recipients of grants under this*
21 *Act with instruction and technical assistance;*
22 *and*

23 “(B) *assist such recipients with data collec-*
24 *tion and data requirements.*

1 “(2) *QUALIFIED PROTECTION AND ADVOCACY*
2 *SYSTEM TECHNICAL ASSISTANCE PROVIDER.*—*The*
3 *term ‘qualified protection and advocacy system tech-*
4 *nical assistance provider’ means an entity that has*
5 *experience in—*

6 “(A) *working with protection and advocacy*
7 *systems established in accordance with section*
8 *143 of the Developmental Disabilities Assistance*
9 *and Bill of Rights Act of 2000 (42 U.S.C.*
10 *15043); and*

11 “(B) *providing technical assistance to pro-*
12 *tection and advocacy agencies.*

13 “(3) *QUALIFIED TECHNICAL ASSISTANCE PRO-*
14 *VIDER.*—*The term ‘qualified technical assistance pro-*
15 *vider’ means an entity with demonstrated expertise in*
16 *assistive technology and that has (directly or through*
17 *grant or contract)—*

18 “(A) *experience and expertise in admin-*
19 *istering programs, including developing, imple-*
20 *menting, and administering all of the activities*
21 *described in section 4(e); and*

22 “(B) *documented experience in and knowl-*
23 *edge about—*

24 “(i) *assistive technology device loan*
25 *and demonstration;*

- 1 “(ii) *assistive technology device reuse;*
2 “(iii) *financial loans and micro-*
3 *lending, including the activities of alter-*
4 *native financing programs for assistive*
5 *technology; and*
6 “(iv) *State leadership activities.*

7 “(b) *TECHNICAL ASSISTANCE AND DATA COLLECTION*
8 *SUPPORT AUTHORIZED.—*

9 “(1) *SUPPORT FOR ASSISTIVE TECHNOLOGY EDU-*
10 *CATIONAL ACTIVITIES AND TECHNICAL ASSISTANCE.—*
11 *From amounts made available under section 9(b)(1),*
12 *the Secretary shall award, on a competitive basis,*
13 *grants, contracts, or cooperative agreements—*

14 “(A) *to qualified technical assistance pro-*
15 *viders to support activities described in sub-*
16 *section (d)(1) for States receiving grants under*
17 *section 4; and*

18 “(B) *to qualified protection and advocacy*
19 *system technical assistance providers to support*
20 *activities described in subsection (d)(1) for pro-*
21 *tection and advocacy systems receiving grants*
22 *under section 5.*

23 “(2) *SUPPORT FOR DATA COLLECTION AND RE-*
24 *PORTING ASSISTANCE.—From amounts made avail-*
25 *able under section 9(b)(1), the Secretary shall award,*

1 *on a competitive basis, grants, contracts, or coopera-*
2 *tive agreements—*

3 “(A) *to qualified data collection and report-*
4 *ing entities, to enable the qualified data collec-*
5 *tion and reporting entities to carry out the ac-*
6 *tivities described in subsection (d)(2) for States*
7 *receiving grants under section 4; and*

8 “(B) *to qualified protection and advocacy*
9 *system technical assistance providers, to enable*
10 *the providers to carry out the activities described*
11 *in subsection (d)(2) for protection and advocacy*
12 *systems receiving grants under section 5.*

13 “(c) *APPLICATION.—*

14 “(1) *IN GENERAL.—To be eligible to receive a*
15 *grant, contract, or cooperative agreement under this*
16 *section, an entity shall submit an application to the*
17 *Secretary at such time, in such manner, and con-*
18 *taining the following information:*

19 “(A) *A description of the activities such en-*
20 *tity will carry out with the grant, contract, or*
21 *cooperative agreement under subsection (d).*

22 “(B) *A description of the expertise such en-*
23 *tity has to carry out such activities.*

24 “(C) *In the case of an entity applying to re-*
25 *ceive a grant, contract, or cooperative agreement*

1 *under subsection (b)(1), a description of such en-*
2 *tity’s plan for complying with the requirements*
3 *described in subsection (d)(1)(B).*

4 “(D) *A description of such entity’s plan to*
5 *comply with all relevant State and Federal laws,*
6 *regulations, and policies with respect to data*
7 *privacy and security.*

8 “(E) *Such other information as the Sec-*
9 *retary may require.*

10 “(2) *INPUT.—In developing grants, contracts, or*
11 *cooperative agreements under this section, the Sec-*
12 *retary shall consider the input of the recipients of*
13 *grants under sections 4 and 5 and other individuals*
14 *the Secretary determines to be appropriate, espe-*
15 *cially—*

16 “(A) *individuals with disabilities who use*
17 *assistive technology and understand the barriers*
18 *to the acquisition of such technology and assist-*
19 *ive technology services;*

20 “(B) *family members, guardians, advocates,*
21 *and authorized representatives of such individ-*
22 *uals;*

23 “(C) *relevant employees from Federal de-*
24 *partments and agencies, other than the Depart-*
25 *ment of Health and Human Services;*

1 “(D) representatives of businesses; and

2 “(E) vendors and public and private re-
3 searchers and developers.

4 “(d) AUTHORIZED ACTIVITIES.—

5 “(1) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY
6 TECHNICAL ASSISTANCE.—

7 “(A) TECHNICAL ASSISTANCE EFFORTS.—A
8 qualified technical assistance provider or quali-
9 fied protection and advocacy system technical as-
10 sistance provider receiving a grant, contract, or
11 cooperative agreement under subsection (b)(1)
12 shall support a technical assistance program for
13 States or protection and advocacy systems receiv-
14 ing a grant under section 4 or 5, respectively,
15 that—

16 “(i) addresses State-specific informa-
17 tion requests concerning assistive technology
18 from entities funded under this Act and
19 public entities not funded under this Act,
20 including—

21 “(I) effective approaches to Fed-
22 eral-State coordination of programs for
23 individuals with disabilities related to
24 improving funding for or access to as-
25 sistive technology devices and assistive

1 *technology services for individuals with*
2 *disabilities;*

3 *“(II) model State and local laws,*
4 *regulations, policies, practices, proce-*
5 *dures, and organizational structures,*
6 *that facilitate, and overcome barriers*
7 *to, funding for, and access to, assistive*
8 *technology devices and assistive tech-*
9 *nology services;*

10 *“(III) effective approaches to de-*
11 *veloping, implementing, evaluating,*
12 *and sustaining activities described in*
13 *section 4 or 5, as the case may be, and*
14 *related to improving acquisition and*
15 *access to assistive technology devices*
16 *and assistive technology services for in-*
17 *dividuals with disabilities, and re-*
18 *quests for assistance in developing cor-*
19 *rective action plans;*

20 *“(IV) policies, practices, proce-*
21 *dures, regulations, or judicial decisions*
22 *related to access to and acquisition of*
23 *assistive technology devices and assist-*
24 *ive technology services for individuals*
25 *with disabilities;*

1 “(V) *effective approaches to the*
2 *development of consumer-controlled*
3 *systems that increase access to, funding*
4 *for, and awareness of, assistive tech-*
5 *nology devices and assistive technology*
6 *services; and*

7 “(VI) *other requests for informa-*
8 *tion and technical assistance from en-*
9 *tities funded under this Act; and*

10 “(ii) *in the case of a program that will*
11 *serve States receiving grants under section*
12 *4—*

13 “(I) *assists targeted individuals*
14 *and entities by disseminating informa-*
15 *tion and responding to requests relat-*
16 *ing to assistive technology by pro-*
17 *viding referrals to recipients of grants*
18 *under section 4 or other public or pri-*
19 *vate resources; and*

20 “(II) *provides State-specific, re-*
21 *gional, and national technical assist-*
22 *ance concerning assistive technology to*
23 *entities funded under this Act, and*
24 *public and private entities not funded*
25 *under this Act, including—*

1 “(aa) annually providing a
2 forum for exchanging information
3 concerning, and promoting pro-
4 gram and policy improvements
5 in, required activities of the State
6 assistive technology programs;

7 “(bb) facilitating onsite and
8 electronic information sharing
9 using state-of-the-art internet
10 technologies such as real-time on-
11 line discussions, multipoint video
12 conferencing, and web-based audio
13 or video broadcasts, on emerging
14 topics that affect State assistive
15 technology programs;

16 “(cc) convening experts from
17 State assistive technology pro-
18 grams to discuss and make rec-
19 ommendations with regard to na-
20 tional emerging issues of impor-
21 tance to individuals with assistive
22 technology needs;

23 “(dd) sharing best practice
24 and evidence-based practices

1 among State assistive technology
2 programs;

3 “(ee) developing or main-
4 taining an accessible, national,
5 and public website that includes
6 information, tools, and resources
7 on assistive technology devices
8 and assistive technology services
9 and links to State assistive tech-
10 nology programs, appropriate
11 Federal departments and agencies,
12 and private resources;

13 “(ff) developing a resource
14 that connects individuals from a
15 State with the State assistive tech-
16 nology program in their State;

17 “(gg) providing access to ex-
18 perts in the State-level activities
19 described in section 4(e)(2)
20 through site visits, teleconferences,
21 and other means, to ensure access
22 to information for entities that
23 are carrying out new programs or
24 programs that are not making

1 *progress in achieving the objec-*
2 *tives of the programs; and*

3 *“(hh) supporting and coordi-*
4 *nating activities designed to re-*
5 *duce the financial costs of pur-*
6 *chasing assistive technology for*
7 *the activities described in section*
8 *4(e), and reducing duplication of*
9 *activities among State assistive*
10 *technology programs.*

11 *“(B) COLLABORATION.—In developing and*
12 *providing technical assistance under this para-*
13 *graph, a qualified technical assistance provider*
14 *or qualified protection and advocacy system*
15 *technical assistance provider receiving a grant,*
16 *contract, or cooperative agreement under sub-*
17 *section (b)(1) shall—*

18 *“(i) collaborate with—*

19 *“(I) organizations representing*
20 *individuals with disabilities;*

21 *“(II) national organizations rep-*
22 *resenting State assistive technology*
23 *programs;*

1 “(III) organizations representing
2 State officials and agencies engaged in
3 the delivery of assistive technology;

4 “(IV) other qualified protection
5 and advocacy system technical assist-
6 ance providers and qualified technical
7 assistance providers;

8 “(V) providers of State financing
9 activities, including alternative financ-
10 ing programs for assistive technology;

11 “(VI) providers of device loans,
12 device demonstrations, and device re-
13 utilization; and

14 “(VII) any other organizations
15 determined appropriate by the pro-
16 vider or the Secretary; and

17 “(ii) in the case of a qualified tech-
18 nical assistance provider, include activities
19 identified as priorities by State advisory
20 councils and lead agencies and imple-
21 menting entities for grants under section 4.

22 “(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY
23 DATA COLLECTION AND REPORTING ASSISTANCE.—A
24 qualified data collection and reporting entity or a
25 qualified protection and advocacy system technical

1 *assistance provider receiving a grant, contract, or co-*
2 *operative agreement under subsection (b)(2) shall as-*
3 *sist States or protection and advocacy systems receiv-*
4 *ing a grant under section 4 or 5, respectively, to de-*
5 *velop and implement effective and accessible data col-*
6 *lection and reporting systems that—*

7 *“(A) focus on quantitative and qualitative*
8 *data elements;*

9 *“(B) help measure the impact of the activi-*
10 *ties to individuals who need assistive technology;*

11 *“(C) in the case of systems that will serve*
12 *States receiving grants under section 4—*

13 *“(i) measure the outcomes of all activi-*
14 *ties described in section 4(e) and the*
15 *progress of the States toward achieving the*
16 *measurable goals described in section*
17 *4(d)(3)(C); and*

18 *“(ii) provide States with the necessary*
19 *information required under this Act or by*
20 *the Secretary for reports described in sec-*
21 *tion 4(f)(2); and*

22 *“(D) are in full compliance with all rel-*
23 *evant State and Federal laws, regulations, and*
24 *policies with respect to data privacy and secu-*
25 *rity.*

1 **“SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.**

2 “(a) *DEFINITION OF PROJECT OF NATIONAL SIGNIFI-*
3 *CANCE.—In this section, the term ‘project of national sig-*
4 *nificance’—*

5 “(1) *means a project that—*

6 “(A) *increases access to, and acquisition of,*
7 *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 re-*
20 *ceiving grants under the Money Follows the Per-*
21 *son Rebalancing Demonstration under section*
22 *6071 of the Deficit Reduction Act of 2005 (42*
23 *U.S.C. 1396a note);*

24 “(C) *increase collaboration between recipi-*
25 *ents of grants under section 4 and area agencies*
26 *on aging, as such term is defined in section 102*

1 *of the Older Americans Act of 1965 (42 U.S.C.*
2 *3002), which may include collaboration on emer-*
3 *gency preparedness, safety equipment, or assist-*
4 *ive 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 *istive technology devices that may be need-*
12 *ed as a youth matures;*

13 “(E) *increase access to and acquisition of*
14 *assistive technology addressing the needs of aging*
15 *individuals and aging caregivers in the commu-*
16 *nity;*

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 the*
22 *Disability Funds-Financial Assistance funding*
23 *provided by the Community Development Finan-*
24 *cial Institutions Fund that supports acquisition*
25 *of assistive technology; and*

1 “(H) increase awareness of and access to as-
2 sistive 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 fiscal
8 year, the Secretary may award, on a competitive basis,
9 grants, contracts, and cooperative agreements to public or
10 private nonprofit entities to enable the entities to carry out
11 projects of national significance.

12 “(c) *APPLICATION.*—A public or private nonprofit en-
13 tity desiring a grant under this section shall submit an ap-
14 plication 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 section.

17 “(d) *AWARD PREFERENCE.*—For each grant award pe-
18 riod, the Secretary may give preference for 1 or more cat-
19 egories of projects of national significance described in sub-
20 paragraphs (A) through (H) of subsection (a)(2).

21 “(e) *MINIMUM FUNDING LEVEL REQUIRED.*—The Sec-
22 retary may only award grants, contracts, or cooperative
23 agreements under this section if the amount made available
24 under section 9 to carry out sections 4, 5, and 6 is equal
25 to or greater than \$49,000,000.

1 **“SEC. 8. ADMINISTRATIVE PROVISIONS.**2 “(a) *GENERAL ADMINISTRATION.*—3 “(1) *IN GENERAL.*—*Notwithstanding any other*
4 *provision of law, the Administrator of the Adminis-*
5 *tration for Community Living of the Department of*
6 *Health and Human Services (referred to in this sec-*
7 *tion as the ‘Administrator’) shall be responsible for*
8 *the administration of this Act.*9 “(2) *COLLABORATION.*—*The Administrator shall*
10 *consult with the Office of Special Education Pro-*
11 *grams of the Department of Education, the Rehabili-*
12 *tation Services Administration of the Department of*
13 *Education, the Office of Disability Employment Pol-*
14 *icy of the Department of Labor, and other appro-*
15 *priate Federal entities in the administration of this*
16 *Act.*17 “(3) *ADMINISTRATION.*—18 “(A) *IN GENERAL.*—*In administering this*
19 *Act, the Administrator shall ensure that pro-*
20 *grams funded under this Act will address—*21 “(i) *the needs of individuals with all*
22 *types of disabilities and across the lifespan;*
23 *and*24 “(ii) *the use of assistive technology in*
25 *all potential environments, including em-*

1 *ployment, education, and community liv-*
2 *ing.*

3 “(B) *FUNDING LIMITATIONS.*—*For each fis-*
4 *cal year, not more than 1/2 of 1 percent of the*
5 *total funding appropriated for this Act shall be*
6 *used by the Administrator to support the admin-*
7 *istration of this Act.*

8 “(b) *REVIEW OF PARTICIPATING ENTITIES.*—

9 “(1) *IN GENERAL.*—*The Secretary shall assess*
10 *the extent to which entities that receive grants under*
11 *this Act are complying with the applicable require-*
12 *ments of this Act and achieving measurable goals that*
13 *are consistent with the requirements of the grant pro-*
14 *grams under which the entities received the grants.*

15 “(2) *PROVISION OF INFORMATION.*—*To assist the*
16 *Secretary in carrying out the responsibilities of the*
17 *Secretary under this section, the Secretary may re-*
18 *quire States to provide relevant information, includ-*
19 *ing the information required under subsection (d).*

20 “(c) *CORRECTIVE ACTION AND SANCTIONS.*—

21 “(1) *CORRECTIVE ACTION.*—*If the Secretary de-*
22 *termines that an entity that receives a grant under*
23 *this Act fails to substantially comply with the appli-*
24 *cable requirements of this Act, or to make substantial*
25 *progress toward achieving the measurable goals de-*

1 *scribed in subsection (b)(1) with respect to the grant*
2 *program, the Secretary shall assist the entity, through*
3 *technical assistance funded under section 6 or other*
4 *means, within 90 days after such determination, to*
5 *develop a corrective action plan.*

6 *“(2) SANCTIONS.—If the entity fails to develop*
7 *and comply with a corrective action plan described in*
8 *paragraph (1) during a fiscal year, the entity shall*
9 *be subject to 1 of the following corrective actions se-*
10 *lected by the Secretary:*

11 *“(A) Partial or complete termination of*
12 *funding under the grant program, until the enti-*
13 *ty develops and complies with such a plan.*

14 *“(B) Ineligibility to participate in the*
15 *grant program in the following fiscal year.*

16 *“(C) Reduction in the amount of funding*
17 *that may be used for indirect costs under section*
18 *4 for the following fiscal year.*

19 *“(D) Required redesignation of the lead*
20 *agency designated under section 4(c)(1) or an*
21 *entity responsible for administering the grant*
22 *program.*

23 *“(3) APPEALS PROCEDURES.—The Secretary*
24 *shall establish appeals procedures for entities that are*
25 *determined to be in noncompliance with the applica-*

1 *ble requirements of this Act, or have not made sub-*
2 *stantial progress toward achieving the measurable*
3 *goals described in subsection (b)(1).*

4 “(4) *SECRETARIAL ACTION.*—As part of the an-
5 *nuual report required under subsection (d), the Sec-*
6 *retary shall describe each such action taken under*
7 *paragraph (1) or (2) and the outcomes of each such*
8 *action.*

9 “(5) *PUBLIC NOTIFICATION.*—Not later than 30
10 *days after taking an action under paragraph (1) or*
11 *(2), the Secretary shall notify the public, by posting*
12 *on an easily accessible portion of the internet website*
13 *of the Department of Health and Human Services,*
14 *notification of each action taken by the Secretary*
15 *under paragraph (1) or (2). As a part of such notifi-*
16 *cation, the Secretary shall describe each such action*
17 *taken under paragraph (1) or (2) and the outcomes*
18 *of each such action.*

19 “(d) *ANNUAL REPORT TO CONGRESS.*—

20 “(1) *IN GENERAL.*—Not later than December 31
21 *of each year, the Secretary shall prepare and submit*
22 *to the President, the Committee on Health, Edu-*
23 *cation, Labor, and Pensions of the Senate, and the*
24 *Committee on Education and Labor of the House of*
25 *Representatives a report on the activities funded*

1 *under this Act to improve the access of assistive tech-*
2 *nology devices and assistive technology services to in-*
3 *dividuals with disabilities.*

4 “(2) *CONTENTS.*—*Each report described in para-*
5 *graph (1) shall include—*

6 “(A) *a compilation and summary of the in-*
7 *formation provided by the States in annual*
8 *progress reports submitted under section 4(f);*
9 *and*

10 “(B) *a summary of the State applications*
11 *described in section 4(d) and an analysis of the*
12 *progress of the States in meeting the measurable*
13 *goals established in State applications under sec-*
14 *tion 4(d)(3)(C).*

15 “(e) *CONSTRUCTION.*—*Nothing in this section shall be*
16 *construed to affect the enforcement authority of the Sec-*
17 *retary, another Federal officer, or a court under any other*
18 *applicable law.*

19 “(f) *EFFECT ON OTHER ASSISTANCE.*—*This Act may*
20 *not be construed as authorizing a Federal or State agency*
21 *to reduce medical or other assistance available, or to alter*
22 *eligibility for a benefit or service, under any other Federal*
23 *law.*

1 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
2 **TIONS AND DISTRIBUTION OF FUNDS.**

3 *“(a) IN GENERAL.—There are authorized to be appro-*
4 *riated to carry out this Act—*

5 *“(1) \$44,000,000 for fiscal year 2023;*

6 *“(2) \$45,980,000 for fiscal year 2024;*

7 *“(3) \$48,049,100 for fiscal year 2025;*

8 *“(4) \$50,211,310 for fiscal year 2026; and*

9 *“(5) \$52,470,819 for fiscal year 2027.*

10 *“(b) RESERVATIONS AND DISTRIBUTION OF FUNDS.—*
11 *Subject to subsection (c), for each fiscal year for which funds*
12 *are made available under subsection (a) to carry out this*
13 *Act, the Secretary shall—*

14 *“(1) reserve an amount equal to 3 percent of the*
15 *funds made available for each such fiscal year to*
16 *carry out paragraphs (1) and (2) of section 6(b); and*

17 *“(2) from the amounts remaining after making*
18 *the reservation under paragraph (1)—*

19 *“(A) use 85.5 percent of such amounts to*
20 *carry out section 4; and*

21 *“(B) use 14.5 percent of such amounts to*
22 *carry out section 5.*

23 *“(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFI-*
24 *CANCE.—For any fiscal year for which the amount made*
25 *available under subsection (a) exceeds \$49,000,000 the Sec-*
26 *retary may—*

1 “(1) reserve for section 7, an amount of such
2 available funds that does not exceed the lesser of—

3 “(A) the excess amount made available; or

4 “(B) \$2,000,000; and

5 “(2) make the reservation under paragraph (1)
6 before carrying out subsection (b).”.

7 **SEC. 5403. EFFECTIVE DATE.**

8 *This title, and the amendments made by this title,*
9 *shall take effect on the day that is 6 months after the date*
10 *of enactment of this Act.*

11 **TITLE LV—FOREIGN AFFAIRS**
12 **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 information 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.*

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”.*

6 **PART 1—IMPLEMENTATION OF AN ENHANCED**
 7 **DEFENSE PARTNERSHIP BETWEEN THE**
 8 **UNITED STATES AND TAIWAN**

9 **SEC. 5502. MODERNIZING TAIWAN’S SECURITY CAPABILI-**
 10 **TIES TO DETER AND, IF NECESSARY, DEFEAT**
 11 **AGGRESSION BY THE PEOPLE’S REPUBLIC OF**
 12 **CHINA.**

13 *(a) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 14 *FINED.—In this section, the term “appropriate congres-*
 15 *sional committees” means—*

16 *(1) the Committee on Foreign Relations of the*
 17 *Senate;*

18 *(2) the Committee on Armed Services of the Sen-*
 19 *ate;*

20 *(3) the Committee on Appropriations of the Sen-*
 21 *ate;*

1 (4) *the Committee on Foreign Affairs of the*
2 *House of Representatives;*

3 (5) *the Committee on Armed Services of the*
4 *House of Representatives; and*

5 (6) *the Committee on Appropriations of the*
6 *House of Representatives.*

7 (b) *TAIWAN SECURITY PROGRAMS.—The Secretary of*
8 *State, in consultation with the Secretary of Defense, shall*
9 *use the authorities under this section to strengthen the*
10 *United States-Taiwan defense relationship, and to support*
11 *the acceleration of the modernization of Taiwan’s defense*
12 *capabilities, consistent with the Taiwan Relations Act*
13 *(Public Law 96–8).*

14 (c) *PURPOSE.—In addition to the purposes otherwise*
15 *authorized for Foreign Military Financing programs under*
16 *the Arms Export Control Act (22 U.S.C. 2751 et seq.), a*
17 *purpose of the Foreign Military Financing Program should*
18 *be to provide assistance, including equipment, training,*
19 *and other support, to build the civilian and defensive mili-*
20 *tary capabilities of Taiwan—*

21 (1) *to accelerate the modernization of capabili-*
22 *ties that will enable Taiwan to delay, degrade, and*
23 *deny attempts by People’s Liberation Army forces—*

24 (A) *to conduct coercive or grey zone activi-*
25 *ties;*

1 (B) to blockade Taiwan; or

2 (C) to secure a lodgment on any islands ad-
3 ministered by Taiwan and expand or otherwise
4 use such lodgment to seize control of a popu-
5 lation center or other key territory in Taiwan;
6 and

7 (2) to prevent the People's Republic of China
8 from decapitating, seizing control of, or otherwise
9 neutralizing or rendering ineffective Taiwan's civil-
10 ian and defense leadership.

11 (d) *REGIONAL CONTINGENCY STOCKPILE.*—Of the
12 amounts authorized to be appropriated pursuant to sub-
13 section (h), not more than \$100,000,000 may be used during
14 each of the fiscal years 2023 through 2032 to maintain a
15 stockpile (if established pursuant to section 5503(b)), in ac-
16 cordance with section 514 of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2321h).

18 (e) *AVAILABILITY OF FUNDS.*—

19 (1) *ANNUAL SPENDING PLAN.*—Not later than
20 March 1, 2023, and annually thereafter, the Secretary
21 of State, in coordination with the Secretary of De-
22 fense, shall submit a plan to the appropriate congres-
23 sional committees describing how amounts authorized
24 to be appropriated pursuant to subsection (h), if

1 *made available, would be used to achieve the purpose*
2 *described in subsection (c).*

3 (2) *CERTIFICATION.—*

4 (A) *IN GENERAL.—Amounts authorized to*
5 *be appropriated for each fiscal year pursuant to*
6 *subsection (h) are authorized to be made avail-*
7 *able after the Secretary of State, in coordination*
8 *with the Secretary of Defense, certifies not less*
9 *than annually to the appropriate committees of*
10 *Congress that Taiwan has increased its defense*
11 *spending relative to Taiwan’s defense spending*
12 *in its prior fiscal year, which includes support*
13 *for an asymmetric strategy, excepting accounts*
14 *in Taiwan’s defense budget related to personnel*
15 *expenditures, (other than military training and*
16 *education and any funding related to the All-Out*
17 *Defense Mobilization Agency).*

18 (B) *WAIVER.—The Secretary of State may*
19 *waive the certification requirement under sub-*
20 *paragraph (A) if the Secretary, in consultation*
21 *with the Secretary of Defense, certifies to the ap-*
22 *propriate congressional committees that for any*
23 *given year—*

24 (i) *Taiwan is unable to increase its de-*
25 *fense spending relative to its defense spend-*

1 *ing in its prior fiscal year due to severe*
2 *hardship; and*

3 (ii) *making available the amounts au-*
4 *thorized under subparagraph (A) is in the*
5 *national interests of the United States.*

6 (3) *REMAINING FUNDS.*—*Amounts authorized to*
7 *be appropriated for a fiscal year pursuant to sub-*
8 *section (h) that are not obligated and expended dur-*
9 *ing such fiscal year shall be added to the amount that*
10 *may be used for Foreign Military Financing to Tai-*
11 *wan in the subsequent fiscal year.*

12 (f) *ANNUAL REPORT ON ADVANCING THE DEFENSE OF*
13 *TAIWAN.*—

14 (1) *INITIAL REPORT.*—*Concurrently with the*
15 *first certification required under subsection (e)(2), the*
16 *Secretary of State and the Secretary of Defense shall*
17 *jointly submit a report to the appropriate congres-*
18 *sional committees that describes steps taken to en-*
19 *hance the United States-Taiwan defense relationship*
20 *and Taiwan's modernization of its defense capabili-*
21 *ties.*

22 (2) *MATTERS TO BE INCLUDED.*—*Each report re-*
23 *quired under paragraph (1) shall include—*

24 (A) *an assessment of the commitment of*
25 *Taiwan to implement a military strategy that*

1 *will deter and, if necessary, defeat military ag-*
2 *gression by the People's Republic of China, in-*
3 *cluding the steps that Taiwan has taken and the*
4 *steps that Taiwan has not taken towards such*
5 *implementation;*

6 *(B) an assessment of the efforts of Taiwan*
7 *to acquire and employ within its forces counter-*
8 *intervention capabilities, including—*

9 *(i) long-range precision fires;*

10 *(ii) integrated air and missile defense*
11 *systems;*

12 *(iii) anti-ship cruise missiles;*

13 *(iv) land-attack cruise missiles;*

14 *(v) coastal defense;*

15 *(vi) anti-armor;*

16 *(vii) undersea warfare, including*
17 *manned and unmanned systems;*

18 *(viii) survivable swarming maritime*
19 *assets;*

20 *(ix) manned and unmanned aerial sys-*
21 *tems;*

22 *(x) mining and countermining capa-*
23 *bilities;*

24 *(xi) intelligence, surveillance, and re-*
25 *connnaissance capabilities;*

1 *(xii) command and control systems;*

2 *(xiii) defensive cybersecurity capabilities;*
3 *and*

4 *(xiv) any other defense capabilities*
5 *that the United States determines, includ-*
6 *ing jointly with Taiwan, are crucial to the*
7 *defense of Taiwan, consistent with the joint*
8 *consultative mechanism with Taiwan cre-*
9 *ated pursuant to section 5506;*

10 *(C) an evaluation of the balance between*
11 *conventional and counter intervention capabilities*
12 *in the defense force of Taiwan as of the date*
13 *on which the report is submitted;*

14 *(D) an assessment of steps taken by Taiwan*
15 *to enhance the overall readiness of its defense*
16 *forces, including—*

17 *(i) the extent to which Taiwan is re-*
18 *quiring and providing regular and relevant*
19 *training to such forces;*

20 *(ii) the extent to which such training*
21 *is realistic to the security environment that*
22 *Taiwan faces; and*

23 *(iii) the sufficiency of the financial*
24 *and budgetary resources Taiwan is putting*
25 *toward readiness of such forces;*

1 (E) *an assessment of steps taken by Taiwan*
2 *to ensure that the Taiwan's reserve forces and*
3 *All-Out Defense Mobilization Agency can recruit,*
4 *train, equip, and mobilize its forces;*

5 (F) *an evaluation of—*

6 (i) *the severity of manpower shortages*
7 *in the military of Taiwan, including in the*
8 *reserve forces;*

9 (ii) *the impact of such shortages in the*
10 *event of a conflict scenario; and*

11 (iii) *the efforts made by Taiwan to ad-*
12 *dress such shortages;*

13 (G) *an assessment of the efforts made by*
14 *Taiwan to boost its civilian defenses, including*
15 *any informational campaigns to raise awareness*
16 *among the population of Taiwan of the risks*
17 *Taiwan faces;*

18 (H) *an assessment of the efforts made by*
19 *Taiwan to secure its critical infrastructure, in-*
20 *cluding in transportation, telecommunications*
21 *networks, satellite communications, and energy;*

22 (I) *an assessment of the efforts made by*
23 *Taiwan to enhance its cybersecurity, including*
24 *the security and survivability of official civilian*
25 *and military networks;*

1 *(J) an assessment of the efforts made by*
2 *Taiwan to improve the image and prestige of its*
3 *defense forces among the population of Taiwan;*

4 *(K) an assessment of any significant gaps*
5 *in any of the matters described in subparagraphs*
6 *(A) through (J) with respect to which the United*
7 *States assesses that additional action is needed;*

8 *(L) a description of cooperative efforts be-*
9 *tween the United States and Taiwan on the mat-*
10 *ters described in subparagraphs (A) through (K);*
11 *and*

12 *(M) a description of any challenge in Tai-*
13 *wan to—*

14 *(i) implement the matters described in*
15 *subparagraphs (A) through (J); or*

16 *(ii) United States support or engage-*
17 *ment with regard to such matters.*

18 (3) *SUBSEQUENT REPORTS.*—*Concurrently with*
19 *subsequent certifications required under subsection*
20 *(e)(2), the Secretary of State and the Secretary of De-*
21 *fense shall jointly submit updates to the initial report*
22 *required under paragraph (1) that provides a descrip-*
23 *tion of changes and developments that occurred in the*
24 *prior year.*

1 (4) *FORM.*—*The reports required under para-*
2 *graphs (1) and (3) shall be submitted in an unclassi-*
3 *fied form, but may contain a classified annex.*

4 (5) *SHARING OF SUMMARY.*—*The Secretary of*
5 *State and the Secretary of Defense shall jointly share*
6 *any unclassified portions of the reports, pursuant to*
7 *paragraph (4), with Taiwan, as appropriate.*

8 (g) *FOREIGN MILITARY FINANCING LOAN AND LOAN*
9 *GUARANTEE AUTHORITY.*—

10 (1) *DIRECT LOANS.*—

11 (A) *IN GENERAL.*—*Notwithstanding section*
12 *23(c)(1) of the Arms Export Control Act (22*
13 *U.S.C. 2763), during fiscal years 2023 through*
14 *2027, the Secretary of State is authorized to*
15 *make direct loans available for Taiwan pursuant*
16 *to section 23 of such Act.*

17 (B) *MAXIMUM OBLIGATIONS.*—*Gross obliga-*
18 *tions for the principal amounts of loans author-*
19 *ized under subparagraph (A) may not exceed*
20 *\$2,000,000,000.*

21 (C) *SOURCE OF FUNDS.*—

22 (i) *DEFINED TERM.*—*In this subpara-*
23 *graph, the term “cost”—*

24 *(I) has the meaning given such*
25 *term in section 502(5) of the Congres-*

1 *sional Budget Act of 1974 (2 U.S.C.*
2 *661a(5));*

3 *(II) shall include the cost of modi-*
4 *fying a loan authorized under sub-*
5 *paragraph (A); and*

6 *(III) may include the costs of sell-*
7 *ing, reducing, or cancelling any*
8 *amounts owed to the United States or*
9 *to any agency of the United States.*

10 *(ii) IN GENERAL.—Amounts authorized*
11 *to be appropriated pursuant to subsection*
12 *(g) may be made available to pay for the*
13 *cost of loans authorized under subparagraph*
14 *(A).*

15 *(D) FEES AUTHORIZED.—*

16 *(i) IN GENERAL.—The Government of*
17 *the United States may charge processing*
18 *and origination fees for a loan made pursu-*
19 *ant to subparagraph (A), not to exceed the*
20 *cost to the Government of making such loan,*
21 *which shall be collected from borrowers*
22 *through a financing account (as defined in*
23 *section 502(7) of the Congressional Budget*
24 *Act of 1974 (2 U.S.C. 661a(7)).*

1 (ii) *LIMITATION ON FEE PAYMENTS.*—
2 *Amounts made available under any appro-*
3 *priations Act for any fiscal year may not*
4 *be used to pay any fees associated with a*
5 *loan authorized under subparagraph (A).*

6 (E) *REPAYMENT.*—*Loans made pursuant to*
7 *subparagraph (A) shall be repaid not later than*
8 *12 years after the loan is received by the bor-*
9 *rower, including a grace period of not more than*
10 *1 year on repayment of principal.*

11 (F) *INTEREST.*—

12 (i) *IN GENERAL.*—*Notwithstanding sec-*
13 *tion 23(c)(1) of the Arms Export Control*
14 *Act (22 U.S.C. 2763(c)(1)), interest for*
15 *loans made pursuant to subparagraph (A)*
16 *may be charged at a rate determined by the*
17 *Secretary of State, except that such rate*
18 *may not be less than the prevailing interest*
19 *rate on marketable Treasury securities of*
20 *similar maturity.*

21 (ii) *TREATMENT OF LOAN AMOUNTS*
22 *USED TO PAY INTEREST.*—*Amounts made*
23 *available under this paragraph for interest*
24 *costs shall not be considered assistance for*

1 *the purposes of any statutory limitation on*
2 *assistance to a country.*

3 (2) *LOAN GUARANTEES.*—

4 (A) *IN GENERAL.*—*Amounts authorized to*
5 *be appropriated pursuant to subsection (g) may*
6 *be made available for the costs of loan guarantees*
7 *for Taiwan under section 24 of the Arms Export*
8 *Control Act (22 U.S.C. 2764) for Taiwan to sub-*
9 *sidize gross obligations for the principal amount*
10 *of commercial loans and total loan principal,*
11 *any part of which may be guaranteed, not to ex-*
12 *ceed \$2,000,000,000.*

13 (B) *MAXIMUM AMOUNTS.*—*A loan guarantee*
14 *authorized under subparagraph (A)—*

15 (i) *may not guarantee a loan that ex-*
16 *ceeds \$2,000,000,000; and*

17 (ii) *may not exceed 80 percent of the*
18 *loan principal with respect to any single*
19 *borrower.*

20 (C) *SUBORDINATION.*—*Any loan guaranteed*
21 *pursuant to subparagraph (A) may not be subor-*
22 *dated to—*

23 (i) *another debt contracted by the bor-*
24 *rower; or*

1 (ii) any other claims against the bor-
2 rower in the case of default.

3 (D) *REPAYMENT.*—*Repayment in United*
4 *States dollars of any loan guaranteed under this*
5 *paragraph shall be required not later than 12*
6 *years after the loan agreement is signed.*

7 (E) *FEEES.*—*Notwithstanding section 24 of*
8 *the Arms Export Control Act (22 U.S.C. 2764),*
9 *the Government of the United States may charge*
10 *processing and origination fees for a loan guar-*
11 *antee authorized under subparagraph (A), not to*
12 *exceed the cost to the Government of such loan*
13 *guarantee, which shall be collected from bor-*
14 *rowers, or from third parties on behalf of such*
15 *borrowers, through a financing account (as de-*
16 *fined in section 502(7) of the Congressional*
17 *Budget Act of 1974 (2 U.S.C. 661a(7)).*

18 (F) *TREATMENTS OF LOAN GUARANTEES.*—
19 *Amounts made available under this paragraph*
20 *for the costs of loan guarantees authorized under*
21 *subparagraph (A) shall not be considered assist-*
22 *ance for the purposes of any statutory limitation*
23 *on assistance to a country.*

24 (3) *NOTIFICATION REQUIREMENT.*—*Amounts au-*
25 *thorized to be appropriated to carry out this sub-*

1 *section may not be expended without prior notifica-*
2 *tion of the appropriate committees of Congress.*

3 *(h) AUTHORIZATION OF APPROPRIATIONS.—*

4 *(1) AUTHORIZATION OF APPROPRIATIONS.—In*
5 *addition to amounts otherwise authorized to be ap-*
6 *propriated for Foreign Military Financing, there is*
7 *authorized to be appropriated to the Department of*
8 *State for Taiwan Foreign Military Finance grant as-*
9 *sistance up to \$2,000,000,000 for each of the fiscal*
10 *years 2023 through 2027.*

11 *(2) TRAINING AND EDUCATION.—Of the amounts*
12 *authorized to be appropriated under paragraph (1),*
13 *the Secretary of State should use not less than*
14 *\$2,000,000 per fiscal year for one or more blanket*
15 *order Foreign Military Financing training programs*
16 *related to the defense needs of Taiwan.*

17 *(3) DIRECT COMMERCIAL CONTRACTING.—The*
18 *Secretary of State may use amounts authorized to be*
19 *appropriated under paragraph (1) for the procure-*
20 *ment of defense articles, defense services, or design*
21 *and construction services that are not sold by the*
22 *United States Government under the Arms Export*
23 *Control Act (22 U.S.C. 2751 et seq.).*

24 *(4) PROCUREMENT IN TAIWAN.—Of the amounts*
25 *authorized to be appropriated for Foreign Military*

1 *Financing and made available for Taiwan, not more*
2 *than 15 percent of the amount made available for*
3 *each fiscal year may be available for the procurement*
4 *by Taiwan in Taiwan of defense articles and defense*
5 *services, including research and development, as*
6 *agreed by the United States and Taiwan.*

7 *(i) SUNSET PROVISION.—Assistance may not be pro-*
8 *vided under this section after September 30, 2032.*

9 **SEC. 5503. INCREASE IN ANNUAL REGIONAL CONTINGENCY**
10 **STOCKPILE ADDITIONS AND SUPPORT FOR**
11 **TAIWAN.**

12 *(a) IN GENERAL.—Section 514(b)(2)(A) of the Foreign*
13 *Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is*
14 *amended by striking “\$200,000,000” and all that follows*
15 *and inserting “\$500,000,000 for any of the fiscal years*
16 *2023, 2024, or 2025.”.*

17 *(b) ESTABLISHMENT.—Subject to section 514 of the*
18 *Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the*
19 *President may establish a regional contingency stockpile for*
20 *Taiwan that consists of munitions and other appropriate*
21 *defense articles.*

22 *(c) INCLUSION OF TAIWAN AMONG OTHER ALLIES EL-*
23 *IGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of*
24 *the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.)*
25 *is amended—*

1 (1) *in section 514(c)(2) (22 U.S.C. 2321h(c)(2)),*
2 *by inserting “Taiwan,” after “Thailand,”; and*

3 (2) *in section 516(c)(2) (22 U.S.C. 2321j(c)(2)),*
4 *by inserting “to Taiwan,” after “major non-NATO*
5 *allies on such southern and southeastern flank,”.*

6 (d) *ANNUAL BRIEFING.—Not later than 1 year after*
7 *the date of enactment of this Act, and annually thereafter*
8 *for 7 years, the President shall provide a briefing to the*
9 *appropriate committees of Congress regarding the status of*
10 *a regional contingency stockpile established under sub-*
11 *section (b).*

12 **SEC. 5504. INTERNATIONAL MILITARY EDUCATION AND**
13 **TRAINING COOPERATION WITH TAIWAN.**

14 (a) *IN GENERAL.—The Secretary of State and the Sec-*
15 *retary of Defense shall establish or expand a comprehensive*
16 *training program with Taiwan designed to—*

17 (1) *enhance interoperability and capabilities for*
18 *joint operations between the United States and Tai-*
19 *wan;*

20 (2) *enhance rapport and deepen partnership be-*
21 *tween the militaries of the United States and Taiwan,*
22 *and foster understanding of the United States among*
23 *individuals in Taiwan;*

24 (3) *improve Taiwan’s defense capabilities; and*

1 (4) *train future leaders of Taiwan, promote pro-*
2 *fessional military education, civilian control of the*
3 *military, and protection of human rights.*

4 (b) *ELEMENTS.*—*The training program required by*
5 *subsection (a) should prioritize relevant and realistic train-*
6 *ing, including as necessary joint United States-Taiwan*
7 *contingency tabletop exercises, war games, full-scale mili-*
8 *tary exercises, and an enduring rotational United States*
9 *military presence that assists Taiwan in maintaining force*
10 *readiness and utilizing United States defense articles and*
11 *services transferred from the United States to Taiwan.*

12 (c) *AUTHORIZATION OF PARTICIPATION OF TAIWAN IN*
13 *THE INTERNATIONAL MILITARY EDUCATION AND TRAINING*
14 *PROGRAM.*—*The Secretary of State is authorized to provide*
15 *training and education to relevant entities in Taiwan*
16 *through the International Military Education and Train-*
17 *ing program authorized under chapter 5 of part II of the*
18 *Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq).*

19 **SEC. 5505. ADDITIONAL AUTHORITIES TO SUPPORT TAI-**
20 **WAN.**

21 (a) *DRAWDOWN AUTHORITY.*—*Section 506(a) of the*
22 *Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is*
23 *amended by adding at the end the following paragraph:*

24 “(3) *In addition to amounts already specified in this*
25 *section, the President may direct the drawdown of defense*

1 *articles from the stocks of the Department of Defense, de-*
2 *fense services of the Department of Defense, and military*
3 *education and training, of an aggregate value of not to ex-*
4 *ceed \$1,000,000,000 per fiscal year, to be provided to Tai-*
5 *wan.”.*

6 (b) *EMERGENCY AUTHORITY.*—Section 552(c) of the
7 *Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) is*
8 *amended by adding at the end the following: “In addition*
9 *to the aggregate value of \$25,000,000 authorized in para-*
10 *graph (2) of the preceding sentence, the President may di-*
11 *rect the drawdown of commodities and services from the in-*
12 *ventory and resources of any agency of the United States*
13 *Government for the purposes of providing necessary and*
14 *immediate assistance to Taiwan of a value not to exceed*
15 *\$25,000,000 in any fiscal year.”.*

16 (c) *USE OF SPECIAL DEFENSE ACQUISITION FUND.*—
17 *The Secretary of Defense, in consultation with the Secretary*
18 *of State, shall seek to utilize the Special Defense Acquisition*
19 *Fund established under chapter 5 of the Arms Export Con-*
20 *trol Act (22 U.S.C. 2795 et seq.) to expedite the procurement*
21 *and delivery of defense articles and defense services for the*
22 *purpose of assisting and supporting the armed forces of Tai-*
23 *wan.*

1 **SEC. 5506. MULTI-YEAR PLAN TO FULFILL DEFENSIVE RE-**
2 **QUIREMENTS OF MILITARY FORCES OF TAI-**
3 **WAN.**

4 (a) *MULTI-YEAR PLAN.*—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary of De-
6 fense and the Secretary of State, in consultation with the
7 Director of National Intelligence, shall engage for the pur-
8 poses of establishing a joint consultative mechanism with
9 appropriate officials of Taiwan to develop and implement
10 a multi-year plan to provide for the acquisition of appro-
11 priate defensive capabilities by Taiwan and to engage with
12 Taiwan in a series of combined training, exercises, and
13 planning activities consistent with the Taiwan Relations
14 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

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

17 (1) *An identification of the defensive military*
18 *capability gaps and capacity shortfalls of Taiwan*
19 *that are required to—*

20 (A) *allow Taiwan to respond effectively to*
21 *aggression by the People’s Liberation Army or*
22 *other actors from the People’s Republic of China;*
23 *and*

24 (B) *advance a strategy of denial, reduce the*
25 *threat of conflict, thwart an invasion, and miti-*

1 *gate other risks to the United States and Tai-*
2 *wan.*

3 *(2) An assessment of the relative priority as-*
4 *signed by appropriate departments and agencies of*
5 *Taiwan to include its military to address such capa-*
6 *bility gaps and capacity shortfalls.*

7 *(3) An explanation of the annual resources com-*
8 *mitted by Taiwan to address such capability gaps*
9 *and capacity shortfalls.*

10 *(4) A description and justification of the relative*
11 *importance of overcoming each identified capability*
12 *gap and capacity shortfall for deterring, delaying, or*
13 *defeating military aggression by the People's Republic*
14 *of China;*

15 *(5) An assessment of—*

16 *(A) the capability gaps and capacity short-*
17 *falls that could be addressed in a sufficient and*
18 *timely manner by Taiwan; and*

19 *(B) the capability gaps and capacity short-*
20 *falls that are unlikely to be addressed in a suffi-*
21 *cient and timely manner solely by Taiwan.*

22 *(6) An assessment of the capability gaps and ca-*
23 *capacity shortfalls described in paragraph (5)(B) that*
24 *could be addressed in a sufficient and timely manner*
25 *by—*

1 (A) *the Foreign Military Financing, For-*
2 *ign Military Sales, and Direct Commercial*
3 *Sales programs of the Department of State;*

4 (B) *Department of Defense security assist-*
5 *ance authorized by chapter 16 of title 10, United*
6 *States Code;*

7 (C) *Department of State training and edu-*
8 *cation programs authorized by chapter 5 of part*
9 *II of the Foreign Assistance Act of 1961 (22*
10 *U.S.C. 2347 et seq.);*

11 (D) *section 506 of the Foreign Assistance*
12 *Act of 1961 (22 U.S.C. 2318);*

13 (E) *the provision of excess defense articles*
14 *pursuant to the requirements of the Arms Export*
15 *Control Act (22 U.S.C. 2751 et seq.); or*

16 (F) *any other authority available to the*
17 *Secretary of Defense or the Secretary of State.*

18 (7) *A description of United States or Taiwan en-*
19 *gagement with other countries that could assist in ad-*
20 *dressing in a sufficient and timely manner the capa-*
21 *bility gaps and capacity shortfalls identified pursu-*
22 *ant to paragraph (1).*

23 (8) *An identification of opportunities to build*
24 *interoperability, combined readiness, joint planning*
25 *capability, and shared situational awareness between*

1 *the United States, Taiwan, and other foreign partners*
2 *and allies, as appropriate, through combined train-*
3 *ing, exercises, and planning events, including—*

4 *(A) table-top exercises and wargames that*
5 *allow operational commands to improve joint*
6 *and combined planning for contingencies involv-*
7 *ing a well-equipped adversary in a counter-*
8 *intervention campaign;*

9 *(B) joint and combined exercises that test*
10 *the feasibility of counter-intervention strategies,*
11 *develop interoperability across services, and de-*
12 *velop the lethality and survivability of combined*
13 *forces against a well-equipped adversary;*

14 *(C) logistics exercises that test the feasibility*
15 *of expeditionary logistics in an extended cam-*
16 *paign with a well-equipped adversary;*

17 *(D) service-to-service exercise programs that*
18 *build functional mission skills for addressing*
19 *challenges posed by a well-equipped adversary in*
20 *a counter-intervention campaign; and*

21 *(E) any other combined training, exercises,*
22 *or planning with Taiwan's military forces that*
23 *the Secretary of Defense and Secretary of State*
24 *consider relevant.*

1 (9) *An identification of options for the United*
2 *States to use, to the maximum extent practicable, ex-*
3 *isting authorities or programs to expedite military*
4 *assistance to Taiwan in the event of a crisis or con-*
5 *flict, including—*

6 (A) *a list of defense articles of the United*
7 *States that may be transferred to Taiwan during*
8 *a crisis or conflict;*

9 (B) *a list of authorities that may be used*
10 *to provide expedited military assistance to Tai-*
11 *wan during a crisis or conflict;*

12 (C) *an assessment of methods that could be*
13 *used to deliver such assistance to Taiwan during*
14 *a crisis or conflict, including—*

15 (i) *the feasibility of employing such*
16 *methods in different scenarios; and*

17 (ii) *recommendations for improving*
18 *the ability of the Armed Forces to deliver*
19 *such assistance to Taiwan; and*

20 (D) *an assessment of any challenges in pro-*
21 *viding such assistance to Taiwan in the event of*
22 *a crisis or conflict and recommendations for ad-*
23 *ressing such challenges.*

1 (c) *RECURRENCE.*—*The joint consultative mechanism*
2 *required in subsection (a) shall convene on a recurring basis*
3 *and not less than annually.*

4 **SEC. 5507. FAST-TRACKING SALES TO TAIWAN UNDER FOR-**
5 **EIGN MILITARY SALES PROGRAM.**

6 (a) *PRECLEARANCE OF CERTAIN FOREIGN MILITARY*
7 *SALES ITEMS.*—

8 (1) *IN GENERAL.*—*Not later than 1 year after*
9 *the date of the enactment of this Act, and annually*
10 *thereafter, the Secretary of State, in coordination*
11 *with the Secretary of Defense, and in conjunction*
12 *with coordinating entities such as the National Dis-*
13 *closure Policy Committee, the Arms Transfer and*
14 *Technology Release Senior Steering Group, and other*
15 *appropriate entities, shall compile a list of available*
16 *and emerging military platforms, technologies, and*
17 *equipment that are pre-cleared and prioritized for*
18 *sale and release to Taiwan through the Foreign Mili-*
19 *tary Sales program.*

20 (2) *RULES OF CONSTRUCTION.*—

21 (A) *SELECTION OF ITEMS.*—*The list com-*
22 *plied pursuant to paragraph (1) shall not be*
23 *construed as limiting the type, timing, or quan-*
24 *tity of items that may be requested by, or sold*

1 to, Taiwan under the Foreign Military Sales
2 program.

3 (B) NOTIFICATIONS REQUIRED.—Nothing in
4 this Act may be construed to supersede congres-
5 sional notification requirements under the Arms
6 Export Control Act (22 U.S.C. 2751 et. seq.).

7 (b) PRIORITIZED PROCESSING OF FOREIGN MILITARY
8 SALES REQUESTS FROM TAIWAN.—

9 (1) REQUIREMENT.—The Secretary of State and
10 the Secretary of Defense shall prioritize and expedite
11 the processing of requests from Taiwan under the For-
12 eign Military Sales program, and may not delay the
13 processing of requests for bundling purposes.

14 (2) DURATION.—The requirement under para-
15 graph (1) shall continue until the Secretary of State
16 determines and certifies to the Committee on Foreign
17 Relations of the Senate and the Committee on Foreign
18 Affairs of the House of Representatives that the threat
19 to Taiwan has significantly abated.

20 (c) INTERAGENCY POLICY.—The Secretary of State
21 and the Secretary of Defense shall jointly review and update
22 interagency policies and implementation guidance related
23 to Foreign Military Sales requests from Taiwan, including
24 incorporating the preclearance provisions of this 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 committees*
6 *of Congress” means—*

7 (1) *the Committee on Foreign Relations and the*
8 *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 defense*
17 *articles or defense services that have yet to be completed*
18 *pursuant to the authorities provided by—*

19 (1) *section 3, 21, or 36 of the Arms Export Con-*
20 *trol 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 (b)*
24 *shall include the following elements:*

25 (1) *A list of all approved transfers of defense ar-*
26 *ticles and services authorized by Congress pursuant to*

1 *sections 25 and 36 of the Arms Export Control Act*
2 *(22 U.S.C. 2765, 2776) with a total value of*
3 *\$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 delivery*
9 *for each approved and incomplete transfer listed pur-*
10 *suant to paragraph (1), including additional details*
11 *and dates for any transfers that involve multiple*
12 *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 de-*
17 *fense articles or services relative to the dates an-*
18 *ticipated at the time of congressional approval of*
19 *the transfer, including specific reasons for any*
20 *delays related to the United States Government,*
21 *defense suppliers, or a foreign partner;*

22 *(B) the feasibility and advisability of pro-*
23 *viding the partner subject to such delayed deliv-*
24 *ery with an interim capability or solution, in-*
25 *cluding drawing from United States stocks, and*

1 *the mechanisms under consideration for doing so*
2 *as well as any challenges to implementing such*
3 *a capability or solution;*

4 *(C) authorities, appropriations, or waiver*
5 *requests that Congress could provide to improve*
6 *delivery timelines or authorize the provision of*
7 *interim capabilities or solutions identified pur-*
8 *suant to subparagraph (B); and*

9 *(D) a description of which countries are*
10 *ahead of Taiwan for delivery of each item listed*
11 *pursuant to paragraph (1).*

12 *(4) A description of ongoing interagency efforts*
13 *to support attainment of operational capability of the*
14 *corresponding defense articles and services once deliv-*
15 *ered, including advance training with United States*
16 *or armed forces of partner countries on the systems to*
17 *be received. The description of any such training shall*
18 *also include an identification of the training imple-*
19 *menter.*

20 *(5) If a transfer listed pursuant to paragraph*
21 *(1) has been terminated prior to the date of the sub-*
22 *mission of the report for any reason—*

23 *(A) the case information for such transfer,*
24 *including the date of congressional notification,*
25 *delivery date of the Letter of Offer and Accept-*

1 *ance (LOA), final signature of the LOA, and in-*
2 *formation pertaining to delays in delivering*
3 *LOAs for signature;*

4 *(B) a description of the reasons for which*
5 *the transfer is no longer in effect; and*

6 *(C) the impact this termination will have*
7 *on the intended end-user and the consequent im-*
8 *plications for regional security, including the*
9 *impact on deterrence of military action by coun-*
10 *tries hostile to the United States, the military*
11 *balance in the Taiwan Strait, and other factors.*

12 *(6) A separate description of the actions the*
13 *United States is taking to expedite and prioritize de-*
14 *liveries of defense articles and services to Taiwan, in-*
15 *cluding—*

16 *(A) a description of what actions the De-*
17 *partment of State and the Department of Defense*
18 *have taken or are planning to take to prioritize*
19 *Taiwan's Foreign Military Sales cases;*

20 *(B) current procedures or mechanisms for*
21 *determining that a Foreign Military Sales case*
22 *for Taiwan should be prioritized above a sale to*
23 *another country of the same or similar item; and*

24 *(C) whether the United States intends to di-*
25 *vert defense articles from United States stocks to*

1 *provide an interim capability or solution with*
 2 *respect to any delayed deliveries to Taiwan and*
 3 *the plan, if applicable, to replenish any such di-*
 4 *verted stocks.*

5 *(7) A description of other actions already under-*
 6 *taken by or currently under consideration by the De-*
 7 *partment of State and the Department of Defense to*
 8 *improve delivery timelines for the transfers listed pur-*
 9 *suant to paragraph (1).*

10 *(d) FORM.—The report required by subsection (b) shall*
 11 *be submitted in unclassified form but may include a classi-*
 12 *fied annex.*

13 **SEC. 5509. ASSESSMENT OF TAIWAN'S NEEDS FOR CIVILIAN**
 14 **DEFENSE AND RESILIENCE.**

15 *(a) ASSESSMENT REQUIRED.—Not later than 120*
 16 *days after the date of enactment of this Act, the Secretary*
 17 *of State and the Secretary of Defense, in coordination with*
 18 *the Director of National Intelligence, shall submit a written*
 19 *assessment, with a classified annex, of Taiwan's needs in*
 20 *the areas of civilian defense and resilience to—*

21 *(1) the Committee on Foreign Relations, the*
 22 *Committee on Armed Services, and Select Committee*
 23 *on Intelligence of the Senate; and*

24 *(2) the Committee on Foreign Affairs, the Com-*
 25 *mittee on Armed Services, and the Permanent Select*

1 *Committee on Intelligence of the House of Representa-*
2 *tives.*

3 *(b) MATTERS TO BE INCLUDED.—The assessment re-*
4 *quired under subsection (a) shall—*

5 *(1) analyze the potential role of Taiwan’s public*
6 *and civilian assets in defending against various sce-*
7 *narios for foreign militaries to coerce or conduct mili-*
8 *tary aggression against Taiwan;*

9 *(2) carefully analyze Taiwan’s needs for enhanc-*
10 *ing its defensive capabilities through the support of*
11 *civilians and civilian sectors, including—*

12 *(A) greater utilization of Taiwan’s high*
13 *tech labor force;*

14 *(B) the creation of clear structures and lo-*
15 *gistics support for civilian defense role alloca-*
16 *tion;*

17 *(C) recruitment and skills training for Tai-*
18 *wan’s defense and civilian sectors; and*

19 *(D) other defense needs and considerations*
20 *at the provincial, city, and neighborhood levels;*

21 *(3) analyze Taiwan’s needs for enhancing resil-*
22 *ience among its people and in key economic sectors;*

23 *(4) identify opportunities for Taiwan to enhance*
24 *communications at all levels to strengthen trust and*
25 *understanding between the military, other government*

1 *departments, civilian agencies and the general public,*
2 *including—*

3 *(A) communications infrastructure nec-*
4 *essary to ensure reliable communications in re-*
5 *sponse to a conflict or crisis; and*

6 *(B) a plan to effectively communicate to the*
7 *general public in response to a conflict or crisis;*

8 *(5) identify the areas and means through which*
9 *the United States could provide training, exercises,*
10 *and assistance at all levels to support the needs dis-*
11 *covered through the assessment and fill any critical*
12 *gaps where capacity falls short of such needs; and*

13 *(6) review existing United States Government*
14 *and non-United States Government programmatic*
15 *and funding modalities that are meant to support*
16 *Taiwan's civilian defense professionals in pursuing*
17 *professional development, educational, and cultural*
18 *exchanges in the United States, including—*

19 *(A) opportunities through Department of*
20 *State-supported programs, such as the Inter-*
21 *national Visitor Leaders Program;*

22 *(B) opportunities offered through non-gov-*
23 *ernmental institutions, such as think tanks, to*
24 *the extent the review can practicably make such*
25 *an assessment;*

1 (C) a description of the frequency that civil-
2 ian defense professionals from Taiwan pursue or
3 are selected for the programs reviewed in sub-
4 paragraph (A);

5 (D) an analysis of any funding, policy, ad-
6 ministrative, or other barriers preventing greater
7 participation from Taiwan's civilian defense
8 professionals in the opportunities identified in
9 subparagraph (A);

10 (E) an evaluation of the value expanding
11 the opportunities reviewed in subparagraph (A)
12 would offer for strengthening Taiwan's existing
13 civilian defense community, and for increasing
14 the perceived value of the field for young profes-
15 sionals in Taiwan;

16 (F) an assessment of options the United
17 States Government could take individually, with
18 partners in Taiwan, or with foreign governments
19 or non-governmental partners, to expand the op-
20 portunities reviewed in subparagraph (A); and

21 (G) a description of additional resources
22 and authorities that may be required to execute
23 the options described in subparagraph (E).

1 (c) *SHARING OF REPORT.*—The assessment required by
2 subsection (a) shall be shared with appropriate officials of
3 Taiwan to facilitate cooperation, as appropriate.

4 **SEC. 5510. ANNUAL REPORT ON TAIWAN DEFENSIVE MILI-**
5 **TARY CAPABILITIES AND INTELLIGENCE SUP-**
6 **PORT.**

7 Section 1248 of the National Defense Authorization
8 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
9 1988) is amended to read as follows:

10 **“SEC. 1248. ANNUAL REPORT ON TAIWAN CAPABILITIES**
11 **AND INTELLIGENCE SUPPORT.**

12 “(a) *IN GENERAL.*—Through fiscal year 2027, the Sec-
13 retary of State and the Secretary of Defense, in coordina-
14 tion with the Director of National Intelligence and the
15 heads of other relevant Federal departments and agencies,
16 shall jointly perform an annual assessment, consistent with
17 the Taiwan Relations Act (Public Law 96–8; 22 U.S.C.
18 3302(c)), of security matters related to Taiwan, including
19 intelligence matters, Taiwan’s defensive military capabili-
20 ties, and how defensive shortcomings or vulnerabilities of
21 Taiwan could be mitigated through cooperation, moderniza-
22 tion, or integration. At a minimum, the assessment shall
23 include the following:

24 “(1) An intelligence assessment regarding—

1 “(A) conventional military and nuclear
2 threats to Taiwan from the People’s Republic of
3 China, including exercises, patrols, and presence
4 intended to intimidate or coerce Taiwan; and

5 “(B) irregular warfare activities, including
6 influence operations, conducted by the People’s
7 Republic of China to interfere in or undermine
8 the peace and stability of the Taiwan Strait.

9 “(2) The current military capabilities of Taiwan
10 and the ability of Taiwan to defend itself from exter-
11 nal conventional and irregular military threats
12 across a range of scenarios.

13 “(3) The interoperability of current and future
14 defensive capabilities of Taiwan with the military ca-
15 pabilities of the United States and its allies and part-
16 ners.

17 “(4) The plans, tactics, techniques, and proce-
18 dures underpinning an effective defense strategy for
19 Taiwan, including how addressing identified capa-
20 bility gaps and capacity shortfalls will improve the
21 effectiveness of such strategy.

22 “(5) A description of additional personnel, re-
23 sources, and authorities in Taiwan or in the United
24 States that may be required to meet any shortcomings

1 *in the development of Taiwan’s military capabilities*
2 *identified pursuant to this section.*

3 *“(6) With respect to materiel capabilities and*
4 *capacities the Secretary of Defense and Secretary of*
5 *State jointly assess to be most effective in deterring,*
6 *defeating, or delaying military aggression by the Peo-*
7 *ple’s Republic of China, a prioritized list of capa-*
8 *bility gaps and capacity shortfalls of the military*
9 *forces of Taiwan, including—*

10 *“(A) an identification of—*

11 *“(i) any United States, Taiwan, or*
12 *ally or partner country defense production*
13 *timeline challenge related to potential mate-*
14 *riel and solutions to such capability gaps;*

15 *“(ii) the associated investment costs of*
16 *enabling expanded production for items cur-*
17 *rently at maximum production;*

18 *“(iii) the associated investment costs*
19 *of, or mitigation strategies for, enabling ex-*
20 *port for items currently not exportable; and*

21 *“(iv) existing stocks of such capabili-*
22 *ties in the United States and ally and part-*
23 *ner countries;*

24 *“(B) the feasibility and advisability of pro-*
25 *curing solutions to such gaps and shortfalls*

1 *through United States allies and partners, in-*
2 *cluding through co-development or co-production;*

3 *“(C) the feasibility and advisability of as-*
4 *sisting Taiwan in the domestic production of so-*
5 *lutions to capability gaps, including through—*

6 *“(i) the transfer of intellectual prop-*
7 *erty; and*

8 *“(ii) co-development or co-production*
9 *arrangements;*

10 *“(D) the estimated costs, expressed in a*
11 *range of options, of procuring sufficient capabili-*
12 *ties and capacities to address such gaps and*
13 *shortfalls;*

14 *“(E) an assessment of the relative priority*
15 *assigned by appropriate officials of Taiwan to*
16 *each such gap and shortfall; and*

17 *“(F) a detailed explanation of the extent to*
18 *which Taiwan is prioritizing the development,*
19 *production, or fielding of solutions to such gaps*
20 *and shortfalls within its overall defense budget.*

21 *“(7) The applicability of Department of State*
22 *and Department of Defense authorities for improving*
23 *the defensive military capabilities of Taiwan in a*
24 *manner consistent with the Taiwan Relations Act.*

1 “(8) *A description of any security assistance*
2 *provided or Foreign Military Sales and Direct Com-*
3 *mercial Sales activity with Taiwan over the past*
4 *year.*

5 “(9) *A description of each engagement between*
6 *the United States and Taiwan personnel related to*
7 *planning over the past year.*

8 “(10) *With respect to each to training and exer-*
9 *cises—*

10 “(A) *a description of each such instance*
11 *over the past year;*

12 “(B) *a description of how each such in-*
13 *stance—*

14 “(i) *sought to achieve greater inter-*
15 *operability, improved readiness, joint plan-*
16 *ning capability, and shared situational*
17 *awareness between the United States and*
18 *Taiwan, or among the United States, Tai-*
19 *wan, and other countries;*

20 “(ii) *familiarized the militaries of the*
21 *United States and Taiwan with each other;*
22 *and*

23 “(iii) *improved Taiwan’s defense capa-*
24 *bilities.*

1 “(11) *A description of the areas and means*
2 *through which the United States is assisting and sup-*
3 *porting training, exercises, and assistance to support*
4 *Taiwan’s requirements related to civilian defense and*
5 *resilience, and how the United States is seeking to as-*
6 *ist Taiwan in addressing any critical gaps where ca-*
7 *capacity falls short of meeting such requirements, in-*
8 *cluding those elements identified in the assessment re-*
9 *quired by section 5502(f) of the James M. Inhofe Na-*
10 *tional Defense Authorization Act for Fiscal Year*
11 *2023.*

12 “(12) *An assessment of the implications of cur-*
13 *rent levels of pre-positioned war reserve materiel on*
14 *the ability of the United States to respond to a crisis*
15 *or conflict involving Taiwan with respect to—*

16 “(A) *providing military or non-military*
17 *aid to Taiwan; and*

18 “(B) *sustaining military installations and*
19 *other infrastructure of the United States in the*
20 *Indo-Pacific region.*

21 “(13) *An assessment of the current intelligence,*
22 *surveillance, and reconnaissance capabilities of Tai-*
23 *wan, including any existing gaps in such capabilities*
24 *and investments in such capabilities by Taiwan since*
25 *the preceding report.*

1 “(14) *A summary of changes to pre-positioned*
2 *war reserve materiel of the United States in the Indo-*
3 *Pacific region since the preceding report.*

4 “(15) *Any other matters the Secretary of Defense*
5 *or the Secretary of State considers appropriate.*

6 “(b) *PLAN.—The Secretary of Defense and the Sec-*
7 *retary of State shall jointly develop a plan for assisting*
8 *Taiwan in improving its defensive military capabilities*
9 *and addressing vulnerabilities identified pursuant to sub-*
10 *section (a) that includes—*

11 “(1) *recommendations, if any, for new Depart-*
12 *ment of State or Department of Defense authorities,*
13 *or modifications to existing Department of State or*
14 *Department of Defense authorities, necessary to im-*
15 *prove the defensive military capabilities of Taiwan in*
16 *a manner consistent with the Taiwan Relations Act*
17 *(Public Law 96–8; 22 U.S.C. 3301 et seq.);*

18 “(2) *an identification of opportunities for key*
19 *leader and subject matter expert engagement between*
20 *Department personnel and military and civilian*
21 *counterparts in Taiwan; and*

22 “(3) *an identification of challenges and opportu-*
23 *nities for leveraging authorities, resources, and capa-*
24 *bilities outside the Department of Defense and the De-*
25 *partment of State to improve the defensive capabili-*

1 *ties of Taiwan in accordance with the Taiwan Rela-*
2 *tions Act.*

3 “(c) *REPORT.*—*Not later than 180 days after the date*
4 *of the enactment of this Act, and annually thereafter*
5 *through fiscal year 2027, the Secretary of State and the Sec-*
6 *retary of Defense, in consultation with the Director of Na-*
7 *tional Intelligence, shall jointly submit to the appropriate*
8 *committees of Congress—*

9 “(1) *a report on the results of the assessment re-*
10 *quired by subsection (a);*

11 “(2) *the plan required by subsection (b); and*

12 “(3) *a report on—*

13 “(A) *the status of efforts to develop and im-*
14 *plement the joint multi-year plan required under*
15 *section 5506 of the James M. Inhofe National*
16 *Defense Authorization Act for Fiscal Year 2023*
17 *to provide for the acquisition of appropriate de-*
18 *fensive military capabilities by Taiwan and to*
19 *engage with Taiwan in a series of combined*
20 *training and planning activities consistent with*
21 *the Taiwan Relations Act (Public Law 96–8; 22*
22 *U.S.C. 3301 et seq.); and*

23 “(B) *any other matters the Secretary of*
24 *State and the Secretary of Defense consider nec-*
25 *essary.*

1 “(d) *FORM.*—The reports required by subsection (c)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 “(e) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
5 *FINED.*—For purposes of this section, the term ‘appropriate
6 committees of Congress’ means—

7 “(1) the Committee on Armed Services, the Com-
8 mittee on Foreign Relations, and the Select Com-
9 mittee on Intelligence of the Senate; and

10 “(2) the Committee on Armed Services, the Com-
11 mittee on Foreign Affairs, and the Permanent Select
12 Committee on Intelligence of the House of Representa-
13 tives.”.

14 **SEC. 5511. FINDINGS AND STATEMENT OF POLICY.**

15 (a) *FINDINGS.*—Congress finds the following:

16 (1) *Advancing peace and stability in the Indo-*
17 *Pacific has been a central element of United States*
18 *foreign policy toward the region.*

19 (2) *The Government of the People’s Republic of*
20 *China (PRC), especially since the election of Tsai*
21 *Ing-Wen in 2016, has conducted a coordinated cam-*
22 *paign to weaken Taiwan diplomatically, economi-*
23 *cally, and militarily in a manner that threatens to*
24 *erode United States policy and create a fait accompli*
25 *on questions surrounding Taiwan’s future.*

1 (3) *To secure United States interests and pre-*
2 *serve the ability of the people of Taiwan to determine*
3 *their own future, it is necessary to reinforce Taiwan's*
4 *diplomatic, economic, and territorial space.*

5 (b) *STATEMENT OF POLICY.—It is the policy of the*
6 *United States to—*

7 (1) *maintain the position that peace and sta-*
8 *bility in the Western Pacific are in the political, secu-*
9 *rity, and economic interests of the United States, and*
10 *are matters of international concern; and*

11 (2) *work with allies and partners to promote*
12 *peace and stability in the Indo-Pacific and deter*
13 *military acts or other forms of coercive behavior that*
14 *would undermine regional stability.*

15 **SEC. 5512. SENSE OF CONGRESS ON TAIWAN DEFENSE RE-**
16 **LATIONS.**

17 *It is the sense of Congress that—*

18 (1) *the Taiwan Relations Act (Public Law 96-*
19 *8; 22 U.S.C. et seq.) and the Six Assurances provided*
20 *by the United States to Taiwan in July 1982 are the*
21 *foundation for United States-Taiwan relations;*

22 (2) *as set forth in the Taiwan Relations Act, the*
23 *United States decision to establish diplomatic rela-*
24 *tions with the People's Republic of China rests upon*
25 *the expectation that the future of Taiwan will be de-*

1 *terminated by peaceful means, and that any effort to*
2 *determine the future of Taiwan by other than peaceful*
3 *means, including boycotts and embargoes, is of grave*
4 *concern to the United States;*

5 *(3) the increasingly coercive and aggressive be-*
6 *havior of the People's Republic of China toward Tai-*
7 *wan is contrary to the expectation of the peaceful res-*
8 *olution of the future of Taiwan;*

9 *(4) as set forth in the Taiwan Relations Act, the*
10 *capacity to resist any resort to force or other forms*
11 *of coercion that would jeopardize the security, or the*
12 *social or economic system, of the people on Taiwan*
13 *should be maintained;*

14 *(5) the United States should continue to support*
15 *the development of capable, ready, and modern de-*
16 *fense forces necessary for Taiwan to maintain suffi-*
17 *cient defensive capabilities, including by—*

18 *(A) supporting acquisition by Taiwan of*
19 *defense articles and services through foreign mili-*
20 *tary sales, direct commercial sales, and indus-*
21 *trial cooperation, with an emphasis on capabili-*
22 *ties that support an asymmetric strategy;*

23 *(B) ensuring timely review of and response*
24 *to requests of Taiwan for defense articles and*
25 *services;*

1 (C) *conducting practical training and mili-*
2 *tary exercises with Taiwan that enable Taiwan*
3 *to maintain sufficient defensive capabilities, as*
4 *described in the Taiwan Relations Act;*

5 (D) *exchanges between defense officials and*
6 *officers of the United States and Taiwan at the*
7 *strategic, policy, and functional levels, consistent*
8 *with the Taiwan Travel Act (Public Law 115–*
9 *135; 132 Stat. 341), especially for the purposes*
10 *of—*

11 (i) *enhancing cooperation on defense*
12 *planning;*

13 (ii) *improving the interoperability of*
14 *the military forces of the United States and*
15 *Taiwan; and*

16 (iii) *improving the reserve force of Tai-*
17 *wan;*

18 (E) *cooperating with Taiwan to improve its*
19 *ability to employ military capabilities in asym-*
20 *metric ways, as described in the Taiwan Rela-*
21 *tions Act; and*

22 (F) *expanding cooperation in humanitarian*
23 *assistance and disaster relief; and*

24 (6) *the United States should increase its support*
25 *to a free and open society in the face of aggressive ef-*

1 *forts by the Government of the People’s Republic of*
2 *China to curtail or influence the free exercise of rights*
3 *and democratic franchise.*

4 **PART 2—COUNTERING PEOPLE’S REPUBLIC OF**
5 **CHINA’S COERCION AND INFLUENCE CAMPAIGNS**

6 **SEC. 5513. STRATEGY TO RESPOND TO INFLUENCE AND IN-**
7 **FORMATION OPERATIONS TARGETING TAI-**
8 **WAN.**

9 *(a) IN GENERAL.—Not later than 180 days after the*
10 *date of the enactment of this Act and annually thereafter*
11 *for the following 5 years, the Secretary of State, in coordi-*
12 *nation with the Director of National Intelligence, shall de-*
13 *velop and implement a strategy to respond to—*

14 *(1) covert, coercive, and corrupting activities*
15 *carried out to advance the Chinese Communist Par-*
16 *ty’s “United Front” work related to Taiwan, includ-*
17 *ing activities directed, coordinated, or otherwise sup-*
18 *ported by the United Front Work Department or its*
19 *subordinate or affiliated entities; and*

20 *(2) information and disinformation campaigns,*
21 *cyber attacks, and nontraditional propaganda meas-*
22 *ures supported by the Government of the People’s Re-*
23 *public of China and the Chinese Communist Party*
24 *that are directed toward persons or entities in Tai-*
25 *wan.*

1 (b) *ELEMENTS.*—*The strategy required under sub-*
2 *section (a) shall include descriptions of—*

3 (1) *the proposed response to propaganda and*
4 *disinformation campaigns by the People’s Republic of*
5 *China and cyber-intrusions targeting Taiwan, includ-*
6 *ing—*

7 (A) *assistance in building the capacity of*
8 *Taiwan’s public and private-sector entities to*
9 *document and expose propaganda and*
10 *disinformation supported by the Government of*
11 *the People’s Republic of China, the Chinese Com-*
12 *munist Party, or affiliated entities;*

13 (B) *assistance to enhance Taiwan’s ability*
14 *to develop a holistic strategy to respond to sharp*
15 *power operations, including election interference;*
16 *and*

17 (C) *media training for Taiwan officials and*
18 *other Taiwan entities targeted by disinformation*
19 *campaigns;*

20 (2) *the proposed response to political influence*
21 *operations that includes an assessment of the extent*
22 *of influence exerted by the Government of the People’s*
23 *Republic of China and the Chinese Communist Party*
24 *in Taiwan on local political parties, financial insti-*
25 *tutions, media organizations, and other entities;*

1 (3) *support for exchanges and other technical as-*
2 *stance to strengthen the Taiwan legal system’s abil-*
3 *ity to respond to sharp power operations; and*

4 (4) *programs carried out by the Global Engage-*
5 *ment Center to expose misinformation and*
6 *disinformation in the Chinese Communist Party’s*
7 *propaganda.*

8 **SEC. 5514. TASK FORCE TO COUNTER ECONOMIC COERCION**

9 **BY THE PEOPLE’S REPUBLIC OF CHINA.**

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

12 (1) *the People’s Republic of China’s (PRC) in-*
13 *creasing use of economic coercion against foreign gov-*
14 *ernments, companies, organizations, other entities,*
15 *and individuals requires that the United States devise*
16 *a comprehensive, effective, and multilateral response;*

17 (2) *the private sector is a crucial partner in*
18 *helping the United States Government respond to the*
19 *PRC’s coercive economic practices and hold the PRC*
20 *accountable;*

21 (3) *improved engagement and communication*
22 *with the private sector, including receiving informa-*
23 *tion from the United States private sector about the*
24 *PRC’s coercive economic practices would help the*
25 *United States Government and private sector stake-*

1 *holders conduct early assessments of potential pres-*
2 *sure points and vulnerabilities; and*

3 (4) *PRC coercive economic practices create pres-*
4 *ures for the private sector to behave in ways anti-*
5 *thetical to United States national interests and com-*
6 *petitiveness.*

7 (b) *ESTABLISHMENT OF TASK FORCE.*—*Not later than*
8 *180 days after the date of the enactment of this Act, the*
9 *President shall establish an interagency task force to be*
10 *known as the “Countering Economic Coercion Task Force”*
11 *(referred to in this section as the “Task Force”).*

12 (c) *DUTIES.*—

13 (1) *IN GENERAL.*—*The Task Force shall—*

14 (A) *oversee the development and implemen-*
15 *tation of an integrated United States Govern-*
16 *ment strategy to respond to People’s Republic of*
17 *China (PRC) coercive economic practices, which*
18 *shall include—*

19 (i) *systematically monitoring and eval-*
20 *uating—*

21 (I) *the costs of such practices on*
22 *United States businesses and overall*
23 *United States economic performance;*

1 (II) instances in which such prac-
2 tices taken against a non-PRC entity
3 has benefitted other parties; and

4 (III) the impacts such practices
5 have had on United States national in-
6 terests; and

7 (ii) facilitating coordination among
8 Federal departments and agencies when re-
9 sponding to such practices as well as
10 proactively deterring such economic coer-
11 cion, including by clarifying the roles for
12 Federal departments and agencies identified
13 in subsection (d) in implementing the strat-
14 egy; and

15 (iii) forming policy recommendations
16 for the implementation of relevant United
17 States authorities to respond to instances of
18 PRC coercive economic practices;

19 (B) consult with United States allies and
20 partners on the feasibility and desirability of
21 collectively identifying, assessing, and respond-
22 ing to PRC coercive economic practices, as well
23 as actions that could be taken to expand coordi-
24 nation with the goal of ensuring a consistent, co-
25 herent, and collective response to such practices

1 *and establishing long-term deterrence of such*
2 *practices;*

3 *(C) effectively engage the United States pri-*
4 *vate sector, particularly sectors, groups, or other*
5 *entities that are susceptible to such PRC coercive*
6 *economic practices, on concerns related to such*
7 *practices; and*

8 *(D) develop and implement a process for*
9 *regularly sharing relevant information, includ-*
10 *ing classified information to the extent appro-*
11 *priate and practicable, on such PRC coercive*
12 *economic practices with United States allies,*
13 *partners, and the private sector.*

14 *(2) CONSULTATION.—In carrying out its duties*
15 *under this subsection, the Task Force should regularly*
16 *consult, to the extent necessary and appropriate, with*
17 *the following:*

18 *(A) Relevant stakeholders in the private sec-*
19 *tor.*

20 *(B) Federal departments and agencies that*
21 *are not represented on the Task Force.*

22 *(C) United States allies and partners.*

23 *(d) MEMBERSHIP.—The President shall—*

24 *(1) appoint the chair of the Task Force from*
25 *among the staff of the National Security Council;*

1 (2) *appoint the vice chair of the Task Force from*
2 *among the staff of the National Economic Council;*
3 *and*

4 (3) *determine the Federal departments and agen-*
5 *cies that will serve on the task force, and direct the*
6 *head of those agencies to appoint personnel at the*
7 *level of Assistant Secretary or above to participate in*
8 *the Task Force.*

9 (e) *REPORTS.—*

10 (1) *INITIAL REPORT.—Not later than 1 year*
11 *after the date of the enactment of this Act, the Task*
12 *Force shall submit to Congress a report that includes*
13 *the following elements:*

14 (A) *A comprehensive review of the array of*
15 *economic tools the Government of the People's*
16 *Republic of China (PRC) employs or could em-*
17 *ploy in the future to coerce other governments*
18 *and non-PRC companies (including United*
19 *States companies) including the Government of*
20 *the PRC's continued efforts to codify informal*
21 *practices into its domestic law.*

22 (B) *The strategy required by subsection*
23 *(c)(1)(A).*

24 (C) *An interagency definition of PRC coer-*
25 *sive economic practices that captures both—*

1 (i) *the use of informal or extralegal*
2 *PRC coercive economic practices; and*

3 (ii) *the inappropriate use of economic*
4 *tools, including those authorized under the*
5 *laws and regulations of the PRC.*

6 (D) *A comprehensive review of the array of*
7 *tools the United States Government employs or*
8 *could employ to respond to economic coercion*
9 *against the government, companies, and other*
10 *entities of the United States or its allies and*
11 *partners.*

12 (E) *A list of unilateral or multilateral—*

13 (i) *preemptive practices to defend or*
14 *deter against PRC coercive economic prac-*
15 *tices; and*

16 (ii) *actions taken in response to the*
17 *Government of the PRC's general use of co-*
18 *ercive economic practices, including the im-*
19 *position of costs on the PRC.*

20 (F) *An assessment of United States allies*
21 *and partners key vulnerabilities to PRC coercive*
22 *economic practices.*

23 (G) *A description of gaps in existing re-*
24 *sources or capabilities for United States Govern-*
25 *ment departments and agencies to respond effec-*

1 *tively to PRC coercive economic practices di-*
2 *rected at United States entities and assist*
3 *United States allies and partners in their re-*
4 *sponses to PRC coercive economic practices.*

5 *(H) An analysis of the circumstances under*
6 *which the PRC employs different types of eco-*
7 *nomical coercion and against what kinds of tar-*
8 *gets.*

9 *(I) An assessment of United States and*
10 *international rules and norms as well as any*
11 *treaty obligations the PRC has stretched, cir-*
12 *cumvented, or broken through its economically*
13 *coercive practices and the United States response*
14 *in each instance.*

15 (2) *INTERIM REPORTS.—*

16 *(A) FIRST INTERIM REPORT.—Not later*
17 *than 1 year after the date on which the report*
18 *required by paragraph (1) is submitted to Con-*
19 *gress, the Task Force shall submit to Congress a*
20 *report that includes the following elements:*

21 *(i) Updates to information required by*
22 *subparagraphs (A) through (G) of para-*
23 *graph (1).*

1 (ii) *A description of activities con-*
2 *ducted by the Task Force to implement the*
3 *strategy required by subsection (c)(1)(A).*

4 (iii) *An assessment of the implementa-*
5 *tion and effectiveness of the strategy, lessons*
6 *learned from the past year and planned*
7 *changes to the strategy.*

8 (B) *SECOND INTERIM REPORT.*—*Not later*
9 *than 1 year after the date on which the report*
10 *required by subparagraph (A) is submitted to*
11 *Congress, the Task Force shall submit to the ap-*
12 *propriate congressional committees a report that*
13 *includes an update to the elements required*
14 *under the report required by subparagraph (A).*

15 (3) *FINAL REPORT.*—*Not later than 30 days*
16 *after the date on which the report required by para-*
17 *graph (2)(B) is submitted to Congress, the Task Force*
18 *shall submit to Congress a final report that includes*
19 *the following elements:*

20 (A) *An analysis of PRC coercive economic*
21 *practices and the cost of such coercive practices*
22 *to United States businesses.*

23 (B) *A description of areas of possible vul-*
24 *nerability for United States businesses and busi-*
25 *nesses of United States partners and allies.*

1 (C) *Recommendations on how to continue*
2 *the effort to counter PRC coercive economic prac-*
3 *tices, including through further coordination*
4 *with United States allies and partners.*

5 (D) *Illustrative examples.*

6 (4) *FORM.—The reports required by this sub-*
7 *section shall be submitted in classified form, but may*
8 *include an unclassified summary.*

9 (f) *SUNSET.—*

10 (1) *IN GENERAL.—The Task Force shall termi-*
11 *nate at the end of the 60-day period beginning on the*
12 *date on which the final report required by subsection*
13 *(e)(3) is submitted to Congress.*

14 (2) *ADDITIONAL ACTIONS.—The Task force may*
15 *use the 60-day period referred to in paragraph (1) for*
16 *the purposes of concluding its activities, including*
17 *providing testimony to Congress concerning the final*
18 *report required by subsection (e)(3).*

19 (g) *ASSISTANCE FOR COUNTRIES AND ENTITIES TAR-*
20 *GETED BY THE PEOPLE’S REPUBLIC OF CHINA FOR ECO-*
21 *NOMIC COERCION.—The Secretary of State, the Adminis-*
22 *trator of the United States Agency for International Devel-*
23 *opment, the United States International Development Fi-*
24 *nance Corporation, the Secretary of Commerce, and the Sec-*
25 *retary of the Treasury shall provide appropriate assistance*

1 *to countries and entities that are subject to coercive eco-*
2 *nom ic practices by the People’s Republic of China.*

3 **SEC. 5515. CHINA CENSORSHIP MONITOR AND ACTION**
4 **GROUP.**

5 (a) *DEFINITIONS.—In this section:*

6 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
7 *TEES.—The term “appropriate congressional commit-*
8 *tees” means—*

9 (A) *the Committee on Foreign Relations, the*
10 *Committee on Appropriations, and the Select*
11 *Committee on Intelligence of the Senate; and*

12 (B) *the Committee on Foreign Affairs, the*
13 *Committee on Appropriations, and the Perma-*
14 *nent Select Committee on Intelligence of the*
15 *House of Representatives.*

16 (2) *QUALIFIED RESEARCH ENTITY.—The term*
17 *“qualified research entity” means an entity that—*

18 (A) *is a nonpartisan research organization*
19 *or a Federally funded research and development*
20 *center;*

21 (B) *has appropriate expertise and analyt-*
22 *ical capability to write the report required under*
23 *subsection (c); and*

24 (C) *is free from any financial, commercial,*
25 *or other entanglements, which could undermine*

1 *the independence of such report or create a con-*
2 *flict of interest or the appearance of a conflict of*
3 *interest, with—*

4 *(i) the Government of the People’s Re-*
5 *public of China;*

6 *(ii) the Chinese Communist Party;*

7 *(iii) any company incorporated in the*
8 *People’s Republic of China or a subsidiary*
9 *of such company; or*

10 *(iv) any company or entity incor-*
11 *porated outside of the People’s Republic of*
12 *China that is believed to have a substantial*
13 *financial or commercial interest in the Peo-*
14 *ple’s Republic of China.*

15 (3) *UNITED STATES PERSON.—The term “United*
16 *States person” means—*

17 *(A) a United States citizen or an alien law-*
18 *fully admitted for permanent residence to the*
19 *United States; or*

20 *(B) an entity organized under the laws of*
21 *the United States or any jurisdiction within the*
22 *United States, including a foreign branch of*
23 *such an entity.*

24 (b) *CHINA CENSORSHIP MONITOR AND ACTION*
25 *GROUP.—*

1 (1) *IN GENERAL.*—*The President shall establish*
2 *an interagency task force, which shall be known as the*
3 *“China Censorship Monitor and Action Group” (re-*
4 *ferred to in this subsection as the “Task Force”).*

5 (2) *MEMBERSHIP.*—*The President shall take the*
6 *following actions with respect to the membership of,*
7 *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 Eco-*
13 *nomics Council.*

14 (C) *Determine the Federal departments and*
15 *agencies that will serve on the Task Force, and*
16 *direct the head of those agencies to appoint per-*
17 *sonnel at the level of Assistant Secretary or*
18 *above to participate in the Task Force.*

19 (3) *RESPONSIBILITIES.*—*The Task Force shall—*

20 (A) *oversee the development and execution of*
21 *an integrated Federal Government strategy to*
22 *monitor and address the impacts of efforts di-*
23 *rected, or directly supported, by the Government*
24 *of the People’s Republic of China to censor or in-*
25 *timidate, in the United States or in any of its*

1 *possessions or territories, any United States per-*
2 *son, including United States companies that*
3 *conduct business in the People's Republic of*
4 *China, which are exercising their right to free-*
5 *dom of speech; and*

6 *(B) submit the strategy developed pursuant*
7 *to subparagraph (A) to the appropriate congres-*
8 *sional committees not later than 120 days after*
9 *the date of the enactment of this Act.*

10 *(4) MEETINGS.—The Task Force shall meet not*
11 *less frequently than twice per year.*

12 *(5) CONSULTATIONS.—The Task Force should*
13 *regularly consult, to the extent necessary and appro-*
14 *priate, with—*

15 *(A) Federal agencies that are not rep-*
16 *resented on the Task Force;*

17 *(B) independent agencies of the United*
18 *States Government that are not represented on*
19 *the Task Force;*

20 *(C) relevant stakeholders in the private sec-*
21 *tor and the media; and*

22 *(D) relevant stakeholders among United*
23 *States allies and partners facing similar chal-*
24 *lenges related to censorship or intimidation by*

1 *the Government of the People's Republic of*
2 *China.*

3 (6) *REPORTING REQUIREMENTS.—*

4 (A) *ANNUAL REPORT.—The Task Force*
5 *shall submit an annual report to the appropriate*
6 *congressional committees that describes, with re-*
7 *spect to the reporting period—*

8 (i) *the strategic objectives and policies*
9 *pursued by the Task Force to address the*
10 *challenges of censorship and intimidation of*
11 *United States persons while in the United*
12 *States or any of its possessions or terri-*
13 *tories, which is directed or directly sup-*
14 *ported by the Government of the People's*
15 *Republic of China;*

16 (ii) *the activities conducted by the*
17 *Task Force in support of the strategic objec-*
18 *tives and policies referred to in clause (i);*
19 *and*

20 (iii) *the results of the activities referred*
21 *to in clause (ii) and the impact of such ac-*
22 *tivities on the national interests of the*
23 *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 later
5 than 90 days after the date of the enactment of
6 this Act, and annually thereafter, the Task Force
7 shall provide briefings to the appropriate con-
8 gressional committees regarding the activities of
9 the Task Force to execute the strategy developed
10 pursuant to paragraph (3)(A).

11 (c) *REPORT ON CENSORSHIP AND INTIMIDATION OF*
12 *UNITED STATES PERSONS BY THE GOVERNMENT OF THE*
13 *PEOPLE’S REPUBLIC OF CHINA.*—

14 (1) *REPORT.*—

15 (A) *IN GENERAL.*—Not later than 90 days
16 after the date of the enactment of this Act, the
17 Secretary of State shall select and seek to enter
18 into an agreement with a qualified research enti-
19 ty that is independent of the Department of
20 State to write a report on censorship and in-
21 timidation in the United States and its posses-
22 sions and territories of United States persons,
23 including United States companies that conduct
24 business in the People’s Republic of China, which

1 *is directed or directly supported by the Govern-*
2 *ment 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 of*
14 *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 Peo-*
18 *ple’s Republic of China, that criticize—*

19 *(I) the Chinese Communist Party;*

20 *(II) the Government of the Peo-*
21 *ple’s Republic of China;*

22 *(III) the authoritarian model of*
23 *government of the People’s Republic of*
24 *China; or*

1 (IV) a particular policy advanced
2 by the Chinese Communist Party or
3 the Government of the People's Repub-
4 lic 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 Government
10 of the People's Republic of China to limit
11 freedom of expression in the private sector,
12 including media, social media, film, edu-
13 cation, travel, financial services, sports and
14 entertainment, technology, telecommuni-
15 cation, and internet infrastructure interests;

16 (v) include policy recommendations for
17 the United States Government, including
18 recommendations regarding collaboration
19 with United States allies and partners, to
20 address censorship and intimidation by the
21 Government of the People's Republic of
22 China; and

23 (vi) include policy recommendations
24 for United States persons, including United
25 States companies that conduct business in

1 *China, to address censorship and intimid-*
2 *ation by the Government of the People’s Re-*
3 *public of China.*

4 (C) *APPLICABILITY TO UNITED STATES AL-*
5 *LIES AND PARTNERS.*—*To the extent practicable,*
6 *the report required under subparagraph (A)*
7 *should identify implications and policy rec-*
8 *ommendations that are relevant to United States*
9 *allies and partners facing censorship and intimi-*
10 *dation directed or directly supported by the Gov-*
11 *ernment of the People’s Republic of China.*

12 (2) *SUBMISSION OF REPORT.*—

13 (A) *IN GENERAL.*—*Not later than 1 year*
14 *after the date of the enactment of this Act, the*
15 *Secretary of State shall submit the report writ-*
16 *ten by the qualified research entity selected pur-*
17 *suant to paragraph (1)(A) to the appropriate*
18 *congressional committees.*

19 (B) *PUBLICATION.*—*The report referred to*
20 *in subparagraph (A) shall be made accessible to*
21 *the public online through relevant United States*
22 *Government websites.*

23 (d) *SUNSET.*—*This section shall terminate on the date*
24 *that is 5 years after the date of enactment of this Act.*

1 **PART 3—INCLUSION OF TAIWAN IN**
2 **INTERNATIONAL ORGANIZATIONS**

3 **SEC. 5516. FINDINGS.**

4 *Congress makes the following findings:*

5 (1) *Since 2016, the Gambia, Sao Tome and*
6 *Principe, Panama, the Dominican Republic, Burkina*
7 *Faso, El Salvador, the Solomon Islands, and Kiribati*
8 *have severed diplomatic relations with Taiwan in*
9 *favor of diplomatic relations with China.*

10 (2) *Taiwan was invited to participate in the*
11 *World Health Assembly (WHA), the decision-making*
12 *body of the World Health Organization (WHO), as an*
13 *observer annually between 2009 and 2016. Since the*
14 *2016 election of President Tsai, the PRC has increas-*
15 *ingly resisted Taiwan's participation in the WHA.*
16 *Taiwan was not invited to attend the WHA in 2017,*
17 *2018, 2019, 2020, or 2021.*

18 (3) *The Taipei Flight Information Region re-*
19 *portedly served 1,750,000 flights and 68,900,000 pas-*
20 *sengers in 2018, and is home to Taiwan Taoyuan*
21 *International Airport, the eleventh busiest airport in*
22 *the world. Taiwan has been excluded from partici-*
23 *parting at the International Civil Aviation Organiza-*
24 *tion (ICAO) since 2013.*

25 (4) *United Nations (UN) General Assembly Res-*
26 *olution 2758 does not address the issue of representa-*

1 *tion of Taiwan and its people at the United Nations,*
2 *nor does it give the PRC the right to represent the*
3 *people of Taiwan.*

4 **SEC. 5517. SENSE OF CONGRESS ON TAIWAN'S MEANINGFUL**
5 **PARTICIPATION IN THE INTERNATIONAL**
6 **COMMUNITY.**

7 *It is the sense of Congress that—*

8 *(1) Taiwan is an important contributor to the*
9 *global community, as a model for democracy, and by*
10 *providing expertise in global health, international*
11 *aviation security, emerging technology development,*
12 *and high environmental standards;*

13 *(2) multiple United States Government adminis-*
14 *trations of both political parties have taken impor-*
15 *tant steps to advance Taiwan's meaningful participa-*
16 *tion in international organizations;*

17 *(3) existing efforts to enhance United States co-*
18 *operation with Taiwan to provide global public goods,*
19 *including through development assistance, humani-*
20 *tarian assistance, and disaster relief, in trilateral and*
21 *multilateral fora are laudable and should continue;*

22 *(4) nonetheless, significant structural, policy,*
23 *and legal barriers remain to advancing Taiwan's*
24 *meaningful participation in the international com-*
25 *munity; and*

1 (5) *efforts to share Taiwan’s expertise with other*
2 *parts of the global community could be further en-*
3 *hanced through a systematic approach, along with*
4 *greater attention from Congress and the American*
5 *public to such efforts.*

6 **SEC. 5518. STRATEGY TO SUPPORT TAIWAN’S MEANINGFUL**
7 **PARTICIPATION IN INTERNATIONAL ORGANI-**
8 **ZATIONS.**

9 (a) *IN GENERAL.*—*Not later than 180 days after the*
10 *date of the enactment of this Act, the Secretary of State,*
11 *in consultation with other Federal departments and agen-*
12 *cies as appropriate, shall submit to the appropriate con-*
13 *gressional committees a strategy—*

14 (1) *to advance Taiwan’s meaningful participa-*
15 *tion in a prioritized set of international organiza-*
16 *tions (IOs); and*

17 (2) *that responds to growing pressure from the*
18 *PRC on foreign governments, IOs, commercial actors,*
19 *and civil society organizations to comply with its*
20 *“One-China Principle”, with respect to Taiwan.*

21 (b) *MATTERS TO BE INCLUDED.*—*The strategy re-*
22 *quired under subsection (a) should include the following ele-*
23 *ments:*

24 (1) *An assessment of the methods the PRC uses*
25 *to coerce actors to into adhering to its “One-China*

1 *Principle.” The methods should include those em-*
2 *ployed against governments, IOs, and civil society or-*
3 *ganizations. The assessment should also include pres-*
4 *sure on commercial actors, to the extent it is relevant*
5 *in the context of Taiwan’s meaningful participation*
6 *in IOs.*

7 (2) *An assessment of the policies of foreign gov-*
8 *ernments toward the PRC and Taiwan, to identify*
9 *likeminded allies and partners who might become*
10 *public or private partners in the strategy.*

11 (3) *A systematic analysis of all IOs, as prac-*
12 *ticable, to identify IOs that best lend themselves to ad-*
13 *vancing Taiwan’s participation.*

14 (4) *A plan to expand economic, security, and*
15 *diplomatic engagement with nations that have de-*
16 *monstrably strengthened, enhanced, or upgraded rela-*
17 *tions with Taiwan, in accordance with United States*
18 *interests.*

19 (5) *A survey of IOs that have allowed Taiwan’s*
20 *meaningful participation, including an assessment of*
21 *whether any erosion in Taiwan’s engagement has oc-*
22 *curred within those organizations and how Taiwan’s*
23 *participation has positively strengthened the capacity*
24 *and activity of these organizations, thereby providing*

1 *positive models for Taiwan’s inclusion in other simi-*
2 *lar forums.*

3 (6) *A list of no more than 20 IOs at which the*
4 *United States Government will prioritize for using its*
5 *voice, vote, and influence to advance Taiwan’s mean-*
6 *ingful participation over the three-year period fol-*
7 *lowing the date of enactment of this Act. The list*
8 *should be derived from the IOs identified in para-*
9 *graph (3).*

10 (7) *A description of the diplomatic strategies*
11 *and the coalitions the United States Government*
12 *plans to develop to implement paragraph (6).*

13 (c) *FORM OF REPORT.*—*The strategy required in sub-*
14 *section (a) shall be classified, but it may include an unclas-*
15 *sified summary.*

16 (d) *SUPPORT FOR MEANINGFUL PARTICIPATION.*—*The*
17 *Permanent Representative of the United States to the*
18 *United Nations and other relevant United States officials*
19 *shall actively support Taiwan’s meaningful participation*
20 *in all appropriate international organizations.*

21 **SEC. 5519. MEANINGFUL PARTICIPATION OF TAIWAN IN THE**
22 **INTERNATIONAL CIVIL AVIATION ORGANIZA-**
23 **TION.**

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

1 (1) *the International Civil Aviation Organiza-*
2 *tion (ICAO) should allow Taiwan to meaningfully*
3 *participate in the organization, including in ICAO*
4 *triennial assembly sessions, conferences, technical*
5 *working groups, meetings, activities, and mechanisms;*

6 (2) *Taiwan is a global leader and hub for inter-*
7 *national aviation, with a range of expertise, informa-*
8 *tion, and resources and the fifth busiest airport in*
9 *Asia (Taoyuan International Airport), and its mean-*
10 *ingful participation in ICAO would significantly en-*
11 *hance the ability of ICAO to ensure the safety and se-*
12 *curity of global aviation; and*

13 (3) *coercion by the Chinese Communist Party*
14 *and the People's Republic of China has ensured the*
15 *systematic exclusion of Taiwan from meaningful par-*
16 *ticipation in ICAO, significantly undermining the*
17 *ability of ICAO to ensure the safety and security of*
18 *global aviation.*

19 (b) *PLAN FOR TAIWAN'S MEANINGFUL PARTICIPATION*
20 *IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—*
21 *The Secretary of State, in coordination with the Secretary*
22 *of Commerce and the Secretary of Transportation, is au-*
23 *thorized—*

24 (1) *to initiate a United States plan to secure*
25 *Taiwan's meaningful participation in ICAO, includ-*

1 *ing in ICAO triennial assembly sessions, conferences,*
2 *technical working groups, meetings, activities, and*
3 *mechanisms; and*

4 (2) *to instruct the United States representative*
5 *to the ICAO to—*

6 (A) *use the voice and vote of the United*
7 *States to ensure Taiwan’s meaningful participa-*
8 *tion in ICAO, including in ICAO triennial as-*
9 *sembly sessions, conferences, technical working*
10 *groups, meetings, activities, and mechanisms;*
11 *and*

12 (B) *seek to secure a vote at the next ICAO*
13 *triennial assembly session on the question of Tai-*
14 *wan’s participation in that session.*

15 (c) *REPORT CONCERNING TAIWAN’S MEANINGFUL*
16 *PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION*
17 *ORGANIZATION.—Not later than 90 days after the date of*
18 *the enactment of this Act, and not later than April 1 of*
19 *each year thereafter for the following 6 years, the Secretary*
20 *of State, in coordination with the Secretary of Commerce,*
21 *shall submit to the Committee on Foreign Relations and*
22 *the Committee on Commerce, Science, and Transportation*
23 *of the Senate and the Committee on Foreign Affairs, the*
24 *Committee on Transportation and Infrastructure, and the*

1 *Committee on Energy and Commerce of the House of Rep-*
2 *resentatives an unclassified report that—*

3 (1) *describes the United States plan to ensure*
4 *Taiwan’s meaningful participation in ICAO, includ-*
5 *ing in ICAO triennial assembly sessions, conferences,*
6 *technical working groups, meetings, activities, and*
7 *mechanisms;*

8 (2) *includes an account of the efforts made by the*
9 *Secretary of State and the Secretary of Commerce to*
10 *ensure Taiwan’s meaningful participation in ICAO,*
11 *including in ICAO triennial assembly sessions, con-*
12 *ferences, technical working groups, meetings, activi-*
13 *ties, and mechanisms; and*

14 (3) *identifies the steps the Secretary of State and*
15 *the Secretary of Commerce will take in the next year*
16 *to ensure Taiwan’s meaningful participation in*
17 *ICAO, including in ICAO triennial assembly sessions,*
18 *conferences, technical working groups, meetings, ac-*
19 *tivities, and mechanisms.*

20 **PART 4—MISCELLANEOUS PROVISIONS**

21 **SEC. 5520. REPORT ON TAIWAN TRAVEL ACT.**

22 (a) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
23 *FINED.—In this section, the term “appropriate committees*
24 *of Congress” means—*

1 (1) *the Committee on Foreign Relations of the*
2 *Senate;*

3 (2) *the Committee on Armed Services of the Sen-*
4 *ate;*

5 (3) *the Committee on Appropriations of the Sen-*
6 *ate;*

7 (4) *the Committee on Foreign Affairs of the*
8 *House of Representatives;*

9 (5) *the Committee on Armed Services of the*
10 *House of Representatives; and*

11 (6) *the Committee on Appropriations of the*
12 *House of Representatives.*

13 (b) *LIST OF HIGH-LEVEL VISITS.—Not later than 180*
14 *days after the date of the enactment of this Act, and annu-*
15 *ally thereafter for 5 years, the Secretary of State, in accord-*
16 *ance with the Taiwan Travel Act (Public Law 115–135),*
17 *shall submit to the appropriate committees of Congress—*

18 (1) *a list of high-level officials from the United*
19 *States Government who have traveled to Taiwan on*
20 *or after the date of the enactment of the Taiwan*
21 *Travel Act; and*

22 (2) *a list of high-level officials of Taiwan who*
23 *have entered the United States on or after such date*
24 *of enactment.*

25 (c) *ANNUAL REPORT.—*

1 (1) *IN GENERAL.*—Not later than 90 days after
2 the date of the enactment of this Act, and annually
3 thereafter for 5 years, the Secretary of State shall sub-
4 mit to the appropriate committees of Congress a re-
5 port on the implementation of the Taiwan Travel Act
6 (Public Law 115–135; 132 Stat. 341), including a
7 discussion of its positive effects on United States in-
8 terests in the region.

9 (2) *FORM.*—The report required under para-
10 graph (1) shall be submitted in unclassified form, but
11 may include a classified annex.

12 **SEC. 5521. AMENDMENTS TO THE TAIWAN ALLIES INTER-**
13 **NATIONAL PROTECTION AND ENHANCEMENT**
14 **INITIATIVE (TAIPEI) ACT OF 2019.**

15 *The Taiwan Allies International Protection and En-*
16 *hancement Initiative (TAIPEI) Act of 2019 (Public Law*
17 *116–135) is amended—*

18 (1) *in section 2(5), by striking “and Kiribati”*
19 *and inserting “Kiribati, and Nicaragua,”;*

20 (2) *in section 4—*

21 (A) *in the matter preceding paragraph (1),*
22 *by striking “should be” and inserting “is”;*

23 (B) *in paragraph (2), by striking “and” at*
24 *the end;*

1 (C) in paragraph (3), by striking the period
2 at the end and inserting “; and”; and

3 (D) by adding at the end the following:

4 “(4) to support Taiwan’s diplomatic relations
5 with governments and countries”; and

6 (3) in section 5—

7 (A) in subsection (a)—

8 (i) in paragraph (2), by striking
9 “and” at the end;

10 (ii) in paragraph (3), by striking the
11 period at the end and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(4) identify why governments and countries
16 have altered their diplomatic status vis-a-vis Taiwan
17 and make recommendations to mitigate further dete-
18 rioration in Taiwan’s diplomatic relations with gov-
19 ernments and countries.”;

20 (B) in subsection (b), by striking “1 year
21 after the date of the enactment of this Act, and
22 annually thereafter for five years, the Secretary
23 of State shall report” and inserting “90 days
24 after the date of the enactment of the Taiwan
25 Enhanced Resilience Act, and annually there-

1 *after for the following 7 years, the Secretary of*
2 *State shall submit an unclassified report, with a*
3 *classified annex,”;*

4 *(C) by redesignating subsection (c) as sub-*
5 *section (d); and*

6 *(D) by inserting after subsection (b) the fol-*
7 *lowing:*

8 *“(c) BRIEFINGS.—Not later than 90 days after the*
9 *date of the enactment of the Taiwan Enhanced Resilience*
10 *Act, and annually thereafter for the following 7 years, the*
11 *Secretary of State shall provide briefings to the appropriate*
12 *congressional committees on the steps taken in accordance*
13 *with section (a). The briefings required under this sub-*
14 *section shall take place in an unclassified setting, but may*
15 *be accompanied by an additional classified briefing.”.*

16 **SEC. 5522. REPORT ON ROLE OF PEOPLE’S REPUBLIC OF**
17 **CHINA’S NUCLEAR THREAT IN ESCALATION**
18 **DYNAMICS.**

19 *(a) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
20 *FINED.—In this section, the term “appropriate congres-*
21 *sional committees” means—*

22 *(1) the Committee on Foreign Relations of the*
23 *Senate;*

24 *(2) the Committee on Armed Services of the Sen-*
25 *ate;*

1 (3) *the Select Committee on Intelligence of the*
2 *Senate;*

3 (4) *the Committee on Foreign Affairs of the*
4 *House of Representatives;*

5 (5) *the Committee on Armed Services of the*
6 *House of Representatives; and*

7 (6) *the Permanent Select Committee on Intel-*
8 *ligence of the House of Representatives.*

9 (b) *IN GENERAL.—Not later than 90 days after the*
10 *date of the enactment of this Act, the Secretary of State,*
11 *in consultation with the Secretary of Defense and the Direc-*
12 *tor of National Intelligence, shall submit to the appropriate*
13 *congressional committees a report assessing the role of the*
14 *increasing nuclear threat of the People’s Republic of China*
15 *in escalation dynamics with respect to Taiwan.*

16 (c) *FORM.—The report required by subsection (b) shall*
17 *be submitted in classified form, but may include an unclas-*
18 *sified summary.*

19 **SEC. 5523. REPORT ANALYZING THE IMPACT OF RUSSIA’S**
20 **WAR AGAINST UKRAINE ON THE OBJECTIVES**
21 **OF THE PEOPLE’S REPUBLIC OF CHINA WITH**
22 **RESPECT TO TAIWAN.**

23 (a) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
24 *FINED.—In this section, the term “appropriate congres-*
25 *sional committees” means—*

1 (1) *the Committee on Foreign Relations of the*
2 *Senate;*

3 (2) *the Committee on Armed Services of the Sen-*
4 *ate;*

5 (3) *the Committee on Appropriations of the Sen-*
6 *ate;*

7 (4) *the Select Committee on Intelligence of the*
8 *Senate;*

9 (5) *the Committee on Banking, Housing, and*
10 *Urban Affairs of the Senate;*

11 (6) *the Committee on Commerce, Science, and*
12 *Transportation of the Senate;*

13 (7) *the Committee on Foreign Affairs of the*
14 *House of Representatives;*

15 (8) *the Committee on Armed Services of the*
16 *House of Representatives;*

17 (9) *the Committee on Appropriations of the*
18 *House of Representatives;*

19 (10) *the Permanent Select Committee on Intel-*
20 *ligence of the House of Representatives;*

21 (11) *the Committee on Financial Services of the*
22 *House of Representatives; and*

23 (12) *the Committee on Energy and Commerce of*
24 *the House of Representatives.*

1 (b) *IN GENERAL.*—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary of State,
3 in consultation with the Secretary of Defense and the Direc-
4 tor of National Intelligence, shall submit a report to the
5 appropriate congressional committees that analyzes the im-
6 pact of Russia’s war against Ukraine on the PRC’s diplo-
7 matic, military, economic, and propaganda objectives with
8 respect to Taiwan.

9 (c) *ELEMENTS.*—The report required by subsection (b)
10 shall describe—

11 (1) *adaptations or known changes to PRC strate-*
12 *gies and military doctrine that the United States as-*
13 *sesses are a direct result of the Russian invasion of*
14 *Ukraine or that the United States assesses represent*
15 *lessons learned by the People’s Republic of China in*
16 *light of Russia’s invasion of Ukraine, including*
17 *changes—*

18 (A) *to PRC behavior in international fo-*
19 *runs;*

20 (B) *within the People’s Liberation Army,*
21 *with respect to the size of forces, the makeup of*
22 *leadership, weapons procurement, equipment up-*
23 *keep, the doctrine on the use of specific weapons,*
24 *such as weapons banned under the international*
25 *law of armed conflict, efforts to move weapons*

1 *supply chains onto mainland PRC, or any other*
2 *changes in its military strategy with respect to*
3 *Taiwan;*

4 (C) *in economic planning, such as sanctions*
5 *evasion, efforts to minimize exposure to sanc-*
6 *tions, or moves in support of the protection of*
7 *currency or other strategic reserves;*

8 (D) *to propaganda, disinformation, and*
9 *other information operations originating in the*
10 *PRC; and*

11 (E) *to the PRC's strategy for the use of force*
12 *against Taiwan, including any information on*
13 *preferred scenarios or operations to secure its ob-*
14 *jectives in Taiwan, adjustments based on how*
15 *the Russian military has performed in Ukraine,*
16 *and other relevant matters; and*

17 (2) *United States plans to adapt policies and*
18 *military planning in response to the changes referred*
19 *to in paragraph (1).*

20 (d) *FORM.—The report required by subsection (b) shall*
21 *be submitted in classified form.*

22 (e) *COORDINATION WITH ALLIES AND PARTNERS.—*
23 *The Secretary of State shall share information contained*
24 *in the report required by subsection (b), as appropriate,*
25 *with appropriate officials of allied and partners, including*

1 *Taiwan and other partners in Europe and in the Indo-Pa-*
2 *cific.*

3 **SEC. 5524. EXPANDING UNITED STATES-TAIWAN DEVELOP-**
4 **MENT COOPERATION.**

5 (a) *IN GENERAL.*—No later than 120 days following
6 the date of enactment of this Act, the Secretary of State,
7 in consultation with the Administrator of the United States
8 Agency for International Development (USAID), the
9 United States International Development Finance Corpora-
10 tion (DFC), and the heads of other relevant Federal depart-
11 ments and agencies that provide international economic as-
12 sistance and other support, shall submit to Congress a re-
13 port on cooperation with Taiwan on trilateral and multi-
14 lateral development initiatives through the American Insti-
15 tute in Taiwan as appropriate.

16 (b) *MATTERS TO BE INCLUDED.*—The report required
17 by subsection (a) shall include the following elements:

18 (1) *A comprehensive review of existing coopera-*
19 *tion mechanisms and initiatives among USAID,*
20 *DFC, other relevant Federal agencies that provide*
21 *international economic assistance and other support,*
22 *and relevant departments and agencies in Taiwan,*
23 *including Taiwan’s International Cooperation and*
24 *Development Fund (ICDF).*

1 (2) *An assessment of how United States develop-*
2 *ment cooperation with relevant departments and*
3 *agencies in Taiwan compares to comparable coopera-*
4 *tion with partners of similar economic size and for-*
5 *oreign assistance capacity to Taiwan.*

6 (3) *An analysis of the opportunities and chal-*
7 *lenges the cooperation reviewed in paragraph (1) has*
8 *offered to date. The analysis shall include—*

9 (A) *opportunities that collaboration has of-*
10 *fered to expand the United States Government's*
11 *ability to deliver support, assistance, and other*
12 *international financial products into a wider*
13 *range communities;*

14 (B) *sectors where USAID, DFC, ICDF,*
15 *other relevant Federal agencies that provide*
16 *international economic assistance and other sup-*
17 *port in both Taiwan and the United States, or*
18 *the organizations' implementing partners have a*
19 *comparative advantage in providing assistance;*

20 (C) *opportunities to transition capacity*
21 *building events with relevant departments and*
22 *agencies in Taiwan, through the Global Coopera-*
23 *tion and Training Framework as well as other*
24 *forums, into enduring forms of development co-*
25 *operation.*

1 (4) *An assessment of any legal, policy, logistical,*
2 *financial, or administrative barriers to expanding co-*
3 *operation in trilateral or multilateral development.*

4 *The analysis shall include—*

5 (A) *availability of personnel at the Amer-*
6 *ican Institute in Taiwan responsible for coordi-*
7 *nating development assistance cooperation;*

8 (B) *volume of current cooperation initia-*
9 *tives and barriers to expanding them;*

10 (C) *diplomatic, policy, or legal barriers fac-*
11 *ing the United States or other partners to in-*
12 *cluding Taiwan in formal and informal multi-*
13 *lateral development cooperation mechanisms;*

14 (D) *resource or capacity barriers to expand-*
15 *ing cooperation facing the United States or Tai-*
16 *wan; and*

17 (E) *geopolitical barriers that complicate*
18 *United States-Taiwan cooperation in third coun-*
19 *tries.*

20 (5) *Recommendations to address the challenges*
21 *identified in paragraph (4).*

22 (6) *A description of any additional resources or*
23 *authorities that expanding cooperation might require.*

1 (c) *FORM OF REPORT.*—*The strategy required under*
2 *subsection (a) shall be submitted in unclassified form, but*
3 *may include a classified annex.*

4 **SEC. 5525. SENSE OF CONGRESS ON EXPANDING UNITED**
5 **STATES ECONOMIC RELATIONS WITH TAI-**
6 **WAN.**

7 *It is the sense of the Congress that—*

8 (1) *expanding United States economic relations*
9 *with Taiwan has benefitted the people of both the*
10 *United States and Taiwan, as Taiwan is now the*
11 *United States 10th largest goods trading partner,*
12 *13th largest export market, 13th largest source of im-*
13 *ports, and a key destination for United States agri-*
14 *cultural exports;*

15 (2) *further integration would benefit both peoples*
16 *and is in the strategic and diplomatic interests of the*
17 *United States; and*

18 (3) *the United States should explore opportuni-*
19 *ties to expand economic agreements between Taiwan*
20 *and the United States, through dialogue, and by de-*
21 *veloping the legal templates required to support po-*
22 *tential future agreements.*

1 **PART 5—SUPPORTING UNITED STATES EDU-**
2 **CATIONAL AND EXCHANGE PROGRAMS WITH**
3 **TAIWAN**

4 **SEC. 5526. SHORT TITLE.**

5 *This part may be cited as the “Taiwan Fellowship*
6 *Act”.*

7 **SEC. 5527. FINDINGS.**

8 *Congress makes the following findings:*

9 *(1) The Taiwan Relations Act (Public Law 96–*
10 *8; 22 U.S.C. 3301 et seq.) affirmed United States pol-*
11 *icy “to preserve and promote extensive, close, and*
12 *friendly commercial, cultural, and other relations be-*
13 *tween the people of the United States and the people*
14 *on Taiwan, as well as the people on the China main-*
15 *land and all other peoples of the Western Pacific*
16 *area”.*

17 *(2) Consistent with the Asia Reassurance Initia-*
18 *tive Act of 2018 (Public Law 115–409), the United*
19 *States has grown its strategic partnership with Tai-*
20 *wan’s vibrant democracy of 23,000,000 people.*

21 *(3) The creation of a United States fellowship*
22 *program with Taiwan would support—*

23 *(A) a key priority of expanding people-to-*
24 *people exchanges, which was outlined in Presi-*
25 *dent Donald J. Trump’s 2017 National Security*
26 *Strategy;*

1 (B) *President Joseph R. Biden’s commit-*
2 *ment to Taiwan, “a leading democracy and a*
3 *critical economic and security partner”, as ex-*
4 *pressed in his March 2021 Interim National Se-*
5 *curity Strategic Guidance; and*

6 (C) *April 2021 guidance from the Depart-*
7 *ment of State based on a review required under*
8 *the Taiwan Assurance Act of 2020 (subtitle B of*
9 *title III of division FF of Public Law 116–260)*
10 *to “encourage U.S. government engagement with*
11 *Taiwan that reflects our deepening unofficial re-*
12 *lationship”.*

13 **SEC. 5528. PURPOSES.**

14 *The purposes of this part are—*

15 (1) *to further strengthen the United States-Tai-*
16 *wan strategic partnership and broaden understanding*
17 *of the Indo-Pacific region by temporarily assigning*
18 *officials of any agencies of the United States Govern-*
19 *ment to Taiwan for intensive study in Mandarin and*
20 *placement as Fellows in a Taiwanese civic institu-*
21 *tion;*

22 (2) *to provide for eligible United States per-*
23 *sonnel—*

24 (A) *to learn or strengthen Mandarin Chi-*
25 *nese language skills; and*

1 (B) to expand their understanding of the
2 political economy of Taiwan and the Indo-Pa-
3 cific region; and

4 (3) to better position the United States to ad-
5 vance its economic, security, and human rights inter-
6 ests and values in the Indo-Pacific region.

7 **SEC. 5529. DEFINITIONS.**

8 In this part:

9 (1) *AGENCY HEAD.*—The term “agency head”
10 means, in the case of the executive branch of United
11 States Government or a legislative branch agency de-
12 scribed in paragraph (2), the head of the respective
13 agency.

14 (2) *AGENCY OF THE UNITED STATES GOVERN-*
15 *MENT.*—The term “agency of the United States Gov-
16 *ernment” includes the Government Accountability Of-*
17 *ice, the Congressional Budget Office, and the Con-*
18 *gressional Research Service of the legislative branch,*
19 *as well as any agency of the executive branch.*

20 (3) *APPROPRIATE COMMITTEES OF CONGRESS.*—
21 The term “appropriate committees of Congress”
22 means—

23 (A) the Committee on Foreign Relations of
24 the Senate;

1 (B) *the Committee on Appropriations of the*
2 *Senate;*

3 (C) *the Committee on Foreign Affairs of the*
4 *House of Representatives; and*

5 (D) *the Committee on Appropriations of the*
6 *House of Representatives.*

7 (4) *DETAILEE.*—*The term “detailee” means—*

8 (A) *an employee of an agency of the United*
9 *States Government on loan to the American In-*
10 *stitute in Taiwan, without a change of position*
11 *from the agency at which the employee is em-*
12 *ployed; and*

13 (B) *a legislative branch employee from the*
14 *Government Accountability Office, Congressional*
15 *Budget Office, or the Congressional Research*
16 *Service.*

17 (5) *IMPLEMENTING PARTNER.*—*The term “imple-*
18 *menting partner” means any United States organiza-*
19 *tion described in section 501(c)(3) of the Internal*
20 *Revenue Code of 1986 that—*

21 (A) *performs logistical, administrative, and*
22 *other functions, as determined by the Depart-*
23 *ment of State and the American Institute of Tai-*
24 *wan in support of the Taiwan Fellowship Pro-*
25 *gram; and*

1 (B) enters into a cooperative agreement
2 with the American Institute in Taiwan to ad-
3 minister the Taiwan Fellowship Program.

4 (6) PROGRAM.—The term “Program” means the
5 Taiwan Fellowship Program established pursuant to
6 section 5530.

7 **SEC. 5530. TAIWAN FELLOWSHIP PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary of State shall es-
9 tablish the Taiwan Fellowship Program (referred to in this
10 section as the “Program”) to provide a fellowship oppor-
11 tunity in Taiwan of up to 2 years for eligible United States
12 citizens. The Department of State, in consultation with the
13 American Institute in Taiwan and the implementing part-
14 ner, may modify the name of the Program.

15 (b) COOPERATIVE AGREEMENT.—

16 (1) IN GENERAL.—The American Institute in
17 Taiwan should use amounts appropriated pursuant
18 to section 5533(a) to enter into an annual or multi-
19 year cooperative agreement with an appropriate im-
20 plementing partner.

21 (2) FELLOWSHIPS.—The Department of State or
22 the American Institute in Taiwan, in consultation
23 with, as appropriate, the implementing partner,
24 should award to eligible United States citizens, sub-
25 ject to available funding—

1 (A) *approximately 5 fellowships during the*
2 *first 2 years of the Program; and*

3 (B) *approximately 10 fellowships during*
4 *each of the remaining years of the Program.*

5 (c) *AMERICAN INSTITUTION IN TAIWAN AGREEMENT;*
6 *IMPLEMENTING PARTNER.—Not later than 30 days after*
7 *the date of the enactment of this Act, the American Institute*
8 *in Taiwan, in consultation with the Department of State,*
9 *should—*

10 (1) *begin negotiations with the Taipei Economic*
11 *and Cultural Representative Office, or with another*
12 *appropriate entity, for the purpose of entering into*
13 *an agreement to facilitate the placement of fellows in*
14 *an agency of Taiwan; and*

15 (2) *begin the process of selecting an imple-*
16 *menting partner, which—*

17 (A) *shall agree to meet all of the legal re-*
18 *quirements required to operate in Taiwan; and*

19 (B) *shall be composed of staff who dem-*
20 *onstrate significant experience managing ex-*
21 *change programs in the Indo-Pacific region.*

22 (d) *CURRICULUM.—*

23 (1) *FIRST YEAR.—During the first year of each*
24 *fellowship under this section, each fellow should*
25 *study—*

1 (A) *the Mandarin Chinese language;*

2 (B) *the people, history, and political cli-*
3 *mate on Taiwan; and*

4 (C) *the issues affecting the relationship be-*
5 *tween the United States and the Indo-Pacific re-*
6 *gion.*

7 (2) *SECOND YEAR.—During the second year of*
8 *each fellowship under this section, each fellow, subject*
9 *to the approval of the Department of State, the Amer-*
10 *ican Institute in Taiwan, and the implementing*
11 *partner, and in accordance with the purposes of this*
12 *subtitle, should work in—*

13 (A) *a parliamentary office, ministry, or*
14 *other agency of Taiwan; or*

15 (B) *an organization outside the public sec-*
16 *tor in Taiwan, whose interests are associated*
17 *with the interests of the fellow and the agency of*
18 *the United States Government from which the*
19 *fellow is or had been employed.*

20 (e) *PROGRAM REQUIREMENTS.—*

21 (1) *ELIGIBILITY REQUIREMENTS.—A United*
22 *States citizen is eligible for a fellowship under this*
23 *section if the citizen—*

24 (A) *is an employee of the United States*
25 *Government;*

1 (B) has received at least one exemplary per-
2 formance review in his or her current United
3 States Government role within at least the last
4 three years prior to beginning the fellowship;

5 (C) has at least 2 years of experience in any
6 branch of the United States Government;

7 (D) has a demonstrated professional or edu-
8 cational background in the relationship between
9 the United States and countries in the Indo-Pa-
10 cific region; and

11 (E) has demonstrated his or her commit-
12 ment to further service in the United States Gov-
13 ernment.

14 (2) *RESPONSIBILITIES OF FELLOWS.*—Each re-
15 cipient of a fellowship under this section shall agree,
16 as a condition of such fellowship—

17 (A) to maintain satisfactory progress in
18 language training and appropriate behavior in
19 Taiwan, consistent with United States Govern-
20 ment policy toward Taiwan, as determined by
21 the Department of State, the American Institute
22 in Taiwan and, as appropriate, its imple-
23 menting partner;

1 (B) to refrain from engaging in any intel-
2 ligence or intelligence-related activity on behalf
3 of the United States Government; and

4 (C) to continue Federal Government em-
5 ployment for a period of not less than 4 years
6 after the conclusion of the fellowship or for not
7 less than 2 years for a fellowship that is 1 year
8 or shorter.

9 (3) *RESPONSIBILITIES OF IMPLEMENTING PART-*
10 *NER.—*

11 (A) *SELECTION OF FELLOWS.—*The imple-
12 menting partner, with the concurrence of the De-
13 partment of State and the American Institute in
14 Taiwan, shall—

15 (i) make efforts to recruit fellowship
16 candidates who reflect the diversity of the
17 United States;

18 (ii) select fellows for the Taiwan Fel-
19 lowship Program based solely on merit,
20 with appropriate supervision from the De-
21 partment of State and the American Insti-
22 tute in Taiwan; and

23 (iii) prioritize the selection of can-
24 didates willing to serve in a fellowship last-
25 ing 1 year or longer.

1 (B) *FIRST YEAR.*—*The implementing part-*
2 *ner should provide each fellow in the first year*
3 *(or shorter duration, as jointly determined by the*
4 *Department of State and the American Institute*
5 *in Taiwan for those who are not serving a 2-*
6 *year fellowship) with—*

7 (i) *intensive Mandarin Chinese lan-*
8 *guage training; and*

9 (ii) *courses in the politics, culture, and*
10 *history of Taiwan, China, and the broader*
11 *Indo-Pacific.*

12 (C) *WAIVER OF FIRST-YEAR TRAINING.*—
13 *The Department of State, in coordination with*
14 *the American Institute in Taiwan and, as ap-*
15 *propriate, the implementing partner, may waive*
16 *any of the training required under paragraph*
17 *(2) to the extent that a fellow has Mandarin lan-*
18 *guage skills, knowledge of the topic described in*
19 *subparagraph (B)(ii), or for other related rea-*
20 *sons approved by the Department of State and*
21 *the American Institute in Taiwan. If any of the*
22 *training requirements are waived for a fellow*
23 *serving a 2-year fellowship, the training portion*
24 *of his or her fellowship may be shortened to the*
25 *extent appropriate.*

1 (D) *OFFICE; STAFFING.*—*The implementing*
2 *partner, in consultation with the Department of*
3 *State and the American Institute in Taiwan,*
4 *may maintain an office and at least 1 full-time*
5 *staff member in Taiwan—*

6 *(i) to liaise with the American Insti-*
7 *tute in Taiwan and institutions of Taiwan;*
8 *and*

9 *(ii) to serve as the primary in-country*
10 *point of contact for the recipients of fellow-*
11 *ships under this part and their dependents.*

12 (E) *OTHER FUNCTIONS.*—*The implementing*
13 *partner may perform other functions in associa-*
14 *tion with support of the Taiwan Fellowship Pro-*
15 *gram, including logistical and administrative*
16 *functions, as prescribed by the Department of*
17 *State and the American Institute in Taiwan.*

18 (4) *NONCOMPLIANCE.*—

19 (A) *IN GENERAL.*—*Any fellow who fails to*
20 *comply with the requirements under this section*
21 *shall reimburse the American Institute in Tai-*
22 *wan, or the appropriate United States Govern-*
23 *ment agency for—*

1 (i) *the Federal funds expended for the*
2 *fellow's participation in the fellowship, as*
3 *set forth in subparagraphs (B) and (C); and*

4 (ii) *interest accrued on such funds*
5 *(calculated at the prevailing rate).*

6 (B) *FULL REIMBURSEMENT.*—*Any fellow*
7 *who violates subparagraph (A) or (B) of para-*
8 *graph (2) shall reimburse the American Institute*
9 *in Taiwan, or the appropriate United States*
10 *Government agency, in an amount equal to the*
11 *sum of—*

12 (i) *all of the Federal funds expended*
13 *for the fellow's participation in the fellow-*
14 *ship; and*

15 (ii) *interest on the amount specified in*
16 *subparagraph (A), which shall be calculated*
17 *at the prevailing rate.*

18 (C) *PRO RATA REIMBURSEMENT.*—*Any fel-*
19 *low who violates subparagraph (C) of paragraph*
20 *(2) shall reimburse the American Institute in*
21 *Taiwan, or the appropriate United States Gov-*
22 *ernment agency, in an amount equal to the dif-*
23 *ference between—*

24 (i) *the amount specified in subpara-*
25 *graph (B); and*

1 (ii) the product of—

2 (I) the amount the fellow received
3 in compensation during the final year
4 of the fellowship, including the value of
5 any allowances and benefits received
6 by the fellow; multiplied by

7 (II) the percentage of the period
8 specified in paragraph (2)(C) during
9 which the fellow did not remain em-
10 ployed by the Federal Government.

11 (f) *FLEXIBLE FELLOWSHIP DURATION.*—Notwith-
12 standing any requirement under this section, the Secretary
13 of State, in consultation with the American Institute in
14 Taiwan and, as appropriate, the implementing partner,
15 may award fellowships that have a duration of less than
16 2 years, and may alter the curriculum requirements under
17 subsection (d) for such purposes.

18 (g) *SUNSET.*—The fellowship program under this part
19 shall terminate 7 years after the date of the enactment of
20 this Act.

21 **SEC. 5531. REPORTS AND AUDITS.**

22 (a) *ANNUAL REPORT.*—Not later than 90 days after
23 the selection of the first class of fellows under this part, and
24 annually thereafter for 7 years, the Department of State

1 *shall offer to brief the appropriate committees of Congress*
2 *regarding the following issues:*

3 (1) *An assessment of the performance of the im-*
4 *plementing partner in fulfilling the purposes of this*
5 *part.*

6 (2) *The names and sponsoring agencies of the fel-*
7 *lows selected by the implementing partner and the ex-*
8 *tent to which such fellows represent the diversity of*
9 *the United States.*

10 (3) *The names of the parliamentary offices, min-*
11 *istries, other agencies of Taiwan, and nongovern-*
12 *mental institutions to which each fellow was assigned*
13 *during the second year of the fellowship.*

14 (4) *Any recommendations, as appropriate, to*
15 *improve the implementation of the Taiwan Fellow-*
16 *ship Program, including added flexibilities in the ad-*
17 *ministration of the program.*

18 (5) *An assessment of the Taiwan Fellowship Pro-*
19 *gram's value upon the relationship between the*
20 *United States and Taiwan or the United States and*
21 *Asian countries.*

22 (b) *ANNUAL FINANCIAL AUDIT.—*

23 (1) *IN GENERAL.—The financial records of any*
24 *implementing partner shall be audited annually in*
25 *accordance with generally accepted government audit-*

1 *ing standards by independent certified public ac-*
2 *countants or independent licensed public accountants*
3 *who are certified or licensed by a regulatory authority*
4 *of a State or another political subdivision of the*
5 *United States.*

6 (2) *LOCATION.—Each audit under paragraph*
7 *(1) shall be conducted at the place or places where the*
8 *financial records of the implementing partner are*
9 *normally kept.*

10 (3) *ACCESS TO DOCUMENTS.—The implementing*
11 *partner shall make available to the accountants con-*
12 *ducting an audit under paragraph (1)—*

13 (A) *all books, financial records, files, other*
14 *papers, things, and property belonging to, or in*
15 *use by, the implementing partner that are nec-*
16 *essary to facilitate the audit; and*

17 (B) *full facilities for verifying transactions*
18 *with the balances or securities held by deposi-*
19 *tories, fiscal agents, and custodians.*

20 (4) *REPORT.—*

21 (A) *IN GENERAL.—Not later than 270 days*
22 *after the end of each fiscal year, the imple-*
23 *menting partner shall provide a report of the*
24 *audit conducted for such fiscal year under para-*

1 *graph (1) to the Department of State and the*
2 *American Institute in Taiwan.*

3 (B) *CONTENTS.*—*Each audit report shall—*

4 (i) *set forth the scope of the audit;*

5 (ii) *include such statements, along*
6 *with the auditor's opinion of those state-*
7 *ments, as may be necessary to present fairly*
8 *the implementing partner's assets and li-*
9 *abilities, surplus or deficit, with reasonable*
10 *detail;*

11 (iii) *include a statement of the imple-*
12 *menting partner's income and expenses dur-*
13 *ing the year; and*

14 (iv) *include a schedule of—*

15 (I) *all contracts and cooperative*
16 *agreements requiring payments greater*
17 *than \$5,000; and*

18 (II) *any payments of compensa-*
19 *tion, salaries, or fees at a rate greater*
20 *than \$5,000 per year.*

21 (C) *COPIES.*—*Each audit report shall be*
22 *produced in sufficient copies for distribution to*
23 *the public.*

1 **SEC. 5532. TAIWAN FELLOWS ON DETAIL FROM GOVERN-**
2 **MENT SERVICE.**

3 (a) *IN GENERAL.*—

4 (1) *DETAIL AUTHORIZED.*—*With the approval of*
5 *the Secretary of State, an agency head may detail, for*
6 *a period of not more than 2 years, an employee of the*
7 *agency of the United States Government who has been*
8 *awarded a fellowship under this part, to the Amer-*
9 *ican Institute in Taiwan for the purpose of assign-*
10 *ment to Taiwan or an organization described in sec-*
11 *tion 5530(d)(2)(B).*

12 (2) *AGREEMENT.*—*Each detailee shall enter into*
13 *a written agreement with the Federal Government be-*
14 *fore receiving a fellowship, in which the fellow shall*
15 *agree—*

16 (A) *to continue in the service of the spon-*
17 *soring agency at the end of fellowship for a pe-*
18 *riod of at least 4 years (or at least 2 years if the*
19 *fellowship duration is 1 year or shorter) unless*
20 *the detailee is involuntarily separated from the*
21 *service of such agency; and*

22 (B) *to pay to the American Institute in*
23 *Taiwan, or the United States Government agen-*
24 *cy, as appropriate, any additional expenses in-*
25 *curring by the Federal Government in connection*
26 *with the fellowship if the detailee voluntarily*

1 *separates from service with the sponsoring agen-*
2 *cy before the end of the period for which the*
3 *detailee has agreed to continue in the service of*
4 *such agency.*

5 (3) *EXCEPTION.*—*The payment agreed to under*
6 *paragraph (2)(B) may not be required from a detailee*
7 *who leaves the service of the sponsoring agency to*
8 *enter into the service of another agency of the United*
9 *States Government unless the head of the sponsoring*
10 *agency notifies the detailee before the effective date of*
11 *entry into the service of the other agency that pay-*
12 *ment will be required under this subsection.*

13 (b) *STATUS AS GOVERNMENT EMPLOYEE.*—*A*
14 *detailee—*

15 (1) *is deemed, for the purpose of preserving al-*
16 *lowances, privileges, rights, seniority, and other bene-*
17 *fits, to be an employee of the sponsoring agency;*

18 (2) *is entitled to pay, allowances, and benefits*
19 *from funds available to such agency, which is deemed*
20 *to comply with section 5536 of title 5, United States*
21 *Code; and*

22 (3) *may be assigned to a position with an entity*
23 *described in section 5530(d)(2)(A) if acceptance of*
24 *such position does not involve—*

1 (A) *the taking of an oath of allegiance to*
2 *another government; or*

3 (B) *the acceptance of compensation or other*
4 *benefits from any foreign government by such*
5 *detailee.*

6 (c) *RESPONSIBILITIES OF SPONSORING AGENCY.—*

7 (1) *IN GENERAL.—The Federal agency from*
8 *which a detailee is detailed should provide the fellow*
9 *allowances and benefits that are consistent with De-*
10 *partment of State Standardized Regulations or other*
11 *applicable rules and regulations, including—*

12 (A) *a living quarters allowance to cover the*
13 *cost of housing in Taiwan;*

14 (B) *a cost of living allowance to cover any*
15 *possible higher costs of living in Taiwan;*

16 (C) *a temporary quarters subsistence allow-*
17 *ance for up to 7 days if the fellow is unable to*
18 *find housing immediately upon arriving in Tai-*
19 *wan;*

20 (D) *an education allowance to assist par-*
21 *ents in providing the fellow's minor children*
22 *with educational services ordinarily provided*
23 *without charge by public schools in the United*
24 *States;*

1 *(E) moving expenses to transport personal*
2 *belongings of the fellow and his or her family in*
3 *their move to Taiwan, which is comparable to*
4 *the allowance given for American Institute in*
5 *Taiwan employees assigned to Taiwan; and*

6 *(F) an economy-class airline ticket to and*
7 *from Taiwan for each fellow and the fellow's im-*
8 *mediate family.*

9 *(2) MODIFICATION OF BENEFITS.—The American*
10 *Institute in Taiwan and its implementing partner,*
11 *with the approval of the Department of State, may*
12 *modify the benefits set forth in paragraph (1) if such*
13 *modification is warranted by fiscal circumstances.*

14 *(d) NO FINANCIAL LIABILITY.—The American Insti-*
15 *tute in Taiwan, the implementing partner, and Taiwan or*
16 *non-public sector entities in Taiwan at which a fellow is*
17 *detailed during the second year of the fellowship may not*
18 *be held responsible for the pay, allowances, or any other*
19 *benefit normally provided to the detailee.*

20 *(e) REIMBURSEMENT.—Fellows may be detailed under*
21 *subsection (a)(1) without reimbursement to the United*
22 *States by the American Institute in Taiwan.*

23 *(f) ALLOWANCES AND BENEFITS.—Detailees may be*
24 *paid by the American Institute in Taiwan for the allow-*
25 *ances and benefits listed in subsection (c).*

1 **SEC. 5533. FUNDING.**

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
3 *authorized to be appropriated to the American Institute in*
4 *Taiwan—*

5 (1) *for fiscal year 2023, \$2,900,000, of which—*

6 (A) *\$500,000 should be used to launch the*
7 *Taiwan Fellowship Program through a competi-*
8 *tive cooperative agreement with an appropriate*
9 *implementing partner;*

10 (B) *\$2,300,000 should be used to fund a co-*
11 *operative agreement with an appropriate imple-*
12 *menting partner; and*

13 (C) *\$100,000 should be used for manage-*
14 *ment expenses of the American Institute in Tai-*
15 *wan related to the management of the Taiwan*
16 *Fellowship Program; and*

17 (2) *for fiscal year 2024, and each succeeding fis-*
18 *cal year, \$2,400,000, of which—*

19 (A) *\$2,300,000 should be used for a coopera-*
20 *tive agreement to the appropriate implementing*
21 *partner; and*

22 (B) *\$100,000 should be used for manage-*
23 *ment expenses of the American Institute in Tai-*
24 *wan related to the management of the Taiwan*
25 *Fellowship Program.*

1 (b) *PRIVATE SOURCES.*—*The implementing partner*
2 *selected to implement the Taiwan Fellowship Program may*
3 *accept, use, and dispose of gifts or donations of services or*
4 *property in carrying out such program, subject to the re-*
5 *view and approval of the American Institute in Taiwan.*

6 **SEC. 5534. STUDY AND REPORT.**

7 *Not later than 1 year prior to the sunset of the fellow-*
8 *ship program under section 5530(g), the Comptroller Gen-*
9 *eral of the United States shall conduct a study and submit*
10 *to the Committee on Foreign Relations of the Senate and*
11 *the Committee on Foreign Affairs of the House a report that*
12 *includes—*

13 (1) *an analysis of the United States Government*
14 *participants in this program, including the number*
15 *of applicants and the number of fellowships under-*
16 *taken, the place of employment, and an assessment of*
17 *the costs and benefits for participants and for the*
18 *United States Government of such fellowships;*

19 (2) *an analysis of the financial impact of the fel-*
20 *lowship on United States Government offices which*
21 *have provided fellows to participate in the program;*
22 *and*

23 (3) *recommendations, if any, on how to improve*
24 *the fellowship program.*

1 **SEC. 5535. SUPPORTING UNITED STATES EDUCATIONAL**
2 **AND EXCHANGE PROGRAMS WITH TAIWAN.**

3 *(a) ESTABLISHMENT OF THE UNITED STATES-TAIWAN*
4 *CULTURAL EXCHANGE FOUNDATION.—The Secretary of*
5 *State should consider establishing an independent nonprofit*
6 *entity that—*

7 *(1) is dedicated to deepening ties between the fu-*
8 *ture leaders of Taiwan and the future leaders of the*
9 *United States; and*

10 *(2) works with State and local school districts*
11 *and educational institutions to send high school and*
12 *university students to Taiwan to study the Chinese*
13 *language, culture, history, politics, and other relevant*
14 *subjects.*

15 *(b) PARTNER.—State and local school districts and*
16 *educational institutions, including public universities, are*
17 *encouraged to partner with the Taipei Economic and Cul-*
18 *tural Representative Office in the United States to establish*
19 *programs to promote more educational and cultural ex-*
20 *changes.*

21 **PART 6—UNITED STATES-TAIWAN PUBLIC**
22 **HEALTH PROTECTION**

23 **SEC. 5536. SHORT TITLE.**

24 *This part may be cited as “United States-Taiwan*
25 *Public Health Protection Act”.*

1 **SEC. 5537. DEFINITIONS.**

2 *In this part:*

3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
4 *TEES.—For the purposes of this part, the term “ap-*
5 *propriate congressional committees” means—*

6 (A) *the Committee on Foreign Relations of*
7 *the Senate;*

8 (B) *the Committee on Health, Education,*
9 *Labor, and Pensions of the Senate;*

10 (C) *the Committee on Appropriations of the*
11 *Senate;*

12 (D) *the Committee on Foreign Affairs of the*
13 *House of Representatives;*

14 (E) *the Committee on Energy and Com-*
15 *merce of the House of Representatives; and*

16 (F) *the Committee on Appropriations of the*
17 *House of Representatives.*

18 (2) *CENTER.—The term “Center” means the In-*
19 *fectious Disease Monitoring Center described in sec-*
20 *tion 5538(a)(2).*

21 **SEC. 5538. STUDY ON AN INFECTIOUS DISEASE MONI-**
22 **TORING CENTER.**

23 (a) *STUDY.—Not later than one year after the date of*
24 *the enactment of this Act, the Secretary of State and the*
25 *Secretary of Health and Human Services, in consultation*
26 *with the heads of other relevant Federal departments and*

1 *agencies, shall submit to appropriate congressional commit-*
2 *tees a study that includes the following:*

3 (1) *A description of ongoing cooperation between*
4 *the United States Government and Taiwan related to*
5 *public health, including public health activities sup-*
6 *ported by the United States in Taiwan.*

7 (2) *A description how the United States and*
8 *Taiwan can promote further cooperation and expand*
9 *public health activities, including the feasibility and*
10 *utility of establishing an Infectious Disease Moni-*
11 *toring Center within the American Institute of Tai-*
12 *wan in Taipei, Taiwan to—*

13 (A) *regularly monitor, analyze, and dis-*
14 *seminate open-source material from countries in*
15 *the region, including viral strains, bacterial*
16 *subtypes, and other pathogens;*

17 (B) *engage in people-to-people contacts with*
18 *medical specialists and public health officials in*
19 *the region;*

20 (C) *provide expertise and information on*
21 *infectious diseases to the United States Govern-*
22 *ment and Taiwanese officials; and*

23 (D) *carry out other appropriate activities,*
24 *as determined by the Director of the Center.*

1 **(b) ELEMENTS.**—*The study required by subsection (a)*
2 *shall include—*

3 **(1)** *a plan on how such a Center would be estab-*
4 *lished and operationalized, including—*

5 **(A)** *the personnel, material, and funding re-*
6 *quirements necessary to establish and operate the*
7 *Center; and*

8 **(B)** *the proposed structure and composition*
9 *of Center personnel, which may include—*

10 **(i)** *infectious disease experts from the*
11 *Department of Health and Human Services,*
12 *who are recommended to serve as detailees*
13 *to the Center; and*

14 **(ii)** *additional qualified persons to*
15 *serve as detailees to or employees of the Cen-*
16 *ter, including—*

17 **(I)** *from any other relevant Fed-*
18 *eral department or agencies, to include*
19 *the Department of State and the*
20 *United States Agency for International*
21 *Development;*

22 **(II)** *qualified foreign service na-*
23 *tionals or locally engaged staff who are*
24 *considered citizens of Taiwan; and*

1 (III) *employees of the Taiwan*
2 *Centers for Disease Control;*

3 (2) *an evaluation, based on the factors in para-*
4 *graph (1), of whether to establish the Center; and*

5 (3) *a description of any consultations or agree-*
6 *ments between the American Institute in Taiwan and*
7 *the Taipei Economic and Cultural Representative Of-*
8 *vice in the United States regarding the establishment*
9 *and operation of the Center, including—*

10 (A) *the role that employees of the Taiwan*
11 *Centers for Disease Control would play in sup-*
12 *porting or coordinating with the Center; and*

13 (B) *whether any employees of the Taiwan*
14 *Centers for Disease Control would be detailed to,*
15 *or co-located with, the Center.*

16 (c) *CONSULTATION.—The Secretary of State and the*
17 *Secretary of Health and Human Services shall consult with*
18 *the appropriate congressional committees before full comple-*
19 *tion of the study.*

20 **PART 7—RULES OF CONSTRUCTION**

21 **SEC. 5539. RULE OF CONSTRUCTION.**

22 *Nothing in this subtitle may be construed—*

23 (1) *to restore diplomatic relations with the Re-*
24 *public of China; or*

1 (2) *to alter the United States Government’s posi-*
2 *tion with respect to the international status of the Re-*
3 *public of China.*

4 **SEC. 5540. RULE OF CONSTRUCTION REGARDING THE USE**
5 **OF MILITARY FORCE.**

6 *Nothing in this title may be construed as authorizing*
7 *the use of military force or the introduction of United States*
8 *forces into hostilities.*

9 **Subtitle B—United States-Ecuador**
10 **Partnership Act of 2022**

11 **SEC. 5541. SHORT TITLE.**

12 *This subtitle may be cited as the “United States-Ecua-*
13 *dor Partnership Act of 2022”.*

14 **SEC. 5542. SENSE OF CONGRESS.**

15 *It is the sense of Congress that—*

16 (1) *the United States should take additional*
17 *steps to strengthen its bilateral partnership with Ec-*
18 *uador, including by providing for robust trade and*
19 *investment, increasing law enforcement cooperation,*
20 *renewing the activities of the United States Agency*
21 *for International Development in Ecuador, and sup-*
22 *porting Ecuador’s response to and recovery from the*
23 *COVID–19 pandemic, as necessary and appropriate;*
24 *and*

1 (2) *strengthening the United States-Ecuador*
2 *partnership presents an opportunity to advance core*
3 *United States national security interests and work*
4 *with other democratic partners to maintain a pros-*
5 *perous, politically stable, and democratic Western*
6 *Hemisphere that is resilient to malign foreign influ-*
7 *ence.*

8 **SEC. 5543. FACILITATING ECONOMIC AND COMMERCIAL**
9 **TIES.**

10 *The Secretary of State, in coordination with the Sec-*
11 *retary of Commerce, the United States Trade Representa-*
12 *tive, the Secretary of the Treasury, and the heads of other*
13 *relevant Federal departments and agencies, as appropriate,*
14 *shall develop and implement a strategy to strengthen com-*
15 *mercial and economic ties between the United States and*
16 *Ecuador by—*

17 (1) *promoting cooperation and information shar-*
18 *ing to encourage awareness of and increase trade and*
19 *investment opportunities between the United States*
20 *and Ecuador;*

21 (2) *supporting efforts by the Government of Ec-*
22 *uador to promote a more open, transparent, and com-*
23 *petitive business environment, including by lowering*
24 *trade barriers, implementing policies to reduce trad-*
25 *ing times, and improving efficiencies to expedite cus-*

1 *toms operations for importers and exporters of all*
2 *sizes, in all sectors, and at all ports of entry in Ecua-*
3 *dor;*

4 *(3) establishing frameworks or mechanisms to re-*
5 *view the long term financial sustainability and secu-*
6 *rity implications of foreign investments in Ecuador*
7 *in strategic sectors or services;*

8 *(4) establishing competitive and transparent in-*
9 *frastructure project selection and procurement proc-*
10 *esses in Ecuador that promote transparency, open*
11 *competition, financial sustainability, and robust ad-*
12 *herence to global standards and norms;*

13 *(5) developing programs to help the Government*
14 *of Ecuador improve efficiency and transparency in*
15 *customs administration, including through support*
16 *for the Government of Ecuador's ongoing efforts to*
17 *digitize its customs process and accept electronic doc-*
18 *uments required for the import, export, and transit of*
19 *goods under specific international standards, as well*
20 *as related training to expedite customs, security, effi-*
21 *ciency, and competitiveness;*

22 *(6) spurring digital transformation that would*
23 *advance—*

24 *(A) the provision of digitized government*
25 *services with the greatest potential to improve*

1 *transparency, lower business costs, and expand*
2 *citizens' access to public services and public in-*
3 *formation; and*

4 *(B) best practices to mitigate the risks to*
5 *digital infrastructure by doing business with*
6 *communication networks and communications*
7 *supply chains with equipment and services from*
8 *companies with close ties to or susceptible to*
9 *pressure from governments or security services*
10 *without reliable legal checks on governmental*
11 *powers; and*

12 *(7) identifying, as appropriate, a role for the*
13 *United States International Development Finance*
14 *Corporation, the Millennium Challenge Corporation,*
15 *the United States Agency for International Develop-*
16 *ment, and the United States private sector in sup-*
17 *porting efforts to increase private sector investment*
18 *and strengthen economic prosperity.*

19 **SEC. 5544. PROMOTING INCLUSIVE ECONOMIC DEVELOP-**
20 **MENT.**

21 *The Administrator of the United States Agency for*
22 *International Development, in coordination with the Sec-*
23 *retary of State and the heads of other relevant Federal de-*
24 *partments and agencies, as appropriate, shall develop and*
25 *implement a strategy and related programs to support in-*

1 *clusive economic development across Ecuador's national ter-*
2 *ritory by—*

3 (1) *facilitating increased access to public and*
4 *private financing, equity investments, grants, and*
5 *market analysis for small and medium-sized busi-*
6 *nesses;*

7 (2) *providing technical assistance to local gov-*
8 *ernments to formulate and enact local development*
9 *plans that invest in Indigenous and Afro-Ecuadorian*
10 *communities;*

11 (3) *connecting rural agricultural networks, in-*
12 *cluding Indigenous and Afro-Ecuadorian agricultural*
13 *networks, to consumers in urban centers and export*
14 *markets, including through infrastructure construc-*
15 *tion and maintenance programs that are subject to*
16 *audits and carefully designed to minimize potential*
17 *environmental harm;*

18 (4) *partnering with local governments, the pri-*
19 *vate sector, and local civil society organizations, in-*
20 *cluding organizations representing marginalized com-*
21 *munities and faith-based organizations, to provide*
22 *skills training and investment in support of initia-*
23 *tives that provide economically viable, legal alter-*
24 *natives to participating in illegal economies; and*

1 (5) *connecting small scale fishing enterprises to*
2 *consumers and export markets, in order to reduce vul-*
3 *nerability to organized criminal networks.*

4 **SEC. 5545. COMBATING ILLICIT ECONOMIES, CORRUPTION,**
5 **AND NEGATIVE FOREIGN INFLUENCE.**

6 *The Secretary of State, in coordination with the Sec-*
7 *retary of the Treasury, shall develop and implement a strat-*
8 *egy and related programs to increase the capacity of Ecua-*
9 *dor’s justice system and law enforcement authorities to com-*
10 *bat illicit economies, corruption, transnational criminal or-*
11 *ganizations, and the harmful influence of malign foreign*
12 *and domestic actors by—*

13 (1) *providing technical assistance and material*
14 *support (including, as appropriate, radars, vessels,*
15 *and communications equipment) to vetted specialized*
16 *units of Ecuador’s national police and the armed*
17 *services to disrupt, degrade, and dismantle organiza-*
18 *tions involved in illicit narcotics trafficking,*
19 *transnational criminal activities, illicit mining, and*
20 *illegal, unregulated, and unreported fishing, among*
21 *other illicit activities;*

22 (2) *providing technical assistance to address*
23 *challenges related to Ecuador’s penitentiary and cor-*
24 *rections system;*

1 (3) *strengthening the regulatory framework of*
2 *mining through collaboration with key Ecuadorian*
3 *institutions, such as the Interior Ministry’s Special*
4 *Commission for the Control of Illegal Mining and the*
5 *National Police’s Investigative Unit on Mining*
6 *Crimes, and providing technical assistance in support*
7 *of their law enforcement activities;*

8 (4) *providing technical assistance to judges,*
9 *prosecutors, and ombudsmen to increase capacity to*
10 *enforce laws against human smuggling and traf-*
11 *ficking, illicit mining, illegal logging, illegal, unregu-*
12 *lated, and unreported (IUU) fishing, and other illicit*
13 *economic activities;*

14 (5) *providing support to the Government of Ec-*
15 *uador to prevent illegal, unreported, and unregulated*
16 *fishing, including through expanding detection and*
17 *response capabilities, and the use of dark vessel trac-*
18 *ing technology;*

19 (6) *supporting multilateral efforts to stem illegal,*
20 *unreported, and unregulated fishing with neighboring*
21 *countries in South America and within the South Pa-*
22 *cific Regional Fisheries Management Organisation;*

23 (7) *assisting the Government of Ecuador’s efforts*
24 *to protect defenders of internationally recognized*
25 *human rights, including through the work of the Of-*

1 *ficie of the Ombudsman of Ecuador, and by encour-*
2 *aging the inclusion of Indigenous and Afro-Ecu-*
3 *dorian communities and civil society organizations in*
4 *this process;*

5 (8) *supporting efforts to improve transparency,*
6 *uphold accountability, and build capacity within the*
7 *Office of the Comptroller General;*

8 (9) *enhancing the institutional capacity and*
9 *technical capabilities of defense and security institu-*
10 *tions of Ecuador to conduct national or regional secu-*
11 *rity missions, including through regular bilateral and*
12 *multilateral cooperation, foreign military financing,*
13 *international military education, and training pro-*
14 *grams, consistent with applicable Ecuadorian laws*
15 *and regulations;*

16 (10) *enhancing port management and maritime*
17 *security partnerships to disrupt, degrade, and dis-*
18 *mantle transnational criminal networks and facili-*
19 *tate the legitimate flow of people, goods, and services;*
20 *and*

21 (11) *strengthening cybersecurity cooperation—*

22 (A) *to effectively respond to cybersecurity*
23 *threats, including state-sponsored threats;*

24 (B) *to share best practices to combat such*
25 *threats;*

1 (C) to help develop and implement informa-
2 tion architectures that respect individual privacy
3 rights and reduce the risk that data collected
4 through such systems will be exploited by malign
5 state and non-state actors;

6 (D) to strengthen resilience against
7 cyberattacks; and

8 (E) to strengthen the resilience of critical
9 infrastructure.

10 **SEC. 5546. STRENGTHENING DEMOCRATIC GOVERNANCE.**

11 (a) **STRENGTHENING DEMOCRATIC GOVERNANCE.**—

12 *The Secretary of State, in coordination with the Adminis-*
13 *trator of the United States Agency for International Devel-*
14 *opment, should develop and implement initiatives to*
15 *strengthen democratic governance in Ecuador by sup-*
16 *porting—*

17 (1) *measures to improve the capacity of national*
18 *and subnational government institutions to govern*
19 *through transparent, inclusive, and democratic proc-*
20 *esses;*

21 (2) *efforts that measurably enhance the capacity*
22 *of political actors and parties to strengthen demo-*
23 *cratic institutions and the rule of law;*

24 (3) *initiatives to strengthen democratic govern-*
25 *ance, including combating political, administrative,*

1 *and judicial corruption and improving transparency*
2 *of the administration of public budgets; and*

3 *(4) the efforts of civil society organizations and*
4 *independent media—*

5 *(A) to conduct oversight of the Government*
6 *of Ecuador and the National Assembly of Ecua-*
7 *dor;*

8 *(B) to promote initiatives that strengthen*
9 *democratic governance, anti-corruption stand-*
10 *ards, and public and private sector trans-*
11 *parency; and*

12 *(C) to foster political engagement between*
13 *the Government of Ecuador, including the Na-*
14 *tional Assembly of Ecuador, and all parts of Ec-*
15 *uadorian society, including women, indigenous*
16 *communities, and Afro-Ecuadorian communities.*

17 *(b) LEGISLATIVE STRENGTHENING.—The Adminis-*
18 *trator of the United States Agency for International Devel-*
19 *opment, working through the Consortium for Elections and*
20 *Political Process Strengthening or any equivalent or suc-*
21 *cessor mechanism, shall develop and implement programs*
22 *to strengthen the National Assembly of Ecuador by pro-*
23 *viding training and technical assistance to—*

1 (1) *members and committee offices of the Na-*
2 *tional Assembly of Ecuador, including the Ethics*
3 *Committee and Audit Committee;*

4 (2) *assist in the creation of entities that can offer*
5 *comprehensive and independent research and analysis*
6 *on legislative and oversight matters pending before the*
7 *National Assembly, including budgetary and eco-*
8 *nomics issues; and*

9 (3) *improve democratic governance and govern-*
10 *ment transparency, including through effective legis-*
11 *lation.*

12 (c) *BILATERAL LEGISLATIVE COOPERATION.—To the*
13 *degree practicable, in implementing the programs required*
14 *under subsection (b), the Administrator of the United States*
15 *Agency for International Development should facilitate*
16 *meetings and collaboration between members of the United*
17 *States Congress and the National Assembly of Ecuador.*

18 **SEC. 5547. FOSTERING CONSERVATION AND STEWARDSHIP.**

19 *The Administrator of the United States Agency for*
20 *International Development, in coordination with the Sec-*
21 *retary of State and the heads of other relevant Federal de-*
22 *partments and agencies, shall develop and implement pro-*
23 *grams and enhance existing programs, as necessary and ap-*
24 *propriate, to improve ecosystem conservation and enhance*

1 *the effective stewardship of Ecuador's natural resources*
2 *by—*

3 (1) *providing technical assistance to Ecuador's*
4 *Ministry of the Environment to safeguard national*
5 *parks and protected forests and protected species,*
6 *while promoting the participation of Indigenous com-*
7 *munities in this process;*

8 (2) *strengthening the capacity of communities to*
9 *access the right to prior consultation, encoded in Arti-*
10 *cle 57 of the Constitution of Ecuador and related*
11 *laws, executive decrees, administrative acts, and min-*
12 *isterial regulations;*

13 (3) *supporting Indigenous and Afro-Ecuadorian*
14 *communities as they raise awareness of threats to bio-*
15 *diverse ancestral lands, including through support for*
16 *local media in such communities and technical assist-*
17 *ance to monitor illicit activities;*

18 (4) *partnering with the Government of Ecuador*
19 *in support of reforestation and improving river, lake,*
20 *and coastal water quality;*

21 (5) *providing assistance to communities affected*
22 *by illegal mining and deforestation; and*

23 (6) *fostering mechanisms for cooperation on*
24 *emergency preparedness and rapid recovery from nat-*
25 *ural disasters, including by—*

1 (A) *establishing regional preparedness, re-*
2 *covery, and emergency management centers to*
3 *facilitate rapid response to survey and help*
4 *maintain planning on regional disaster antici-*
5 *ipated needs and possible resources; and*

6 (B) *training disaster recovery officials on*
7 *latest techniques and lessons learned from United*
8 *States experiences.*

9 **SEC. 5548. AUTHORIZATION TO TRANSFER EXCESS COAST**
10 **GUARD VESSELS.**

11 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
12 *that the United States should undertake efforts to expand*
13 *cooperation with the Government of Ecuador to—*

14 (1) *ensure protections for the Galápagos Marine*
15 *Reserve;*

16 (2) *deter illegal, unreported, and unregulated*
17 *fishing; and*

18 (3) *increase interdiction of narcotics trafficking*
19 *and other forms of illicit trafficking.*

20 (b) *AUTHORITY TO TRANSFER EXCESS COAST GUARD*
21 *VESSELS TO THE GOVERNMENT OF ECUADOR.—The Presi-*
22 *dent shall conduct a joint assessment with the Government*
23 *of Ecuador to ensure sufficient capacity exists to maintain*
24 *Island class cutters. Upon completion of a favorable assess-*
25 *ment, the President is authorized to transfer up to two IS-*

1 *LAND class cutters to the Government of Ecuador as excess*
2 *defense articles pursuant to the authority of section 516 of*
3 *the Foreign Assistance Act (22 U.S.C. 2321j).*

4 (c) *GRANTS NOT COUNTED IN ANNUAL TOTAL OF*
5 *TRANSFERRED EXCESS DEFENSE ARTICLES.*—*The value of*
6 *a vessel transferred to another country on a grant basis pur-*
7 *suant to authority provided by subsection (b) shall not be*
8 *counted against the aggregate value of excess defense articles*
9 *transferred in any fiscal year under section 516 of the For-*
10 *ign Assistance Act of 1961 (22 U.S.C. 2321j).*

11 (d) *COSTS OF TRANSFERS.*—*Any expense incurred by*
12 *the United States in connection with a transfer authorized*
13 *by this section shall be charged to the recipient notwith-*
14 *standing section 516(e) of the Foreign Assistance Act of*
15 *1961 (22 U.S.C. 2321j(e)).*

16 (e) *REPAIR AND REFURBISHMENT IN UNITED STATES*
17 *SHIPYARDS.*—*To the maximum extent practicable, the*
18 *President shall require, as a condition of the transfer of a*
19 *vessel under this section, that the recipient to which the ves-*
20 *sel is transferred have such repair or refurbishment of the*
21 *vessel as is needed, before the vessel joins the naval forces*
22 *of that recipient, performed at a shipyard located in the*
23 *United States.*

24 (f) *EXPIRATION OF AUTHORITY.*—*The authority to*
25 *transfer a vessel under this section shall expire at the end*

1 *of the 3-year period beginning on the date of the enactment*
2 *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 de-*
6 *partments and agencies as described in sections 5543, 5545,*
7 *and 5546(a), shall—*

8 (1) *not later than 180 days after the date of the*
9 *enactment of this Act, submit to the appropriate con-*
10 *gressional committees a comprehensive strategy to ad-*
11 *dress the requirements described in sections 5543,*
12 *5545, and 5546(a); and*

13 (2) *not later than 2 years and 4 years after sub-*
14 *mitting the comprehensive strategy under paragraph*
15 *(1), submit to the appropriate congressional commit-*
16 *tees a report describing the implementation of the*
17 *strategy.*

18 (b) *ADMINISTRATOR OF THE UNITED STATES AGENCY*
19 *FOR INTERNATIONAL DEVELOPMENT.—The Administrator*
20 *of the United States Agency for International Development,*
21 *in coordination with the heads of other relevant Federal de-*
22 *partments and agencies as described in sections 5544,*
23 *5546(b), and 5547, shall—*

24 (1) *not later than 180 days after the date of the*
25 *enactment of this Act, submit to appropriate congres-*

1 sional committees a comprehensive strategy to address
2 the requirements described in sections 5544, 5546(b)
3 and 5547; and

4 (2) not later than 2 years and 4 years after sub-
5 mitting the comprehensive strategy under paragraph
6 (1), submit to the appropriate congressional commit-
7 tees a report describing the implementation of the
8 strategy.

9 (c) *SUBMISSION.*—The strategies and reports required
10 under subsections (a) and (b) may be submitted to the ap-
11 propriate congressional committees as joint strategies and
12 reports.

13 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—In
14 this subtitle, the term “appropriate congressional commit-
15 tees” means the Committee on Foreign Relations of the Sen-
16 ate and the Committee on Foreign Affairs and the Com-
17 mittee on Energy and Commerce of the House of Represent-
18 atives.

19 **SEC. 5550. SUNSET.**

20 This subtitle shall terminate on the date that is 5 years
21 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 Re-*
5 *sults Act” or the “FENTANYL Results Act”.*

6 ***SEC. 5552. PRIORITIZATION OF EFFORTS OF THE DEPART-***
7 ***MENT OF STATE TO COMBAT INTERNATIONAL***
8 ***TRAFFICKING IN COVERED SYNTHETIC***
9 ***DRUGS.***

10 *(a) IN GENERAL.—The Secretary of State shall*
11 *prioritize efforts of the Department of State to combat inter-*
12 *national trafficking of covered synthetic drugs by carrying*
13 *out programs and activities to include the following:*

14 *(1) Supporting increased data collection by the*
15 *United States and foreign countries through increased*
16 *drug use surveys among populations, increased use of*
17 *wastewater testing where appropriate, and multilat-*
18 *eral 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 re-*
5 *quired by section 5553.*

6 (4) *Carrying out exchange programs for govern-*
7 *mental and nongovernmental personnel in the United*
8 *States and in foreign countries to provide educational*
9 *and professional development on demand reduction*
10 *matters relating to the illicit use of covered synthetic*
11 *drugs and other drugs, as required by section 5554.*

12 (b) *REPORT.*—

13 (1) *IN GENERAL.*—*Not later than one year after*
14 *the date of the enactment of this Act, the Secretary of*
15 *State shall submit to the appropriate congressional*
16 *committees a report on the implementation of this*
17 *section.*

18 (2) *APPROPRIATE CONGRESSIONAL COMMITTEES*
19 *DEFINED.*—*In this subsection, the term “appropriate*
20 *congressional committees” means—*

21 (A) *the Committee on Foreign Relations, the*
22 *Committee on Appropriations, and the Com-*
23 *mittee on the Judiciary of the Senate; and*

24 (B) *the Committee on Foreign Affairs, the*
25 *Committee on Appropriations, and the Com-*

1 *mittee on the Judiciary of the House of Rep-*
2 *resentatives.*

3 **SEC. 5553. PROGRAM TO PROVIDE ASSISTANCE TO BUILD**
4 **THE CAPACITY OF FOREIGN LAW ENFORCE-**
5 **MENT AGENCIES WITH RESPECT TO COVERED**
6 **SYNTHETIC DRUGS.**

7 *(a) IN GENERAL.—Notwithstanding section 660 of the*
8 *Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Sec-*
9 *retary of State shall establish a program to provide assist-*
10 *ance to strengthen the capacity of law enforcement agencies*
11 *of the countries described in subsection (c) to help such*
12 *agencies to identify, track, and improve their forensics de-*
13 *tection capabilities with respect to covered synthetic drugs.*

14 *(b) PRIORITY.—The Secretary of State shall prioritize*
15 *technical assistance, and the provision of equipment, as ap-*
16 *propriate, under subsection (a) among those countries de-*
17 *scribed in subsection (c) in which such assistance and*
18 *equipment would have the most impact in reducing illicit*
19 *use of covered synthetic drugs in the United States.*

20 *(c) COUNTRIES DESCRIBED.—The foreign countries*
21 *described in this subsection are—*

22 *(1) countries that are producers of covered syn-*
23 *thetic drugs;*

24 *(2) countries whose pharmaceutical and chemical*
25 *industries are known to be exploited for development*

1 *or procurement of precursors of covered synthetic*
2 *drugs; or*

3 *(3) major drug-transit countries for covered syn-*
4 *thetic drugs as defined by the Secretary of State.*

5 *(d) EXCEPTION.—No assistance may be provided to the*
6 *People’s Republic of China or to any of its law enforcement*
7 *agencies pursuant to the program authorized by this sec-*
8 *tion.*

9 *(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to the Secretary of State to*
11 *carry out this section \$4,000,000 for each of fiscal years*
12 *2023 through 2027.*

13 **SEC. 5554. EXCHANGE PROGRAM ON DEMAND REDUCTION**
14 **MATTERS RELATING TO ILLICIT USE OF COV-**
15 **ERED SYNTHETIC DRUGS.**

16 *(a) IN GENERAL.—The Secretary of State shall estab-*
17 *lish or continue and strengthen, as appropriate, an ex-*
18 *change program for governmental and nongovernmental*
19 *personnel in the United States and in foreign countries to*
20 *provide educational and professional development on de-*
21 *mand reduction matters relating to the illicit use of covered*
22 *synthetic drugs and other drugs.*

23 *(b) PROGRAM REQUIREMENTS.—The program re-*
24 *quired by subsection (a)—*

1 (1) shall be limited to individuals who have ex-
2 pertise and experience in matters described in sub-
3 section (a);

4 (2) in the case of inbound exchanges, may be
5 carried out as part of exchange programs and inter-
6 national visitor programs administered by the Bu-
7 reau of Educational and Cultural Affairs of the De-
8 partment of State, including the International Visitor
9 Leadership Program, in coordination with the Bu-
10 reau of International Narcotics and Law Enforcement
11 Affairs; and

12 (3) shall include outbound exchanges for govern-
13 mental or nongovernmental personnel in the United
14 States.

15 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
16 authorized to be appropriated to the Secretary of State to
17 carry out this section \$1,000,000 for each of fiscal years
18 2023 through 2027.

19 **SEC. 5555. AMENDMENTS TO INTERNATIONAL NARCOTICS**
20 **CONTROL PROGRAM.**

21 (a) *INTERNATIONAL NARCOTICS CONTROL STRATEGY*
22 *REPORT.*—Section 489(a) of the Foreign Assistance Act of
23 1961 (22 U.S.C. 2291h(a)) is amended—

24 (1) by redesignating the second paragraph (10)
25 as paragraph (11); and

1 (2) *by adding at the end the following:*

2 “(12) *COVERED SYNTHETIC DRUGS AND NEW*
3 *PSYCHOACTIVE SUBSTANCES.—*

4 “(A) *COVERED SYNTHETIC DRUGS.—**Infor-*
5 *mation that contains an assessment of the coun-*
6 *tries significantly involved in the manufacture,*
7 *production, transshipment, or trafficking of cov-*
8 *ered synthetic drugs, to include the following:*

9 “(i) *The scale of legal domestic produc-*
10 *tion and any available information on the*
11 *number of manufacturers and producers of*
12 *such drugs in such countries.*

13 “(ii) *Information on any law enforce-*
14 *ment assessments of the scale of illegal pro-*
15 *duction of such drugs, including a descrip-*
16 *tion of the capacity of illegal laboratories to*
17 *produce such drugs.*

18 “(iii) *The types of inputs used and a*
19 *description of the primary methods of syn-*
20 *thesis employed by illegal producers of such*
21 *drugs.*

22 “(iv) *An assessment of the policies of*
23 *such countries to regulate licit manufacture*
24 *and interdict illicit manufacture, diversion,*
25 *distribution, shipment, and trafficking of*

1 *such drugs and an assessment of the effec-*
2 *tiveness of the policies' implementation.*

3 “(B) *NEW PSYCHOACTIVE SUBSTANCES.—*
4 *Information on, to the extent practicable, any*
5 *policies of responding to new psychoactive sub-*
6 *stances, to include the following:*

7 “(i) *Which governments have articu-*
8 *lated policies on scheduling of such sub-*
9 *stances.*

10 “(ii) *Any data on impacts of such*
11 *policies and other responses to such sub-*
12 *stances.*

13 “(iii) *An assessment of any policies the*
14 *United States could adopt to improve its re-*
15 *sponse to new psychoactive substances.*

16 “(C) *DEFINITIONS.—In this paragraph, the*
17 *terms ‘covered synthetic drug’ and ‘new*
18 *psychoactive substance’ have the meaning given*
19 *those terms in section 5558 of the FENTANYL*
20 *Results Act.’”.*

21 **(b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING**
22 **COUNTRY.—Section 481(e) of the Foreign Assistance Act of**
23 **1961 (22 U.S.C. 2291(e)) is amended—**

24 **(1) in paragraph (2)—**

1 (A) in subparagraph (C), by striking “; or”
2 and inserting a semicolon;

3 (B) in subparagraph (D), by striking the
4 semicolon at the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(E) that is a significant direct source of
7 covered synthetic drugs or psychotropic drugs or
8 other controlled substances, including precursor
9 chemicals when those chemicals are used in the
10 production of such drugs and substances, signifi-
11 cantly affecting the United States;”;

12 (2) by amending paragraph (5) to read as fol-
13 lows:

14 “(5) the term ‘major drug-transit country’ means
15 a country through which are transported covered syn-
16 thetic drugs or psychotropic drugs or other controlled
17 substances significantly affecting the United States;”;

18 (3) in paragraph (7), by striking “; and” and
19 inserting a semicolon;

20 (4) in paragraph (8), by striking the period at
21 the end and inserting “; and”; and

22 (5) by adding at the end the following:

23 “(9) the term ‘covered synthetic drug’ has the
24 meaning given that term in section 5558 of the
25 FENTANYL Results Act.”.

1 **SEC. 5556. SENSE OF CONGRESS.**

2 *It is the sense of Congress that—*

3 *(1) the President should direct the United States*
4 *Representative to the United Nations to use the voice,*
5 *vote, and influence of the United States at the United*
6 *Nations to advocate for more transparent assessments*
7 *of countries by the International Narcotics Control*
8 *Board; and*

9 *(2) bilateral, plurilateral, and multilateral inter-*
10 *national cooperation is essential to combating the*
11 *trafficking of covered synthetic drugs.*

12 **SEC. 5557. RULE OF CONSTRUCTION.**

13 *Nothing in this subtitle or the amendments made by*
14 *this subtitle shall be construed to affect the prioritization*
15 *of extradition requests.*

16 **SEC. 5558. DEFINITIONS.**

17 *In this subtitle:*

18 *(1) CONTROLLED SUBSTANCE; CONTROLLED SUB-*
19 *STANCE ANALOGUE.—The terms “controlled sub-*
20 *stance” and “controlled substance analogue” have the*
21 *meanings given those terms in section 102 of the Con-*
22 *trolled Substances Act (21 U.S.C. 802).*

23 *(2) COVERED SYNTHETIC DRUG.—The term “cov-*
24 *ered synthetic drug” means—*

1 (A) a synthetic controlled substance or syn-
2 thetic controlled substance analogue, including
3 fentanyl or a fentanyl analogue; or

4 (B) a new psychoactive substance.

5 (3) NEW PSYCHOACTIVE SUBSTANCE.—The term
6 “new psychoactive substance” means a substance of
7 abuse, or any preparation thereof, that—

8 (A) is not—

9 (i) included in any schedule as a con-
10 trolled substance under the Controlled Sub-
11 stances Act (21 U.S.C. 801 et seq.); or

12 (ii) controlled by the Single Conven-
13 tion on Narcotic Drugs, done at New York
14 March 30, 1961, or the Convention on Psy-
15 chotropic Substances, done at Vienna Feb-
16 ruary 21, 1971;

17 (B) is new or has reemerged on the illicit
18 market; and

19 (C) poses a threat to the public health and
20 safety.

1 ***Subtitle D—International***
2 ***Pandemic Preparedness***

3 **SEC. 5559. SHORT TITLE.**

4 *This subtitle may be cited as the “Global Health Secu-*
5 *rity and International Pandemic Prevention, Preparedness*
6 *and Response Act of 2022”.*

7 **SEC. 5560. DEFINITIONS.**

8 *In this subtitle:*

9 (1) *The term “appropriate congressional com-*
10 *mittees” means—*

11 (A) *the Committee on Foreign Relations of*
12 *the Senate;*

13 (B) *the Committee on Appropriations of the*
14 *Senate;*

15 (C) *the Committee on Foreign Affairs of the*
16 *House of Representatives; and*

17 (D) *the Committee on Appropriations of the*
18 *House of Representatives.*

19 (2) *The terms “Global Health Security Agenda”*
20 *and “GHSA” mean the multi-sectoral initiative*
21 *launched in 2014, and renewed in 2018, that brings*
22 *together countries, regions, international organiza-*
23 *tions, nongovernmental organizations, and the private*
24 *sector—*

1 (A) to elevate global health security as a na-
2 tional-level priority;

3 (B) to share best practices; and

4 (C) to facilitate national capacity to com-
5 ply with and adhere to—

6 (i) the *International Health Regula-*
7 tions (2005);

8 (ii) the international standards and
9 guidelines established by the World
10 Organisation for Animal Health;

11 (iii) United Nations Security Council
12 Resolution 1540 (2004);

13 (iv) the *Convention on the Prohibition*
14 of the Development, Production and Stock-
15 piling of Bacteriological and Toxin Weap-
16 ons and on their Destruction, done at Wash-
17 ington, London, and Moscow, April 10,
18 1972 (commonly referred to as the “*Biologi-*
19 cal Weapons Convention”);

20 (v) the *Global Health Security Agenda*
21 2024 Framework; and

22 (vi) other relevant frameworks that
23 contribute to global health security.

24 (3) The term “*Global Health Security Index*”
25 means the comprehensive assessment and

1 *benchmarking of health security and related capabili-*
2 *ties across the countries that make up the States Par-*
3 *ties to the International Health Regulations (2005).*

4 (4) *The term “Global Health Security Initiative”*
5 *means the informal network of countries and organi-*
6 *zations that came together in 2001, to undertake con-*
7 *certed global action to strengthen public health pre-*
8 *paredness and response to chemical, biological, radio-*
9 *logical, and nuclear threats, including pandemic in-*
10 *fluenza.*

11 (5) *The term “IHR (2005) Monitoring and*
12 *Evaluation Framework” means the framework*
13 *through which the World Health Organization and*
14 *the State Parties to the International Health Regula-*
15 *tions, as amended in 2005, review, measure, and as-*
16 *sess core country public health capacities and ensure*
17 *mutual accountability for global health security under*
18 *the International Health Regulations (2005), includ-*
19 *ing through the Joint External Evaluations, simula-*
20 *tion exercises, and after-action reviews.*

21 (6) *The term “Joint External Evaluation”*
22 *means the voluntary, collaborative, multi-sectoral*
23 *process facilitated by the World Health Organiza-*
24 *tion—*

1 (A) to assess country capacity to prevent,
2 detect, and rapidly respond to public health risks
3 occurring naturally or due to deliberate or acci-
4 dental events;

5 (B) to assess progress in achieving the tar-
6 gets under the International Health Regulations
7 (2005); and

8 (C) to recommend priority actions.

9 (7) The term “key stakeholders” means actors en-
10 gaged in efforts to advance global health security pro-
11 grams and objectives, including—

12 (A) national and local governments in part-
13 ner countries;

14 (B) other bilateral donors;

15 (C) international, regional, and local orga-
16 nizations, including private, voluntary, non-
17 governmental, and civil society organizations,
18 including faith-based and indigenous organiza-
19 tions;

20 (D) international, regional, and local finan-
21 cial institutions;

22 (E) representatives of historically
23 marginalized groups, including women, youth,
24 and indigenous peoples;

1 (F) the private sector, including medical de-
2 vice, technology, pharmaceutical, manufacturing,
3 logistics, and other relevant companies; and

4 (G) public and private research and aca-
5 demic institutions.

6 (8) The term “One Health approach” means the
7 collaborative, multi-sectoral, and transdisciplinary
8 approach toward achieving optimal health outcomes
9 in a manner that recognizes the interconnection be-
10 tween people, animals, plants, and their shared envi-
11 ronment.

12 (9) The term “pandemic preparedness” refers to
13 the actions taken to establish and sustain the capacity
14 and capabilities necessary to rapidly identify, pre-
15 vent, protect against, and respond to the emergence,
16 reemergence, and spread of pathogens of pandemic po-
17 tential.

18 (10) The term “partner country” means a for-
19 eign country in which the relevant Federal depart-
20 ments and agencies are implementing United States
21 foreign assistance for global health security and pan-
22 demic prevention, preparedness, and response under
23 this subtitle.

24 (11) The term “relevant Federal departments
25 and agencies” means any Federal department or

1 *agency implementing United States policies and pro-*
2 *grams relevant to the advancement of United States*
3 *global health security and diplomacy overseas, which*
4 *may include—*

5 *(A) the Department of State;*

6 *(B) the United States Agency for Inter-*
7 *national Development;*

8 *(C) the Department of Health and Human*
9 *Services;*

10 *(D) the Department of Defense;*

11 *(E) the Defense Threat Reduction Agency;*

12 *(F) the Millennium Challenge Corporation;*

13 *(G) the Development Finance Corporation;*

14 *(H) the Peace Corps; and*

15 *(I) any other department or agency that the*
16 *President determines to be relevant for these pur-*
17 *poses.*

18 *(12) The term “resilience” means the ability of*
19 *people, households, communities, systems, institutions,*
20 *countries, and regions to reduce, mitigate, withstand,*
21 *adapt to, and quickly recover from shocks and stresses*
22 *in a manner that reduces chronic vulnerability to the*
23 *emergence, reemergence, and spread of pathogens of*
24 *pandemic potential and facilitates inclusive growth.*

1 (13) *The terms “respond” and “response” mean*
2 *the actions taken to counter an infectious disease.*

3 (14) *The term “USAID” means the United*
4 *States Agency for International Development.*

5 **SEC. 5561. ENHANCING THE UNITED STATES’ INTER-**
6 **NATIONAL RESPONSE TO PANDEMICS.**

7 (a) *LEVERAGING UNITED STATES BILATERAL GLOBAL*
8 *HEALTH PROGRAMS FOR INTERNATIONAL PANDEMIC RE-*
9 *SPONSE.—Subject to the notification requirements under*
10 *section 634A of the Foreign Assistance Act of 1961 (22*
11 *U.S.C. 2394–1), amounts authorized to be appropriated or*
12 *otherwise made available to carry out section 104 of the*
13 *Foreign Assistance Act (22 U.S.C. 2151b) may be used in*
14 *countries receiving such United States foreign assistance for*
15 *the purpose of—*

16 (1) *strengthening vaccine readiness;*

17 (2) *reducing vaccine hesitancy;*

18 (3) *delivering and administering vaccines;*

19 (4) *strengthening health systems and global sup-*
20 *ply chains as necessary for global health security and*
21 *pandemic preparedness, prevention, and response;*

22 (5) *supporting global health workforce planning,*
23 *training, and management for pandemic prepared-*
24 *ness, prevention, and response;*

1 (6) *enhancing transparency, quality, and reli-*
2 *ability of public health data;*

3 (7) *increasing bidirectional testing, including*
4 *screening for symptomatic and asymptomatic cases;*
5 *and*

6 (8) *building laboratory capacity.*

7 ***(b) ROLES OF THE DEPARTMENT OF STATE, USAID,***
8 ***AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES***
9 ***IN INTERNATIONAL PANDEMIC RESPONSE.—***

10 (1) *FINDING.—Congress finds that different out-*
11 *breaks of infectious disease threats may require flexi-*
12 *bility and changes to the designated roles and respon-*
13 *sibilities of relevant Federal departments and agen-*
14 *cies.*

15 (2) ***LEAD AGENCIES FOR COORDINATION OF THE***
16 ***UNITED STATES’ INTERNATIONAL RESPONSE TO IN-***
17 ***FECTIONOUS DISEASE OUTBREAKS WITH SEVERE OR***
18 ***PANDEMIC POTENTIAL.—The President shall identify***
19 ***the relevant Federal departments and agencies, in-***
20 ***cluding the Department of State, USAID, and the De-***
21 ***partment of Health and Human Services (including***
22 ***the Centers for Disease Control and Prevention), lead-***
23 ***ing specific aspects of the United States international***
24 ***operational response to outbreaks of emerging high-***

1 *consequence infectious disease threats in accordance*
2 *with federal law.*

3 (3) *NOTIFICATION.*—*Not later than 120 days*
4 *after the date of the enactment of this Act, and regu-*
5 *larly thereafter as appropriate, the President shall no-*
6 *tify the appropriate congressional committees, the*
7 *Committee on Health, Education, Labor, and Pen-*
8 *sions of the Senate, and the Committee on Energy*
9 *and Commerce of the House of Representatives of the*
10 *roles and responsibilities of each relevant Federal de-*
11 *partment and agency with respect to the inter-*
12 *national operational response to the outbreak of an*
13 *emerging high-consequence infectious disease threat.*

14 (c) *USAID DISASTER SURGE CAPACITY.*—

15 (1) *DISASTER SURGE CAPACITY.*—*The Adminis-*
16 *trator of the USAID is authorized to expend funds*
17 *made available to carry out part I and chapter 4 of*
18 *part II of the Foreign Assistance Act of 1961 (22*
19 *U.S.C. 2151 and 2346), including funds made avail-*
20 *able for “Assistance for Europe, Eurasia and Central*
21 *Asia”, in addition to amounts otherwise made avail-*
22 *able for such purposes, for the cost (including support*
23 *costs) of individuals detailed to or employed by*
24 *USAID whose primary responsibility is to carry out*

1 *programs to address global health emergencies and*
2 *natural or manmade disasters.*

3 (2) *NOTIFICATION.*—*Not later than 15 days be-*
4 *fore making funds available to address manmade dis-*
5 *asters pursuant to paragraph (1), the Secretary of*
6 *State or the Administrator of the USAID shall notify*
7 *the appropriate congressional committees of such in-*
8 *tended action.*

9 **SEC. 5562. INTERNATIONAL PANDEMIC PREVENTION AND**
10 **PREPAREDNESS.**

11 (a) *UNITED STATES INTERNATIONAL ACTIVITIES TO*
12 *ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY*
13 *STRATEGY AND REPORT.*—

14 (1) *IN GENERAL.*—*The President shall develop,*
15 *update, maintain, and advance a comprehensive*
16 *strategy for improving United States global health se-*
17 *curity and diplomacy for pandemic prevention, pre-*
18 *paredness, and response which, consistent with the*
19 *purposes of this subtitle, shall—*

20 (A) *clearly articulate United States policy*
21 *goals related to pandemic prevention, prepared-*
22 *ness, and response, including through actions to*
23 *strengthen diplomatic leadership and the effec-*
24 *tiveness of United States foreign policy and*
25 *international preparedness assistance for global*

1 *health security through advancement of a One*
2 *Health approach, the Global Health Security*
3 *Agenda, the International Health Regulations*
4 *(2005), and other relevant frameworks that con-*
5 *tribute to pandemic prevention and prepared-*
6 *ness;*

7 *(B) establish specific and measurable goals,*
8 *benchmarks, timetables, performance metrics,*
9 *and monitoring and evaluation plans for United*
10 *States foreign policy and assistance for global*
11 *health security that promote learning and adap-*
12 *tation and reflect international best practices re-*
13 *lating to global health security, transparency,*
14 *and accountability;*

15 *(C) establish transparent mechanisms to*
16 *improve coordination and avoid duplication of*
17 *effort between and among the relevant Federal*
18 *departments and agencies, partner countries,*
19 *donor countries, the private sector, multilateral*
20 *organizations, and other key stakeholders;*

21 *(D) prioritize working with partner coun-*
22 *tries with—*

23 *(i) demonstrated need, as identified*
24 *through the Joint External Evaluation*
25 *process, the Global Health Security Index*

1 *classification of health systems, national ac-*
2 *tion plans for health security, Global Health*
3 *Security Agenda, other risk-based assess-*
4 *ments, and complementary or successor in-*
5 *dicators of global health security and pan-*
6 *demie preparedness; and*

7 *(ii) demonstrated commitment to*
8 *transparency, including budget and global*
9 *health data transparency, complying with*
10 *the International Health Regulations*
11 *(2005), investing in domestic health sys-*
12 *tems, and achieving measurable results;*

13 *(E) reduce long-term reliance upon United*
14 *States foreign assistance for global health secu-*
15 *rity by—*

16 *(i) ensuring that United States global*
17 *health assistance authorized under this sub-*
18 *title is strategically planned and coordi-*
19 *nated in a manner that delivers immediate*
20 *impact and contributes to enduring results,*
21 *including through efforts to enhance com-*
22 *munity capacity and resilience to infectious*
23 *disease threats and emergencies; and*

24 *(ii) ensuring partner country owner-*
25 *ship of global health security strategies,*

1 *data, programs, and outcomes and im-*
2 *proved domestic resource mobilization, co-fi-*
3 *nancing, and appropriate national budget*
4 *allocations for global health security and*
5 *pandemic prevention, preparedness, and re-*
6 *sponse;*

7 *(F) assist partner countries in building the*
8 *technical capacity of relevant ministries, sys-*
9 *tems, and networks to prepare, execute, monitor,*
10 *and evaluate national action plans for global*
11 *health security and pandemic prevention, pre-*
12 *paredness, and response that are developed with*
13 *input from key stakeholders, including mecha-*
14 *nism to enhance budget and global health data*
15 *transparency, as necessary and appropriate;*

16 *(G) support and align United States foreign*
17 *assistance authorized under this subtitle with*
18 *such national action plans for health security*
19 *and pandemic prevention, preparedness, and re-*
20 *sponse, as appropriate;*

21 *(H) facilitate communication and collabo-*
22 *ration, as appropriate, among local stakeholders*
23 *in support of country-led strategies and initia-*
24 *tives to better identify and prevent health im-*

1 *pacts related to the emergence, reemergence, and*
2 *spread of zoonoses;*

3 *(I) support the long-term success of pro-*
4 *grams by building the pandemic preparedness*
5 *capacity of local organizations and institutions*
6 *in target countries and communities;*

7 *(J) develop community resilience to infec-*
8 *tious disease threats and emergencies;*

9 *(K) support global health budget and work-*
10 *force planning in partner countries, consistent*
11 *with the purposes of this subtitle, including*
12 *training in financial management and budget*
13 *and global health data transparency;*

14 *(L) strengthen linkages between complemen-*
15 *tary bilateral and multilateral foreign assistance*
16 *programs, including efforts of the World Bank,*
17 *the World Health Organization, the Global Fund*
18 *to Fight AIDS, Tuberculosis, and Malaria, and*
19 *Gavi, the Vaccine Alliance, that contribute to the*
20 *development of more resilient health systems and*
21 *global supply chains for global health security*
22 *and pandemic prevention, preparedness, and re-*
23 *sponse in partner countries with the capacity,*
24 *resources, and personnel required to prevent, de-*

1 *tect, and respond to infectious disease threats;*
2 *and*

3 *(M) support innovation and partnerships*
4 *with the private sector, health organizations,*
5 *civil society, nongovernmental, faith-based and*
6 *indigenous organizations, and health research*
7 *and academic institutions to improve pandemic*
8 *prevention, preparedness, and response, includ-*
9 *ing for the development and deployment of effec-*
10 *tive and accessible infectious disease tracking*
11 *tools, diagnostics, therapeutics, and vaccines.*

12 *(2) SUBMISSION OF STRATEGY.—*

13 *(A) IN GENERAL.—Not later than 180 days*
14 *after the date of the enactment of this Act, the*
15 *President, in consultation with the heads of the*
16 *relevant Federal departments and agencies, shall*
17 *submit the strategy required under paragraph*
18 *(1) to—*

19 *(i) the appropriate congressional com-*
20 *mittees;*

21 *(ii) the Committee on Health, Edu-*
22 *cation, Labor, and Pensions of the Senate;*
23 *and*

24 *(iii) the Committee on Energy and*
25 *Commerce of the House of Representatives.*

1 (B) *AGENCY-SPECIFIC PLANS.*—*The strategy*
2 *required under paragraph (1) shall include spe-*
3 *cific implementation plans from each relevant*
4 *Federal department and agency that describe—*

5 (i) *the anticipated contributions of the*
6 *Federal department or agency, including*
7 *technical, financial, and in-kind contribu-*
8 *tions, to implement the strategy; and*

9 (ii) *the efforts of the Federal depart-*
10 *ment or agency to ensure that the activities*
11 *and programs carried out pursuant to the*
12 *strategy are designed to achieve maximum*
13 *impact and long-term sustainability.*

14 (3) *ANNUAL REPORT.*—

15 (A) *IN GENERAL.*—*Not later than 1 year*
16 *after the submission of the strategy pursuant to*
17 *paragraph (2)(A), and not later than October 1*
18 *of each year thereafter, the President shall sub-*
19 *mit to the committees listed in such paragraph*
20 *a report that describes the status of the imple-*
21 *mentation of such strategy.*

22 (B) *CONTENTS.*—*Each report submitted*
23 *pursuant to subparagraph (A) shall—*

1 (i) identify any substantial changes
2 made to the strategy during the preceding
3 calendar year;

4 (ii) describe the progress made in im-
5 plementing the strategy, including specific
6 information related to the progress toward
7 improving countries' ability to detect, pre-
8 vent, and respond to infectious disease
9 threats;

10 (iii) identify—

11 (I) the indicators used to establish
12 benchmarks and measure results over
13 time; and

14 (II) the mechanisms for reporting
15 such results in an open and trans-
16 parent manner;

17 (iv) contain a transparent, open, and
18 detailed accounting of obligations by rel-
19 evant Federal departments and agencies to
20 implement the strategy, including, to the ex-
21 tent practicable, for each such Federal de-
22 partment and agency, the statutory source
23 of obligated funds, the amounts obligated,
24 implementing partners and sub-partners,

1 *targeted beneficiaries, and activities sup-*
2 *ported;*

3 *(v) the efforts of the relevant Federal*
4 *department or agency to ensure that the ac-*
5 *tivities and programs carried out pursuant*
6 *to the strategy are designed to achieve max-*
7 *imum impact and enduring results, includ-*
8 *ing through specific activities to strengthen*
9 *health systems for global health security and*
10 *pandemic prevention, preparedness, and re-*
11 *sponse, as appropriate;*

12 *(vi) assess efforts to coordinate United*
13 *States global health security programs, ac-*
14 *tivities, and initiatives with key stake-*
15 *holders;*

16 *(vii) incorporate a plan for regularly*
17 *reviewing and updating strategies, partner-*
18 *ships, and programs and sharing lessons*
19 *learned with a wide range of stakeholders in*
20 *an open, transparent manner; and*

21 *(viii) describe the progress achieved*
22 *and challenges concerning the United States*
23 *Government's ability to advance the Global*
24 *Health Security Agenda and pandemic pre-*
25 *paredness, including data disaggregated by*

1 *priority country using indicators that are*
2 *consistent on a year-to-year basis and rec-*
3 *ommendations to resolve, mitigate, or other-*
4 *wise address the challenges identified*
5 *through such indicators.*

6 (C) *FORM.*—*The strategy and reports re-*
7 *quired under this subsection shall be submitted*
8 *in unclassified form, but may contain a classi-*
9 *fied annex.*

10 (b) *UNITED STATES COORDINATOR FOR GLOBAL*
11 *HEALTH SECURITY.*—*The President shall designate an ap-*
12 *propriate senior official to be the United States Coordinator*
13 *for Global Health Security, who shall be responsible for the*
14 *coordination of the Global Health Security Agenda Inter-*
15 *agency Review Council and who should—*

16 (1) *have significant background and expertise in*
17 *public health, health security, and emergency response*
18 *management;*

19 (2) *coordinate, through a whole-of-government*
20 *approach, the efforts of relevant Federal departments*
21 *and agencies to implement the strategy under sub-*
22 *section (a); and*

23 (3) *seek to fully use the unique capabilities of*
24 *each relevant Federal department and agency and en-*
25 *sure effective and appropriate United States represen-*

1 *tation at relevant international forums, while collabo-*
2 *rating with and leveraging the contributions of other*
3 *key stakeholders.*

4 *(c) AMBASSADOR-AT-LARGE FOR GLOBAL HEALTH*
5 *SECURITY AND DIPLOMACY.—*

6 *(1) ESTABLISHMENT.—There is established,*
7 *within the Department of State, the position of Am-*
8 *bassador-At-Large for Global Health Security and Di-*
9 *plomacy (referred to in this section as the “Ambas-*
10 *sador-At-Large”).*

11 *(2) APPOINTMENT; QUALIFICATIONS.—The Am-*
12 *bassador-At-Large—*

13 *(A) shall be appointed by the President, by*
14 *and with the advice and consent of the Senate;*

15 *(B) shall report to the Secretary of State;*
16 *and*

17 *(C) shall have—*

18 *(i) demonstrated knowledge and experi-*
19 *ence in the field of health security, develop-*
20 *ment, public health, epidemiology, or medi-*
21 *cine; and*

22 *(ii) relevant diplomatic, policy, and*
23 *political expertise.*

24 *(3) AUTHORITIES.—The Ambassador-At-Large*
25 *may—*

1 (A) *operate internationally to carry out the*
2 *purposes of this section;*

3 (B) *ensure effective coordination, manage-*
4 *ment, and oversight of United States foreign pol-*
5 *icy, diplomatic efforts, and foreign assistance*
6 *funded with amounts authorized to be appro-*
7 *priated pursuant to section 5564(a) that are*
8 *used by the Department of State to advance the*
9 *relevant elements of the United States global*
10 *health security and diplomacy strategy developed*
11 *pursuant to subsection (a) by—*

12 (i) *developing and updating, as appro-*
13 *priate, in collaboration with the Adminis-*
14 *trator of the USAID and the Secretary of*
15 *Health and Human Services, related policy*
16 *guidance and unified auditing, monitoring,*
17 *and evaluation plans;*

18 (ii) *avoiding duplication of effort and*
19 *collaborating with other relevant Federal*
20 *departments and agencies;*

21 (iii) *leading, in collaboration with the*
22 *Secretary of Health and Human Services,*
23 *the Administrator of the USAID, and other*
24 *relevant Federal departments and agencies,*
25 *diplomatic efforts to identify and address*

1 *current and emerging threats to global*
2 *health security;*

3 *(iv) working to enhance coordination*
4 *with, and transparency among, the govern-*
5 *ments of partner countries and key stake-*
6 *holders, including the private sector;*

7 *(v) promoting greater donor and na-*
8 *tional investment in partner countries to*
9 *build health systems and supply chains for*
10 *global health security and pandemic preven-*
11 *tion and preparedness;*

12 *(vi) securing bilateral and multilateral*
13 *financing commitments to advance the*
14 *Global Health Security Agenda, in coordi-*
15 *nation with relevant Federal departments*
16 *and agencies, including through funding for*
17 *the Financial Intermediary Fund for Pan-*
18 *demic Prevention, Preparedness, and Re-*
19 *sponse; and*

20 *(vii) providing regular updates to the*
21 *appropriate congressional committees, the*
22 *Committee on Health, Education, Labor,*
23 *and Pensions of the Senate, and the Com-*
24 *mittee on Energy and Commerce of the*
25 *House of Representatives regarding the ful-*

1 *fillment of the activities described in this*
2 *paragraph;*

3 *(C) ensure, in collaboration with the Sec-*
4 *retary of the Treasury, the Secretary of Health*
5 *and Human Services, and the Administrator of*
6 *the USAID, effective representation of the United*
7 *States in the Financial Intermediary Fund for*
8 *Pandemic Prevention, Preparedness, and Re-*
9 *sponse;*

10 *(D) use detailees, on a reimbursable or non-*
11 *reimbursable basis, from relevant Federal depart-*
12 *ments and agencies and hire personal service*
13 *contractors, who may operate domestically and*
14 *internationally, to ensure that the Ambassador-*
15 *At-Large has access to the highest quality experts*
16 *available to the United States Government to*
17 *carry out the functions under this subtitle; and*

18 *(E) perform such other functions as the Sec-*
19 *retary of State may assign.*

20 *(d) STRENGTHENING HEALTH SYSTEMS FOR GLOBAL*
21 *HEALTH SECURITY AND PANDEMIC PREVENTION AND PRE-*
22 *PAREDNESS.—*

23 *(1) STATEMENT OF POLICY.—It is the policy of*
24 *the United States to ensure that bilateral global*
25 *health assistance programs are effectively managed*

1 *and coordinated, as necessary and appropriate to*
2 *achieve the purposes of this subtitle, to contribute to*
3 *the strengthening of health systems for global health*
4 *security and pandemic prevention, preparedness, and*
5 *response in each country in which such programs are*
6 *carried out.*

7 (2) *COORDINATION.*—*The Administrator of the*
8 *USAID shall work with the Global Malaria Coordi-*
9 *nator, the Coordinator of United States Government*
10 *Activities to Combat HIV/AIDS Globally, the Ambas-*
11 *sador-at-Large for Global Health Security and Diplo-*
12 *macy at the Department of State, and the Secretary*
13 *of Health and Human Services, to identify areas of*
14 *collaboration and coordination in countries with glob-*
15 *al health programs and activities undertaken by the*
16 *USAID pursuant to the United States Leadership*
17 *Against HIV/AIDS, Tuberculosis, and Malaria Act of*
18 *2003 (Public Law 108–25) and other relevant provi-*
19 *sions of law, to ensure that such activities contribute*
20 *to the strengthening of health systems for global health*
21 *security and pandemic prevention and preparedness.*

22 (e) *COORDINATION FOR INTERNATIONAL PANDEMIC*
23 *EARLY WARNING NETWORK.*—

24 (1) *SENSE OF CONGRESS.*—*It is the sense of*
25 *Congress that the Secretary of Health and Human*

1 *Services, in coordination with the Secretary of State,*
2 *the USAID Administrator, the Director of the Centers*
3 *for Disease Control and Prevention, and the heads of*
4 *the other relevant Federal departments and agencies,*
5 *should work with the World Health Organization and*
6 *other key stakeholders to establish or strengthen effec-*
7 *tive early warning systems, at the partner country,*
8 *regional, and international levels, that utilize innova-*
9 *tive information and analytical tools and robust re-*
10 *view processes to track, document, analyze, and fore-*
11 *cast infectious disease threats with epidemic and pan-*
12 *demical potential.*

13 (2) *REPORT.—Not later than 1 year after the*
14 *date of the enactment of this Act, and annually there-*
15 *after for the following 4 years, the Secretary of Health*
16 *and Human Services, in coordination with the Sec-*
17 *retary of State and the heads of the other relevant*
18 *Federal departments and agencies, shall submit a re-*
19 *port to the appropriate congressional committees, the*
20 *Committee on Health, Education, Labor, and Pen-*
21 *sions of the Senate, and the Committee on Energy*
22 *and Commerce of the House of Representatives that*
23 *describes United States Government efforts and op-*
24 *portunities to establish or strengthen effective early*

1 *warning systems to detect infectious disease threats*
2 *internationally.*

3 *(f) INTERNATIONAL EMERGENCY OPERATIONS.—*

4 *(1) SENSE OF CONGRESS.—It is the sense of*
5 *Congress that it is essential to enhance the capacity*
6 *of key stakeholders to effectively operationalize early*
7 *warning and execute multi-sectoral emergency oper-*
8 *ations during an infectious disease outbreak, particu-*
9 *larly in countries and areas that deliberately with-*
10 *hold critical global health data and delay access dur-*
11 *ing an infectious disease outbreak, in advance of the*
12 *next infectious disease outbreak with pandemic poten-*
13 *tial.*

14 *(2) PUBLIC HEALTH EMERGENCIES OF INTER-*
15 *NATIONAL CONCERN.—The Secretary of Health and*
16 *Human Services, in coordination with the Secretary*
17 *of State, should work with the World Health Organi-*
18 *zation and like-minded member states to adopt an*
19 *approach toward assessing infectious disease threats*
20 *under the International Health Regulations (2005)*
21 *for the World Health Organization to identify and*
22 *transparently communicate, on an ongoing basis,*
23 *varying levels of risk leading up to a declaration by*
24 *the Director General of the World Health Organiza-*
25 *tion of a Public Health Emergency of International*

1 *Concern for the duration and in the aftermath of such*
2 *declaration.*

3 (3) *EMERGENCY OPERATIONS.*—*The Secretary of*
4 *Health and Human Services, in coordination with*
5 *the Secretary of State, the Administrator of the*
6 *USAID, the Director of the Centers for Disease Con-*
7 *trol and Prevention, and the heads of other relevant*
8 *Federal departments and agencies and consistent with*
9 *the requirements under the International Health Reg-*
10 *ulations (2005) and the objectives of the World Health*
11 *Organization’s Health Emergencies Programme, the*
12 *Global Health Security Agenda, and national actions*
13 *plans for health security, should work, in cooperation*
14 *with the World Health Organization, with partner*
15 *countries, and other key stakeholders, to support the*
16 *establishment, strengthening, and rapid response ca-*
17 *capacity of global health emergency operations centers,*
18 *at the partner country and international levels, in-*
19 *cluding efforts—*

20 (A) *to collect and share de-identified public*
21 *health data, assess risk, and operationalize early*
22 *warning;*

23 (B) *to secure, including through utilization*
24 *of stand-by arrangements and emergency fund-*
25 *ing mechanisms, the staff, systems, and resources*

1 *necessary to execute cross-sectoral emergency op-*
2 *erations during the 48-hour period immediately*
3 *following an infectious disease outbreak with*
4 *pandemic potential; and*

5 *(C) to organize and conduct emergency sim-*
6 *ulations.*

7 **SEC. 5563. FINANCIAL INTERMEDIARY FUND FOR PAN-**
8 **DEMIC PREVENTION, PREPAREDNESS, AND**
9 **RESPONSE.**

10 *(a) IN GENERAL.—*

11 *(1) FINDING.—Congress finds that the Financial*
12 *Intermediary Fund for Pandemic Prevention, Pre-*
13 *paredness, and Response (referred to in this section as*
14 *the “Fund”) was established in September 2022 by*
15 *donor countries, relevant United Nations agencies, in-*
16 *cluding the World Health Organization, and other*
17 *key multilateral stakeholders as a multilateral, cata-*
18 *lytic financing mechanism for pandemic prevention*
19 *and preparedness.*

20 *(2) OBJECTIVES.—The objectives of the Fund*
21 *are—*

22 *(A) closing critical gaps in pandemic pre-*
23 *vention and preparedness; and*

24 *(B) working with, and building the capac-*
25 *ity of, eligible partner countries in the areas of*

1 *global health security, infectious disease control,*
2 *and pandemic prevention and preparedness in*
3 *order to—*

4 *(i) prioritize capacity building and fi-*
5 *nancing availability in eligible partner*
6 *countries;*

7 *(ii) incentivize countries to prioritize*
8 *the use of domestic resources for global*
9 *health security and pandemic prevention*
10 *and preparedness;*

11 *(iii) leverage governmental, nongovern-*
12 *mental, and private sector investments;*

13 *(iv) regularly respond to and evaluate*
14 *progress based on clear metrics and bench-*
15 *marks, such as those developed through the*
16 *IHR (2005) Monitoring and Evaluation*
17 *Framework and the Global Health Security*
18 *Index;*

19 *(v) align with and complement ongo-*
20 *ing bilateral and multilateral efforts and fi-*
21 *nancing, including through the World*
22 *Bank, the World Health Organization, the*
23 *Global Fund to Fight AIDS, Tuberculosis,*
24 *and Malaria, the Coalition for Epidemic*

1 *Preparedness and Innovation, and Gavi, the*
2 *Vaccine Alliance; and*

3 *(vi) help countries accelerate and*
4 *achieve compliance with the International*
5 *Health Regulations (2005) and fulfill the*
6 *Global Health Security Agenda 2024*
7 *Framework not later than 8 years after the*
8 *date on which the Fund is established, in*
9 *coordination with the ongoing Joint Exter-*
10 *nal Evaluation national action planning*
11 *process.*

12 (3) *GOVERNING BOARD.—*

13 *(A) IN GENERAL.—The Fund should be gov-*
14 *erned by a transparent, representative, and ac-*
15 *countable body (referred to in this section as the*
16 *“Governing Board”), which should—*

17 *(i) function as a partnership with, and*
18 *through full engagement by, donor govern-*
19 *ments, eligible partner countries, and inde-*
20 *pendent civil society; and*

21 *(ii) be composed of not more than 25*
22 *representatives of governments, foundations,*
23 *academic institutions, independent civil so-*
24 *ciety, indigenous people, vulnerable commu-*
25 *nities, frontline health workers, and the pri-*

1 *vate sector with demonstrated commitment*
2 *to carrying out the purposes of the Fund*
3 *and upholding transparency and account-*
4 *ability requirements.*

5 (B) *DUTIES.—The Governing Board*
6 *should—*

7 (i) *be charged with approving strate-*
8 *gies, operations, and grant making authori-*
9 *ties such that it is able to conduct effective*
10 *fiduciary, monitoring, and evaluation ef-*
11 *forts, and other oversight functions;*

12 (ii) *determine operational procedures*
13 *to enable the Fund to effectively fulfill its*
14 *mission;*

15 (iii) *provide oversight and account-*
16 *ability for the Fund in collaboration with a*
17 *qualified and independent Inspector Gen-*
18 *eral;*

19 (iv) *develop and utilize a mechanism*
20 *to obtain formal input from eligible partner*
21 *countries, independent civil society, and im-*
22 *plementing entities relative to program de-*
23 *sign, review, and implementation and asso-*
24 *ciated lessons learned; and*

1 (v) coordinate and align with other
2 multilateral financing and technical assist-
3 ance activities, and with the activities of the
4 United States and other nations leading
5 pandemic prevention, preparedness, and re-
6 sponse activities in partner countries, as
7 appropriate.

8 (C) COMPOSITION.—The Governing Board
9 should include—

10 (i) representatives of the governments
11 of founding member countries who, in addi-
12 tion to meeting the requirements under sub-
13 paragraph (A), qualify based upon—

14 (I) meeting an established initial
15 contribution threshold, which should be
16 not less than 10 percent of the coun-
17 try’s total initial contributions; and

18 (II) demonstrating a commitment
19 to supporting the International Health
20 Regulations (2005);

21 (ii) a geographically diverse group of
22 members from donor countries, academic in-
23 stitutions, independent civil society, includ-
24 ing faith-based and indigenous organiza-
25 tions, and the private sector who are se-

1 lected on the basis of their experience and
2 commitment to innovation, best practices,
3 and the advancement of global health secu-
4 rity objectives; and

5 (iii) representatives of the World
6 Health Organization, to serve in an ob-
7 server status.

8 (D) CONTRIBUTIONS.—Each government or
9 private sector foundation or for-profit entity rep-
10 resented on the Governing Board should agree to
11 make annual contributions to the Fund in an
12 amount that is not less than the minimum
13 amount determined by the Governing Board.

14 (E) QUALIFICATIONS.—Individuals ap-
15 pointed to the Governing Board should have
16 demonstrated knowledge and experience across a
17 variety of sectors, including human and animal
18 health, agriculture, development, defense, finance,
19 research, and academia.

20 (F) CONFLICTS OF INTEREST.—All Gov-
21 erning Board members should be required to
22 recuse themselves from matters presenting con-
23 flicts of interest, including financing decisions
24 relating to such countries, bodies, and institu-
25 tions.

1 (G) *REMOVAL PROCEDURES.*—*The Fund*
2 *should establish procedures for the removal of*
3 *members of the Governing Board who—*

4 (i) *engage in a consistent pattern of*
5 *human rights abuses;*

6 (ii) *fail to uphold global health data*
7 *transparency requirements; or*

8 (iii) *otherwise violate the established*
9 *standards of the Fund, including in rela-*
10 *tion to corruption.*

11 (b) *AUTHORITY FOR UNITED STATES PARTICIPA-*
12 *TION.*—

13 (1) *FOUNDING MEMBER.*—*The United States is*
14 *authorized to participate in the Fund and shall be*
15 *represented on the Governing Board by an officer or*
16 *employee of the United States Government who has*
17 *been appointed by the President (referred in this sec-*
18 *tion as the “FIF Representative”).*

19 (2) *EFFECTIVE DATE; TERMINATION DATE.*—

20 (A) *EFFECTIVE DATE.*—*This subsection*
21 *shall take effect on the date on which the Sec-*
22 *retary of State submits to Congress a certified*
23 *copy of the agreement establishing the Fund.*

1 (B) *TERMINATION DATE.*—*The membership*
2 *authorized under paragraph (1) shall terminate*
3 *on the date on which the Fund is terminated.*

4 (3) *ENFORCEABILITY.*—*Any agreement concluded*
5 *under the authorities provided under this subsection*
6 *shall be legally effective and binding upon the United*
7 *States, in accordance with the terms of the agree-*
8 *ment—*

9 (A) *upon the enactment of appropriate im-*
10 *plementing legislation that provides for the ap-*
11 *proval of the specific agreement or agreements,*
12 *including attachments, annexes, and supporting*
13 *documentation, as appropriate; or*

14 (B) *if concluded and submitted as a treaty,*
15 *upon the approval by the Senate of the resolution*
16 *of ratification of such treaty.*

17 (c) *IMPLEMENTATION OF PROGRAM OBJECTIVES.*—*In*
18 *carrying out the objectives described in subsection (a)(2),*
19 *the Fund should work to eliminate duplication and waste*
20 *by upholding strict transparency and accountability stand-*
21 *ards and coordinating its programs and activities with key*
22 *partners working to advance pandemic prevention and pre-*
23 *paredness.*

1 (d) *PRIORITY COUNTRIES.*—*In providing assistance*
2 *under this section, the Fund should give priority to low-*
3 *and lower middle-income countries with—*

4 (1) *low scores on the Global Health Security*
5 *Index classification of health systems;*

6 (2) *measurable gaps in global health security*
7 *and pandemic prevention and preparedness identified*
8 *under the IHR (2005) Monitoring and Evaluation*
9 *Framework and national action plans for health secu-*
10 *rity;*

11 (3) *demonstrated political and financial commit-*
12 *ment to pandemic prevention and preparedness; and*

13 (4) *demonstrated commitment to—*

14 (A) *upholding global health budget and data*
15 *transparency and accountability standards;*

16 (B) *complying with the International*
17 *Health Regulations (2005);*

18 (C) *investing in domestic health systems;*

19 *and*

20 (D) *achieving measurable results.*

21 (e) *ACCOUNTABILITY; CONFLICTS OF INTEREST; CRI-*
22 *TERIA FOR PROGRAMS.*—*The FIF Representative shall—*

23 (1) *take such actions as may be necessary to en-*
24 *sure that the Fund will have in effect adequate proce-*
25 *dures and standards to account for and monitor the*

1 *use of funds contributed to the Fund, including the*
2 *cost of administering the Fund, by—*

3 *(A) engaging Fund stakeholders; and*

4 *(B) actively promoting transparency and*
5 *accountability of Fund governance and oper-*
6 *ations;*

7 *(2) seek to ensure there is agreement to put in*
8 *place a conflict of interest policy to ensure fairness*
9 *and a high standard of ethical conduct in the Fund's*
10 *decision-making processes, including proactive proce-*
11 *dures to screen staff for conflicts of interest and meas-*
12 *ures to address any conflicts, such as—*

13 *(A) potential divestments of interests;*

14 *(B) prohibition from engaging in certain*
15 *activities;*

16 *(C) recusal from certain decision-making*
17 *and administrative processes; and*

18 *(D) representation by an alternate board*
19 *member; and*

20 *(3) seek agreement on the criteria that should be*
21 *used to determine the programs and activities that*
22 *should be assisted by the Fund.*

23 *(f) SELECTION OF PARTNER COUNTRIES, PROJECTS,*
24 *AND RECIPIENTS.—The Governing Board should estab-*
25 *lish—*

1 (1) *eligible partner country selection criteria, in-*
2 *cluding transparent metrics to measure and assess*
3 *global health security and pandemic prevention and*
4 *preparedness strengths and vulnerabilities in coun-*
5 *tries seeking assistance;*

6 (2) *minimum standards for ensuring eligible*
7 *partner country ownership and commitment to long-*
8 *term results, including requirements for domestic*
9 *budgeting, resource mobilization, and co-investment;*

10 (3) *criteria for the selection of projects to receive*
11 *support from the Fund;*

12 (4) *standards and criteria regarding qualifica-*
13 *tions of recipients of such support; and*

14 (5) *such rules and procedures as may be nec-*
15 *essary—*

16 (A) *for cost-effective management of the*
17 *Fund; and*

18 (B) *to ensure transparency and account-*
19 *ability in the grant-making process.*

20 (g) *ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY*
21 *REQUIREMENTS.—*

22 (1) *INSPECTOR GENERAL.—The FIF Representa-*
23 *tive shall seek to ensure that the Fund maintains an*
24 *independent Office of the Inspector General that—*

1 (A) is fully enabled to operate independ-
2 ently and transparently;

3 (B) is supported by and with the requisite
4 resources and capacity to regularly conduct and
5 publish, on a publicly accessible website, rigorous
6 financial, programmatic, and reporting audits
7 and investigations of the Fund and its grantees,
8 including subgrantees; and

9 (C) establishes an investigative unit that—

10 (i) develops an oversight mechanism to
11 ensure that grant funds are not diverted to
12 illicit or corrupt purposes or activities; and

13 (ii) submits an annual report to the
14 Governing Board describing its activities,
15 investigations, and results.

16 (2) *SENSE OF CONGRESS ON CORRUPTION.*—It is
17 the sense of Congress that—

18 (A) corruption within global health pro-
19 grams contribute directly to the loss of human
20 life and cannot be tolerated; and

21 (B) in making financial recoveries relating
22 to a corrupt act or criminal conduct committed
23 by a grant recipient, as determined by the In-
24 specter General described in paragraph (1), the

1 *responsible grant recipient should be assessed at*
2 *a recovery rate of up to 150 percent of such loss.*

3 (3) *ADMINISTRATIVE EXPENSES; FINANCIAL*
4 *TRACKING SYSTEMS.—The FIF Representative shall*
5 *seek to ensure that the Fund establishes, maintains,*
6 *and makes publicly available a system to track—*

7 (A) *the administrative and management*
8 *costs of the Fund on a quarterly basis; and*

9 (B) *the amount of funds disbursed to each*
10 *grant recipient and subrecipient during each*
11 *grant's fiscal cycle.*

12 (4) *EXEMPTION FROM DUTIES AND TAXES.—The*
13 *FIF Representative should seek to ensure that the*
14 *Fund adopts rules that condition grants upon agree-*
15 *ment by the relevant national authorities in an eligi-*
16 *ble partner country to exempt from duties and taxes*
17 *all products financed by such grants, including pro-*
18 *curements by any principal or subrecipient for the*
19 *purpose of carrying out such grants.*

20 (h) *REPORTS TO CONGRESS.—*

21 (1) *ANNUAL REPORT.—*

22 (A) *IN GENERAL.—Not later than 180 days*
23 *after the date of the enactment of this Act, and*
24 *annually thereafter for the duration of the Fund,*
25 *the Secretary of State, in collaboration with the*

1 *Administrator of the USAID and the heads of*
2 *other relevant Federal departments and agencies,*
3 *shall submit a report on the activities of the*
4 *Fund to the appropriate congressional commit-*
5 *tees.*

6 (B) *REPORT ELEMENTS.—Each report re-*
7 *quired under subparagraph (A) shall describe—*

8 (i) *the goals of the Fund;*

9 (ii) *the programs, projects, and activi-*
10 *ties supported by the Fund;*

11 (iii) *private and governmental con-*
12 *tributions to the Fund; and*

13 (iv) *the criteria utilized to determine*
14 *the programs and activities that should be*
15 *assisted by the Fund, including baselines,*
16 *targets, desired outcomes, measurable goals,*
17 *and extent to which those goals are being*
18 *achieved.*

19 (2) *GAO REPORT ON EFFECTIVENESS.—Not later*
20 *than 2 years after the date on which the Fund is es-*
21 *tablished, the Comptroller General of the United*
22 *States shall submit a report to the appropriate con-*
23 *gressional committees that evaluates the effectiveness*
24 *of the Fund, including—*

1 (A) *the effectiveness of the programs,*
2 *projects, and activities supported by the Fund;*
3 *and*

4 (B) *an assessment of the merits of continued*
5 *United States participation in the Fund.*

6 (i) *UNITED STATES CONTRIBUTIONS.—*

7 (1) *IN GENERAL.—Subject to paragraph (4)(C),*
8 *the President may provide contributions to the Fund.*

9 (2) *NOTIFICATION.—The Secretary of State, the*
10 *Administrator of the USAID, or the head of any other*
11 *relevant Federal department or agency shall submit a*
12 *notification to the appropriate congressional commit-*
13 *tees not later than 15 days before making a contribu-*
14 *tion to the Fund that identifies—*

15 (A) *the amount of the proposed contribu-*
16 *tion;*

17 (B) *the total of funds contributed by other*
18 *donors; and*

19 (C) *the national interests served by United*
20 *States participation in the Fund.*

21 (3) *LIMITATION.—During the 5-year period be-*
22 *ginning on the date of the enactment of this Act, the*
23 *cumulative total of United States contributions to the*
24 *Fund may not exceed 33 percent of the total contribu-*
25 *tions to the Fund from all sources.*

1 (4) *WITHHOLDINGS.*—

2 (A) *SUPPORT FOR ACTS OF INTERNATIONAL*
3 *TERRORISM.*—*If the Secretary of State deter-*
4 *mines that the Fund has provided assistance to*
5 *a country, the government of which the Secretary*
6 *of State has determined, for purposes of section*
7 *620A of the Foreign Assistance Act of 1961 (22*
8 *U.S.C. 2371) has repeatedly provided support for*
9 *acts of international terrorism, the United States*
10 *shall withhold from its contribution to the Fund*
11 *for the next fiscal year an amount equal to the*
12 *amount expended by the Fund to the government*
13 *of such country.*

14 (B) *EXCESSIVE SALARIES.*—*If the Secretary*
15 *of State determines that the salary during any*
16 *of the first 5 fiscal years beginning after the date*
17 *of the enactment of this Act of any individual*
18 *employed by the Fund exceeds the salary of the*
19 *Vice President of the United States for such fis-*
20 *cal year, the United States should withhold from*
21 *its contribution for the following fiscal year an*
22 *amount equal to the aggregate difference between*
23 *the 2 salaries.*

24 (C) *ACCOUNTABILITY CERTIFICATION RE-*
25 *QUIREMENT.*—*The Secretary of State may with-*

1 *hold not more than 20 percent of planned United*
2 *States contributions to the Fund until the Sec-*
3 *retary certifies to the appropriate congressional*
4 *committees that the Fund has established proce-*
5 *dures to provide access by the Office of Inspector*
6 *General of the Department of State, as cognizant*
7 *Inspector General, the Inspector General of the*
8 *Department of Health and Human Services, the*
9 *USAID Inspector General, and the Comptroller*
10 *General of the United States to the Fund's finan-*
11 *cial data and other information relevant to*
12 *United States contributions to the Fund (as de-*
13 *termined by the Inspector General of the Depart-*
14 *ment of State, in consultation with the Secretary*
15 *of State).*

16 **SEC. 5564. GENERAL PROVISIONS.**

17 *(a) AUTHORIZATION OF APPROPRIATIONS.—*

18 *(1) IN GENERAL.—There is authorized to be ap-*
19 *propriated \$5,000,000,000 for the 5-year period be-*
20 *ginning on October 1, 2022 to carry out the purposes*
21 *of sections 5562 and 5563, which may be in addition*
22 *to amounts otherwise made available for such pur-*
23 *poses, in consultation with the appropriate congres-*
24 *sional committees and subject to the requirements*
25 *under chapters 1 and 10 of part I and section 634A*

1 *of the Foreign Assistance Act of 1961 (22 U.S.C. 2151*
2 *et seq.).*

3 (2) *EXCEPTION.—Section 110 of the Trafficking*
4 *Victims Protection Act of 2000 (22 U.S.C. 7107) shall*
5 *not apply with respect to assistance made available*
6 *under this subtitle.*

7 (b) *COMPLIANCE WITH THE FOREIGN AID TRANS-*
8 *PARENCY AND ACCOUNTABILITY ACT OF 2016.—Section*
9 *2(3) of the Foreign Aid Transparency and Accountability*
10 *Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note)*
11 *is amended—*

12 (1) *in subparagraph (D), by striking “and” at*
13 *the end;*

14 (2) *in subparagraph (E), by striking the period*
15 *at the end and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 *“(F) the Global Health Security and Inter-*
18 *national Pandemic Prevention, Preparedness*
19 *and Response Act of 2022.”.*

20 **SEC. 5565. SUNSET.**

21 *This subtitle shall cease to be effective on September*
22 *30, 2027.*

23 **SEC. 5566. RULE OF CONSTRUCTION.**

24 *Nothing in this subtitle may be construed to impair*
25 *or otherwise affect the authorities granted to the Adminis-*

1 *trator of the USAID, the Secretary of Health and Human*
2 *Services, or the head of any other Federal department or*
3 *agency under any applicable law.*

4 ***Subtitle E—Burma Act of 2022***

5 ***SEC. 5567. SHORT TITLE.***

6 *This subtitle may be cited as the “Burma Unified*
7 *through Rigorous Military Accountability Act of 2022” or*
8 *the “BURMA Act of 2022”.*

9 ***SEC. 5568. DEFINITIONS.***

10 *In this subtitle:*

11 *(1) BURMESE MILITARY.—The term “Burmese*
12 *military”—*

13 *(A) means the Armed Forces of Burma, in-*
14 *cluding the army, navy, and air force; and*

15 *(B) includes security services under the con-*
16 *trol of the Armed Forces of Burma, such as the*
17 *police and border guards.*

18 *(2) EXECUTIVE ORDER 14014.—The term “Execu-*
19 *tive Order 14014” means Executive Order 14014 (86*
20 *Fed. Reg. 9429; relating to blocking property with re-*
21 *spect to the situation in Burma).*

22 *(3) GENOCIDE.—The term “genocide” means any*
23 *offense described in section 1091(a) of title 18, United*
24 *States Code.*

1 (4) *WAR CRIME.*—*The term “war crime” has the*
2 *meaning given the term in section 2441(c) of title 18,*
3 *United States Code.*

4 ***PART 1—MATTERS RELATING TO THE CONFLICT***
5 ***IN BURMA***

6 ***SEC. 5569. STATEMENT OF POLICY.***

7 *It is the policy of the United States to—*

8 (1) *continue to support the people of Burma in*
9 *their struggle for democracy, human rights, and jus-*
10 *tice;*

11 (2) *support the efforts of the National Unity*
12 *Government (NUG), the National Unity Consultative*
13 *Council (NUCC), the Committee Representing*
14 *Pyidaungsu Hluttaw (CRPH), the Burmese Civil*
15 *Disobedience Movement, and other entities in Burma*
16 *and in other countries to oppose the Burmese mili-*
17 *tary and bring about an end to the military junta’s*
18 *rule;*

19 (3) *support a credible process for the restoration*
20 *of civilian government in Burma, with a reformed*
21 *Burmese military under civilian control and the en-*
22 *actment of constitutional, political, and economic re-*
23 *form that protects the rights of minority groups and*
24 *furtheres a federalist form of government;*

1 (4) *hold accountable perpetrators of human*
2 *rights violations committed against ethnic groups in*
3 *Burma and the people of Burma, including through*
4 *the February 2022 coup d’etat;*

5 (5) *hold accountable the Russian Federation and*
6 *the People’s Republic of China for their support of the*
7 *Burmese military;*

8 (6) *continue to provide humanitarian assistance*
9 *to populations impacted by violence perpetrated by*
10 *the Burmese military wherever they may reside, and*
11 *coordinate efforts among like-minded governments*
12 *and other international donors to maximize the effec-*
13 *tiveness of assistance and support for the people of*
14 *Burma;*

15 (7) *secure the unconditional release of all unlaw-*
16 *fully detained individuals in Burma, including those*
17 *detained for the exercise of their fundamental free-*
18 *doms; and*

19 (8) *provide humanitarian assistance to the peo-*
20 *ple of Burma in Burma, Bangladesh, Thailand, and*
21 *the surrounding region without going through the*
22 *Burmese military.*

1 **PART 2—SANCTIONS AND POLICY**
2 **COORDINATION WITH RESPECT TO BURMA**

3 **SEC. 5570. DEFINITIONS.**

4 *In this part:*

5 (1) *ADMITTED; ALIEN.*—*The terms “admitted”*
6 *and “alien” have the meanings given those terms in*
7 *section 101 of the Immigration and Nationality Act*
8 *(8 U.S.C. 1101).*

9 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
10 *TEES.*—*The term “appropriate congressional commit-*
11 *tees” means—*

12 (A) *the Committee on Foreign Relations*
13 *and the Committee on Banking, Housing, and*
14 *Urban Affairs of the Senate; and*

15 (B) *the Committee on Foreign Affairs and*
16 *the Committee on Financial Services of the*
17 *House of Representatives.*

18 (3) *CORRESPONDENT ACCOUNT; PAYABLE-*
19 *THROUGH ACCOUNT.*—*The terms “correspondent ac-*
20 *count” and “payable-through account” have the*
21 *meanings given those terms in section 5318A of title*
22 *31, United States Code.*

23 (4) *FOREIGN FINANCIAL INSTITUTION.*—*The term*
24 *“foreign financial institution” has the meaning of*
25 *that term as determined by the Secretary of the*
26 *Treasury by regulation.*

1 (5) *FOREIGN PERSON*.—The term “foreign per-
2 son” means a person that is not a United States per-
3 son.

4 (6) *KNOWINGLY*.—The term “knowingly”, with
5 respect to conduct, a circumstance, or a result, means
6 that a person has actual knowledge, or should have
7 known, of the conduct, the circumstance, or the result.

8 (7) *PERSON*.—The term “person” means an in-
9 dividual or entity.

10 (8) *SUPPORT*.—The term “support”, with respect
11 to the Burmese military, means to knowingly have
12 materially assisted, sponsored, or provided financial,
13 material, or technological support for, or goods or
14 services to or in support of the Burmese military.

15 (9) *UNITED STATES PERSON*.—The term “United
16 States person” means—

17 (A) a United States citizen or an alien law-
18 fully admitted to the United States for perma-
19 nent residence;

20 (B) an entity organized under the laws of
21 the United States or any jurisdiction within the
22 United States, including a foreign branch of
23 such an entity; or

24 (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 days*
5 *after the date of the enactment of this Act, the President*
6 *shall impose the sanctions described in subsection (d) with*
7 *respect to any foreign person that the President deter-*
8 *mines—*

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 Deputy*
14 *Minister or higher, or a military-appointed min-*
15 *ister 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 payable-*
4 *through account by a foreign financial institution that the*
5 *President determines has, on or after the date of the enact-*
6 *ment of this Act, knowingly conducted or facilitated a sig-*
7 *nificant transaction or transactions on behalf of a foreign*
8 *person subject to sanctions under this section imposed pur-*
9 *suant to subsection (a).*

10 *(c) ADDITIONAL SANCTIONS.—The President may im-*
11 *pose the sanctions described in subsection (d) with respect*
12 *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 un-
2 dermine democratic processes or institutions in
3 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 person
8 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 detention
15 or torture in Burma or other serious human
16 rights abuses in Burma; or

17 (5) any Burmese entity that provides materiel to
18 the Burmese military.

19 (d) *SANCTIONS DESCRIBED.*—The sanctions described
20 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 prop-*
2 *erty and interests in property are in the United*
3 *States, come within the United States, or are or come*
4 *within the possession or control of a United States*
5 *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 consular*
25 *officer, the Secretary of State, or the Sec-*

1 *retary of Homeland Security (or a designee*
2 *of one of such Secretaries) shall, in accord-*
3 *ance with section 221(i) of the Immigration*
4 *and Nationality Act (8 U.S.C. 1201(i)), re-*
5 *voke any visa or other entry documentation*
6 *issued to an alien described in subpara-*
7 *graph (A) regardless of when the visa or*
8 *other entry documentation is issued.*

9 *(ii) EFFECT OF REVOCATION.—A rev-*
10 *ocation under clause (i)—*

11 *(I) shall take effect immediately;*

12 *and*

13 *(II) shall automatically cancel*
14 *any other valid visa or entry docu-*
15 *mentation that is in the alien's posses-*
16 *sion.*

17 *(e) ASSESSMENT AND REPORT ON SANCTIONS WITH*
18 *RESPECT TO BURMESE STATE-OWNED ENTERPRISE OPER-*
19 *ATING IN THE ENERGY SECTOR.—*

20 *(1) IN GENERAL.—Not later than 180 days after*
21 *the date of the enactment of this Act, the President*
22 *shall conduct an assessment with respect to the Bur-*
23 *mese state-owned enterprise described in subsection*
24 *(c)(1), including relevant factors pertaining to the*
25 *possible application of sanctions on such enterprise.*

1 (2) *REPORT REQUIRED.*—Upon making the de-
2 termination required by paragraph (1), the President
3 shall submit to the appropriate congressional commit-
4 tees a report on the assessment.

5 (3) *FORM OF REPORT.*—The report required by
6 paragraph (2) shall be submitted in unclassified form
7 but may include a classified annex.

8 (f) *EXCEPTIONS.*—

9 (1) *EXCEPTION FOR INTELLIGENCE, LAW EN-
10 FORCEMENT, AND NATIONAL SECURITY ACTIVITIES.*—
11 Sanctions under this section shall not apply to any
12 authorized intelligence, law enforcement, or national
13 security activities of the United States.

14 (2) *EXCEPTION TO COMPLY WITH INTER-
15 NATIONAL OBLIGATIONS.*—Sanctions under subsection
16 (d)(3) shall not apply with respect to the admission
17 of an alien if admitting or paroling the alien into the
18 United States is necessary to permit the United
19 States to comply with the Agreement regarding the
20 Headquarters of the United Nations, signed at Lake
21 Success June 26, 1947, and entered into force Novem-
22 ber 21, 1947, between the United Nations and the
23 United States, or other applicable international obli-
24 gations.

1 (3) *EXCEPTION RELATING TO THE PROVISION OF*
2 *HUMANITARIAN ASSISTANCE.*—*Sanctions under this*
3 *section may not be imposed with respect to trans-*
4 *actions or the facilitation of transactions for—*

5 (A) *the sale of agricultural commodities,*
6 *food, medicine, or medical devices to Burma;*

7 (B) *the provision of humanitarian assist-*
8 *ance to the people of Burma;*

9 (C) *financial transactions relating to hu-*
10 *manitarian assistance or for humanitarian pur-*
11 *poses in Burma; or*

12 (D) *transporting goods or services that are*
13 *necessary to carry out operations relating to hu-*
14 *manitarian assistance or humanitarian purposes*
15 *in Burma.*

16 (4) *EXCEPTION RELATING TO WIND-DOWN OF*
17 *PROJECTS.*—*Sanctions under this section shall not be*
18 *imposed with respect to transactions or the facilita-*
19 *tion of transactions related to the disposition of in-*
20 *vestments pursuant to—*

21 (A) *agreements entered into between United*
22 *States persons and the Government of Burma*
23 *prior to May 21, 1997;*

24 (B) *the exercise of rights pursuant to such*
25 *agreements; or*

1 (C) transactions related to the subsequent
2 operation of the assets encompassed by such dis-
3 posed investments.

4 (g) *WAIVER.*—The President may, on a case-by-case
5 basis waive the application of sanctions or restrictions im-
6 posed with respect to a foreign person under this section
7 if the President certifies to the appropriate congressional
8 committees at the time such waiver is to take effect that
9 the waiver is in the national interest of the United States.

10 (h) *IMPLEMENTATION; PENALTIES.*—

11 (1) *IMPLEMENTATION.*—The President may exer-
12 cise all authorities provided to the President under
13 sections 203 and 205 of the International Emergency
14 Economic Powers Act (50 U.S.C. 1702 and 1704) to
15 carry out this section.

16 (2) *PENALTIES.*—The penalties provided for in
17 subsections (b) and (c) of section 206 of the Inter-
18 national Emergency Economic Powers Act (50 U.S.C.
19 1705) shall apply to a person that violates, attempts
20 to violate, conspires to violate, or causes a violation
21 of this section or any regulations promulgated under
22 this section to the same extent that such penalties
23 apply to a person that commits an unlawful act de-
24 scribed in section 206(a) of that Act.

1 (i) *REPORT.*—Not later than 90 days after the date
2 of the enactment of this Act and annually thereafter for 8
3 years, the Secretary of State, in consultation with the Sec-
4 retary of the Treasury, shall submit to the appropriate con-
5 gressional committees a classified report that—

6 (1) describes the primary sources of income to
7 which the Burmese military has access and that the
8 United States has been unable to reach using sanc-
9 tions authorities; and

10 (2) assesses the impact of the sanctions imposed
11 pursuant to the authorities under this section on the
12 Burmese people and the Burmese military.

13 **SEC. 5572. SANCTIONS AND POLICY COORDINATION FOR**
14 **BURMA.**

15 (a) *IN GENERAL.*—The head of the Office of Sanctions
16 Coordination in the Department of State should develop a
17 comprehensive strategy for the implementation of the full
18 range of United States diplomatic capabilities to implement
19 Burma-related sanctions in order to promote human rights
20 and the restoration of civilian government in Burma.

21 (b) *MATTERS TO BE INCLUDED.*—The strategy de-
22 scribed in subsection (a) should include plans and steps
23 to—

24 (1) coordinate the sanctions policies of the
25 United States with relevant bureaus and offices in the

1 *Department of State and other relevant United States*
2 *Government agencies;*

3 *(2) conduct relevant research and vetting of enti-*
4 *ties and individuals that may be subject to sanctions*
5 *and coordinate with other United States Government*
6 *agencies and international financial intelligence units*
7 *to assist in efforts to enforce anti-money laundering*
8 *and anti-corruption laws and regulations;*

9 *(3) promote a comprehensive international effort*
10 *to impose and enforce multilateral sanctions with re-*
11 *spect to Burma;*

12 *(4) support interagency United States Govern-*
13 *ment efforts, including efforts of the United States*
14 *Chief of Mission to Burma, the United States Amba-*
15 *sador to ASEAN, and the United States Permanent*
16 *Representative to the United Nations, relating to—*

17 *(A) identifying opportunities to exert pres-*
18 *sure on the governments of the People's Republic*
19 *of China and the Russian Federation to support*
20 *multilateral action against the Burmese mili-*
21 *tary; and*

22 *(B) working with like-minded partners to*
23 *impose a coordinated arms embargo on the Bur-*
24 *mese military and targeted sanctions on the eco-*
25 *nomical interests of the Burmese military, includ-*

1 *ing through the introduction and adoption of a*
2 *United Nations Security Council resolution; and*
3 *(5) provide timely input for reporting on the im-*
4 *pacts of the implementation of sanctions on the Bur-*
5 *mese military and the people of Burma.*

6 **SEC. 5573. SUPPORT FOR GREATER UNITED NATIONS AC-**
7 **TION WITH RESPECT TO BURMA.**

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

10 *(1) the United Nations Security Council has not*
11 *taken adequate steps to condemn the February 1,*
12 *2021, coup in Burma, pressure the Burmese military*
13 *to cease its violence against civilians, or secure the re-*
14 *lease of those unjustly detained;*

15 *(2) countries, such as the People’s Republic of*
16 *China and the Russian Federation, that are directly*
17 *or indirectly shielding the Burmese military from*
18 *international scrutiny and action, should be obliged*
19 *to endure the reputational damage of doing so by tak-*
20 *ing public votes on resolutions related to Burma that*
21 *apply greater pressure on the Burmese military to re-*
22 *store Burma to its democratic path; and*

23 *(3) the United Nations Secretariat and the*
24 *United Nations Security Council should take concrete*
25 *steps to address the coup and ongoing crisis in*

1 *Burma consistent with United Nations General As-*
2 *sembly resolution 75/287, “The situation in*
3 *Myanmar,” which was adopted on June 18, 2021.*

4 *(b) SUPPORT FOR GREATER ACTION.—The President*
5 *shall direct the United States Permanent Representative to*
6 *the United Nations to use the voice, vote, and influence of*
7 *the United States to spur greater action by the United Na-*
8 *tions and the United Nations Security Council with respect*
9 *to Burma by—*

10 *(1) pushing the United Nations Security Council*
11 *to consider a resolution condemning the February 1,*
12 *2021, coup and calling on the Burmese military to*
13 *cease its violence against the people of Burma and re-*
14 *lease without preconditions the journalists, pro-de-*
15 *mocracy activists, and political officials that it has*
16 *unjustly detained;*

17 *(2) pushing the United Nations Security Council*
18 *to consider a resolution that immediately imposes a*
19 *global arms embargo against Burma to ensure that*
20 *the Burmese military is not able to obtain weapons*
21 *and munitions from other nations to further harm,*
22 *murder, and oppress the people of Burma;*

23 *(3) pushing the United Nations and other United*
24 *Nations authorities to cut off assistance to the Gov-*
25 *ernment of Burma while providing humanitarian as-*

1 *sistance directly to the people of Burma through*
2 *United Nations bodies and civil society organizations,*
3 *particularly such organizations working with ethnic*
4 *minorities that have been adversely affected by the*
5 *coup and the Burmese military's violent crackdown;*
6 *and*

7 *(4) spurring the United Nations Security Coun-*
8 *cil to consider multilateral sanctions against the Bur-*
9 *mese military for its atrocities against Rohingya and*
10 *individuals of other ethnic and religious minorities,*
11 *its coup, and the atrocities it has and continues to*
12 *commit in the coup's aftermath.*

13 *(c) SENSE OF CONGRESS.—It is the sense of Congress*
14 *that the United States Permanent Representative to the*
15 *United Nations should use the voice, vote, and influence of*
16 *the United States to—*

17 *(1) object to the appointment of representatives*
18 *to the United Nations and United Nations bodies such*
19 *as the Human Rights Council that are sanctioned by*
20 *the Burmese military; and*

21 *(2) work to ensure the Burmese military is not*
22 *recognized as the legitimate government of Burma in*
23 *any United Nations body.*

1 **SEC. 5574. SUNSET.**

2 (a) *IN GENERAL.*—*The authority to impose sanctions*
3 *and the sanctions imposed under this part shall terminate*
4 *on the date that is 8 years after the date of the enactment*
5 *of this Act.*

6 (b) *CERTIFICATION FOR EARLY SUNSET OF SANCTIONS.*—*Sanctions imposed under this part may be re-*
7 *moved before the date specified in subsection (a), if the*
8 *President submits to the appropriate congressional commit-*
9 *tees a certification that—*

11 (1) *the Burmese military has released all polit-*
12 *ical prisoners taken into custody on or after February*
13 *1, 2021, or is providing legal recourse to those that*
14 *remain in custody;*

15 (2) *the elected government of Burma has been re-*
16 *instated or new free and fair elections have been held;*

17 (3) *all legal charges against those winning elec-*
18 *tion in November 2020 are dropped; and*

19 (4) *the 2008 constitution of Burma has been*
20 *amended or replaced to place the Burmese military*
21 *under civilian oversight and ensure that the Burmese*
22 *military no longer automatically receives 25 percent*
23 *of seats in Burma’s state, regional, and national*
24 *Hluttaws.*

25 (c) *NOTIFICATION FOR EARLY SUNSET OF SANCTIONS*
26 *ON INDIVIDUALS.*—

1 (1) *IN GENERAL.*—*The President may terminate*
2 *the application of sanctions under this part with re-*
3 *spect to specific individuals if the President submits*
4 *to the appropriate congressional committees—*

5 (A) *a notice of and justification for the ter-*
6 *mination; and*

7 (B) *a notice that the individual is not en-*
8 *gaging in the activity or is no longer occupying*
9 *the position that was the basis for the sanctions*
10 *or has taken significant verifiable steps toward*
11 *stopping the activity.*

12 (2) *FORM.*—*The notice required by paragraph*
13 (1) *shall be submitted in unclassified form but may*
14 *include a classified annex.*

15 **PART 3—AUTHORIZATIONS OF APPROPRIATIONS**

16 **FOR ASSISTANCE FOR BURMA**

17 **SEC. 5575. GENERAL AUTHORIZATION OF APPROPRIATIONS.**

18 *During each of the fiscal years 2023 through 2027, fol-*
19 *lowing consultation with the appropriate congressional*
20 *committees and subject to the limitations described in sec-*
21 *tion 5576, funds authorized to be made available to carry*
22 *out chapter 4 of part II of the Foreign Assistance Act of*
23 *1961 may be made available, notwithstanding any other*
24 *provision of law, for—*

1 (1) *programs to strengthen federalism in and*
2 *among ethnic states in Burma, including for non-le-*
3 *thal assistance for Ethnic Armed Organizations in*
4 *Burma;*

5 (2) *the administrative operations and programs*
6 *of entities in Burma, including the political entities*
7 *and affiliates of Ethnic Armed Organizations and*
8 *pro-democracy movement organizations, that support*
9 *efforts to establish an inclusive and representative de-*
10 *mocracy in Burma;*

11 (3) *technical support and non-lethal assistance*
12 *for Burma's Ethnic Armed Organizations, People's*
13 *Defense Forces, and pro-democracy movement organi-*
14 *zations to strengthen communications and command*
15 *and control, and coordination of international relief*
16 *and other operations between and among such enti-*
17 *ties;*

18 (4) *programs and activities relating to former*
19 *members of the Burmese military that have con-*
20 *demned the February 1, 2022, coup d'etat and voiced*
21 *support for the restoration of civilian rule;*

22 (5) *programs to assist civil society organizations*
23 *to investigate and document atrocities in Burma for*
24 *the purposes of truth, justice, and accountability;*

1 (6) *programs to assist civil society organizations*
2 *in Burma that support individuals that who are un-*
3 *lawfully detained in Burma for exercising their fun-*
4 *damental freedoms; and*

5 (7) *programs to assist civil society organizations*
6 *and ethnic groups with reconciliation activities re-*
7 *lated to Burma.*

8 **SEC. 5576. LIMITATIONS.**

9 *Except as provided for by this part, none of the funds*
10 *authorized to be appropriated for assistance for Burma by*
11 *this part may be made available to—*

12 (1) *the State Administrative Council or any or-*
13 *ganization or entity controlled by, or an affiliate of,*
14 *the Burmese military, or to any individual or organi-*
15 *zation that has committed a gross violation of human*
16 *rights or advocates violence against ethnic or religious*
17 *groups or individuals in Burma, as determined by*
18 *the Secretary of State for programs administered by*
19 *the Department of State and the United States Agen-*
20 *cy for International Development, or President of the*
21 *National Endowment for Democracy (NED) for pro-*
22 *grams administered by NED; and*

23 (2) *the Burmese military.*

1 **SEC. 5577. APPROPRIATE CONGRESSIONAL COMMITTEES**

2 **DEFINED.**

3 *In this part, the term “appropriate congressional com-*
4 *mittees” means—*

5 *(1) the Committee on Foreign Relations, the*
6 *Committee on Armed Services, and the Committee on*
7 *Appropriations of the Senate; and*

8 *(2) the Committee on Foreign Affairs, the Com-*
9 *mittee on Armed Services, and the Committee on Ap-*
10 *propriations of the House of Representatives.*

11 **PART 4—EFFORTS AGAINST HUMAN RIGHTS**

12 **ABUSES**

13 **SEC. 5578. AUTHORIZATION TO PROVIDE TECHNICAL AS-**
14 **SISTANCE FOR EFFORTS AGAINST HUMAN**
15 **RIGHTS ABUSES.**

16 *(a) IN GENERAL.—The Secretary of State is author-*
17 *ized to provide assistance to support appropriate civilian*
18 *or international entities that—*

19 *(1) identify suspected perpetrators of war crimes,*
20 *crimes against humanity, and genocide in Burma;*

21 *(2) collect, document, and protect evidence of*
22 *crimes in Burma and preserving the chain of custody*
23 *for such evidence;*

24 *(3) conduct criminal investigations of such*
25 *crimes; and*

1 (4) *support investigations related to Burma con-*
2 *ducted by other countries, and by entities mandated*
3 *by the United Nations, such as the Independent Inves-*
4 *tigative Mechanism for Myanmar.*

5 (b) *AUTHORIZATION FOR TRANSITIONAL JUSTICE*
6 *MECHANISMS.—The Secretary of State, taking into account*
7 *any relevant findings in the report submitted under section*
8 *5941, is authorized to provide support for the establishment*
9 *and operation of transitional justice mechanisms, including*
10 *a hybrid tribunal, to prosecute individuals suspected of*
11 *committing war crimes, crimes against humanity, or geno-*
12 *cide in Burma.*

13 **PART 5—SANCTIONS EXCEPTION RELATING TO**
14 **IMPORTATION OF GOODS**

15 **SEC. 5579. SANCTIONS EXCEPTION RELATING TO IMPORTA-**
16 **TION OF GOODS.**

17 (a) *IN GENERAL.—The authorities and requirements*
18 *to impose sanctions under this subtitle shall not include the*
19 *authority or requirement to impose sanctions on the impor-*
20 *tation of goods.*

21 (b) *GOOD DEFINED.—In this section, the term “good”*
22 *means any article, natural or man-made substance, mate-*
23 *rial, supply, or manufactured product, including inspection*
24 *and test equipment, and excluding technical 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 Act*
8 *of 2022”.*

9 ***SEC. 5581. FINDINGS; SENSE OF CONGRESS.***

10 *(a) FINDINGS.—Congress makes the following findings:*

11 *(1) The information landscape in North Korea is*
12 *the most repressive in the world, consistently ranking*
13 *last or near-last in the annual World Press Freedom*
14 *Index.*

15 *(2) Under the brutal rule of Kim Jung Un, the*
16 *country’s leader since 2012, the North Korean regime*
17 *has tightened controls on access to information, as*
18 *well as enacted harsh punishments for consumers of*
19 *outside media, including sentencing to time in a con-*
20 *centration camp and a maximum penalty of death.*

21 *(3) Such repressive and unjust laws surrounding*
22 *information in North Korea resulted in the death of*
23 *22-year-old United States citizen and university stu-*
24 *dent Otto Warmbier, who had traveled to North Korea*
25 *in December 2015 as part of a guided tour.*

1 (4) *Otto Warmbier was unjustly arrested, sen-*
2 *tenced to 15 years of hard labor, and severely mis-*
3 *treated at the hands of North Korean officials. While*
4 *in captivity, Otto Warmbier suffered a serious med-*
5 *ical emergency that placed him into a comatose state.*
6 *Otto Warmbier was comatose upon his release in*
7 *June 2017 and died 6 days later.*

8 (5) *Despite increased penalties for possession*
9 *and viewership of foreign media, the people of North*
10 *Korean have increased their desire for foreign media*
11 *content, according to a survey of 200 defectors con-*
12 *cluding that 90 percent had watched South Korean or*
13 *other foreign media before defecting.*

14 (6) *On March 23, 2021, in an annual resolution,*
15 *the United Nations General Assembly condemned “the*
16 *long-standing and ongoing systematic, widespread*
17 *and gross violations of human rights in the Demo-*
18 *cratic People’s Republic of Korea” and expressed*
19 *grave concern at, among other things, “the denial of*
20 *the right to freedom of thought, conscience, and reli-*
21 *gion . . . and of the rights to freedom of opinion, ex-*
22 *pression, and association, both online and offline,*
23 *which is enforced through an absolute monopoly on*
24 *information and total control over organized social*

1 *life, and arbitrary and unlawful state surveillance*
2 *that permeates the private lives of all citizens”.*

3 *(7) In 2018, Typhoon Yutu caused extensive*
4 *damage to 15 broadcast antennas used by the United*
5 *States Agency for Global Media in Asia, resulting in*
6 *reduced programming to North Korea. The United*
7 *States Agency for Global Media has rebuilt 5 of the*
8 *15 antenna systems as of June 2021.*

9 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
10 *that—*

11 *(1) in the event of a crisis situation, particularly*
12 *where information pertaining to the crisis is being*
13 *actively censored or a false narrative is being put for-*
14 *ward, the United States should be able to quickly in-*
15 *crease its broadcasting capability to deliver fact-based*
16 *information to audiences, including those in North*
17 *Korea; and*

18 *(2) the United States International Broadcasting*
19 *Surge Capacity Fund is already authorized under*
20 *section 316 of the United States International Broad-*
21 *casting Act of 1994 (22 U.S.C. 6216), and expanded*
22 *authority to transfer unobligated balances from ex-*
23 *pired accounts of the United States Agency for Global*
24 *Media would enable the Agency to more nimbly re-*
25 *spond to crises.*

1 **SEC. 5582. STATEMENT OF POLICY.**

2 *It is the policy of the United States—*

3 *(1) to provide the people of North Korea with ac-*
4 *cess to a diverse range of fact-based information;*

5 *(2) to develop and implement novel means of*
6 *communication and information sharing that in-*
7 *crease opportunities for audiences in North Korea to*
8 *safely create, access, and share digital and non-digital*
9 *news without fear of repressive censorship, surveil-*
10 *lance, or penalties under law; and*

11 *(3) to foster and innovate new technologies to*
12 *counter North Korea’s state-sponsored repressive sur-*
13 *veillance and censorship by advancing internet free-*
14 *dom tools, technologies, and new approaches.*

15 **SEC. 5583. UNITED STATES STRATEGY TO COMBAT NORTH**

16 **KOREA’S REPRESSIVE INFORMATION ENVI-**
17 **RONMENT.**

18 *(a) IN GENERAL.—Not later than 180 days after the*
19 *date of the enactment of this Act, the President shall develop*
20 *and submit to Congress a strategy on combating North Ko-*
21 *rea’s repressive information environment.*

22 *(b) ELEMENTS.—The strategy required by subsection*

23 *(a) shall include the following:*

24 *(1) An assessment of the challenges to the free*
25 *flow of information into North Korea created by the*

1 *censorship and surveillance technology apparatus of*
2 *the Government of North Korea.*

3 *(2) A detailed description of the agencies and*
4 *other government entities, key officials, and security*
5 *services responsible for the implementation of North*
6 *Korea’s repressive laws regarding foreign media con-*
7 *sumption.*

8 *(3) A detailed description of the agencies and*
9 *other government entities and key officials of foreign*
10 *governments that assist, facilitate, or aid North Ko-*
11 *rea’s repressive censorship and surveillance state.*

12 *(4) A review of existing public-private partner-*
13 *ships that provide circumvention technology and an*
14 *assessment of the feasibility and utility of new tools*
15 *to increase free expression, circumvent censorship,*
16 *and obstruct repressive surveillance in North Korea.*

17 *(5) A description of and funding levels required*
18 *for current United States Government programs and*
19 *activities to provide access for the people of North*
20 *Korea to a diverse range of fact-based information.*

21 *(6) An update of the plan required by section*
22 *104(a)(7)(A) of the North Korean Human Rights Act*
23 *of 2004 (22 U.S.C. 7814(a)(7)(A)).*

24 *(7) A description of Department of State pro-*
25 *grams and funding levels for programs that promote*

1 *internet freedom in North Korea, including moni-*
2 *toring and evaluation efforts.*

3 (8) *A description of grantee programs of the*
4 *United States Agency for Global Media in North*
5 *Korea that facilitate circumvention tools and broad-*
6 *casting, including monitoring and evaluation efforts.*

7 (9) *A detailed assessment of how the United*
8 *States International Broadcasting Surge Capacity*
9 *Fund authorized under section 316 of the United*
10 *States International Broadcasting Act of 1994 (22*
11 *U.S.C. 6216) has operated to respond to crisis situa-*
12 *tions in the past, and how authority to transfer unob-*
13 *ligated balances from expired accounts would help the*
14 *United States Agency for Global Media in crisis situ-*
15 *ations in the future.*

16 (10) *A detailed plan for how the authorization of*
17 *appropriations under section 5584 will operate along-*
18 *side and augment existing programming from the rel-*
19 *evant Federal agencies and facilitate the development*
20 *of new tools to assist that programming.*

21 (11) *A detailed plan for engagement and coordi-*
22 *nation with the Republic of Korea, as appropriate,*
23 *necessary for implementing the objectives of the strat-*
24 *egy required by subsection (a), including—*

1 (A) *with regard to any new or expanded ac-*
2 *tivities contemplated under paragraphs (9) and*
3 *(10); and*

4 (B) *any cooperation with or approval from*
5 *the Government of the Republic of Korea re-*
6 *quired to carry out such activities.*

7 (c) *FORM OF STRATEGY.—The strategy required by*
8 *subsection (a) shall be submitted in unclassified form, but*
9 *may include the matters required by paragraphs (2) and*
10 *(3) of subsection (b) in a classified annex.*

11 **SEC. 5584. PROMOTING FREEDOM OF INFORMATION AND**
12 **COUNTERING CENSORSHIP AND SURVEIL-**
13 **LANCE IN NORTH KOREA.**

14 (a) *AUTHORIZATION OF APPROPRIATIONS.—There are*
15 *authorized to be appropriated to the United States Agency*
16 *for Global Media an additional \$10,000,000 for each of fis-*
17 *cal years 2024 through 2027 to provide increased broad-*
18 *casting and grants for the following purposes:*

19 (1) *To promote the development of internet free-*
20 *dom tools, technologies, and new approaches, includ-*
21 *ing both digital and non-digital means of information*
22 *sharing related to North Korea.*

23 (2) *To explore public-private partnerships to*
24 *counter North Korea's repressive censorship and sur-*
25 *veillance state.*

1 (3) *To develop new means to protect the privacy*
2 *and identity of individuals receiving media from the*
3 *United States Agency for Global Media and other out-*
4 *side media outlets from within North Korea.*

5 (4) *To bolster existing programming from the*
6 *United States Agency for Global Media by restoring*
7 *the broadcasting capacity of damaged antennas*
8 *caused by Typhoon Yutu in 2018.*

9 (b) *ANNUAL REPORTS.*—*Section 104(a)(7)(B) of the*
10 *North Korean Human Rights Act of 2004 (22 U.S.C.*
11 *7814(a)(7)(B)) is amended—*

12 (1) *in the matter preceding clause (i)—*

13 (A) *by striking “1 year after the date of the*
14 *enactment of this paragraph” and inserting*
15 *“September 30, 2022”; and*

16 (B) *by striking “Broadcasting Board of*
17 *Governors” and inserting “Chief Executive Offi-*
18 *cer of the United States Agency for Global*
19 *Media”; and*

20 (2) *in clause (i), by inserting after “this section”*
21 *the following: “and sections 5583 and 5584 of the*
22 *Otto Warmbier Countering North Korean Censorship*
23 *and Surveillance Act of 2022”.*

Subtitle G—Other Matters

SEC. 5585. CONGRESSIONAL NOTIFICATION FOR REWARDS

PAID USING CRYPTOCURRENCIES.

(a) IN GENERAL.—Section 36(e)(6) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(6)) is amended by adding at the end the following new sentence: “Not later than 15 days before making a reward in a form that includes cryptocurrency, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such form for the reward.”.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the use of cryptocurrency as a part of the Department of State Rewards program established under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) that—

(1) justifies any determination of the Secretary to make rewards under such program in a form that includes cryptocurrency;

(2) lists each cryptocurrency payment made under such program as of the date of the submission of the report;

1 (3) provides evidence of the manner and extent
2 to which cryptocurrency payments would be more
3 likely to induce whistleblowers to come forward with
4 information than rewards paid out in United States
5 dollars or other forms of money or nonmonetary
6 items; and

7 (4) examines whether the Department's use of
8 cryptocurrency could provide bad actors with addi-
9 tional hard-to-trace funds that could be used for
10 criminal or illicit purposes.

11 **SEC. 5586. SECURE ACCESS TO SANITATION FACILITIES FOR**
12 **WOMEN AND GIRLS.**

13 Subsection (a) of section 501 of the Foreign Relations
14 Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
15 2601 note) is amended—

16 (1) by redesignating paragraphs (6) through (11)
17 as paragraphs (7) through (12), respectively; and

18 (2) by inserting after paragraph (5) the fol-
19 lowing:

20 “(6) the provision of safe and secure access to
21 sanitation facilities, with a special emphasis on
22 women and children;”.

1 **SEC. 5587. REAUTHORIZATION OF THE TROPICAL FOREST**
2 **AND CORAL REEF CONSERVATION ACT OF**
3 **1998.**

4 *Section 806(d) of the Tropical Forest and Coral Reef*
5 *Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended*
6 *by adding at the end the following new paragraphs:*

7 “(9) \$20,000,000 for fiscal year 2023.

8 “(10) \$20,000,000 for fiscal year 2024.

9 “(11) \$20,000,000 for fiscal year 2025.

10 “(12) \$20,000,000 for fiscal year 2026.

11 “(13) \$20,000,000 for fiscal year 2027.”.

12 **SEC. 5588. GLOBAL FOOD SECURITY REAUTHORIZATION**
13 **ACT OF 2022.**

14 (a) *FINDINGS.*—Section 2 of the Global Food Security
15 Act of 2016 (22 U.S.C. 9301) is amended by striking “Con-
16 gress makes” and all that follows through “(3) A com-
17 prehensive” and inserting “Congress finds that a com-
18 prehensive”.

19 (b) *STATEMENT OF POLICY OBJECTIVES; SENSE OF*
20 *CONGRESS.*—Section 3(a) of such Act (22 U.S.C. 9302(a))
21 is amended—

22 (1) in the matter preceding paragraph (1), by
23 striking “programs, activities, and initiatives that”
24 and inserting “comprehensive, multi-sectoral pro-
25 grams, activities, and initiatives that consider agri-
26 culture and food systems in their totality and that”.

1 (2) in paragraph (1), by striking “and economic
2 freedom through the coordination” and inserting “,
3 economic freedom, and security through the phasing,
4 sequencing, and coordination”;

5 (3) by striking paragraphs (3) and (4) and in-
6 serting the following:

7 “(3) increase the productivity, incomes, and live-
8 lihoods of small-scale producers and artisanal fishing
9 communities, especially women in these communities,
10 by working across terrestrial and aquatic food sys-
11 tems and agricultural value chains, including by—

12 “(A) enhancing local capacity to manage
13 agricultural resources and food systems effec-
14 tively and expanding producer access to, and
15 participation in, local, regional, and inter-
16 national markets;

17 “(B) increasing the availability and afford-
18 ability of high quality nutritious and safe foods
19 and clean water;

20 “(C) creating entrepreneurship opportuni-
21 ties and improving access to business develop-
22 ment related to agriculture and food systems, in-
23 cluding among youth populations, linked to
24 local, regional, and international markets; and

1 “(D) enabling partnerships to facilitate the
2 development of and investment in new agricul-
3 tural technologies to support more resilient and
4 productive agricultural practices;

5 “(4) build resilience to agriculture and food sys-
6 tems shocks and stresses, including global food catas-
7 trophes in which conventional methods of agriculture
8 are unable to provide sufficient food and nutrition to
9 sustain the global population, among vulnerable pop-
10 ulations and households through inclusive growth,
11 while reducing reliance upon emergency food and eco-
12 nomic assistance;”;

13 (4) by amending paragraph (6) to read as fol-
14 lows:

15 “(6) improve the nutritional status of women,
16 adolescent girls, and children, with a focus on reduc-
17 ing child stunting and incidence of wasting, includ-
18 ing through the promotion of highly nutritious foods,
19 diet diversification, large-scale food fortification, and
20 nutritional behaviors that improve maternal and
21 child health and nutrition, especially during the first
22 1,000-day window until a child reaches 2 years of
23 age;”;

24 (5) in paragraph (7)—

1 (A) by striking “science and technology,”
2 and inserting “combating fragility, resilience,
3 science and technology, natural resource manage-
4 ment”; and

5 (B) by inserting “, including deworming,”
6 after “nutrition.”

7 (c) *DEFINITIONS.*—Section 4 of the Global Food Secu-
8 rity Act of 2016 (22 U.S.C. 9303) is amended—

9 (1) in paragraph (2), by inserting “, including
10 in response to shocks and stresses to food and nutri-
11 tion security” before the period at the end;

12 (2) by redesignating paragraphs (4) through (12)
13 as paragraphs (5) through (13), respectively;

14 (3) by inserting after paragraph (3) the fol-
15 lowing:

16 “(4) *FOOD SYSTEM.*—The term ‘food system’
17 means the intact or whole unit made up of inter-
18 related components of people, behaviors, relationships,
19 and material goods that interact in the production,
20 processing, packaging, transporting, trade, marketing,
21 consumption, and use of food, feed, and fiber through
22 aquaculture, farming, wild fisheries, forestry, and
23 pastoralism that operates within and is influenced by
24 social, political, economic, and environmental con-
25 texts.”;

1 (4) in paragraph (6), as redesignated, by amend-
2 ing subparagraph (H) to read as follows:

3 “(H) local agricultural producers, including
4 farmer and fisher organizations, cooperatives,
5 small-scale producers, youth, and women; and”;

6 (5) in paragraph (7), as redesignated, by insert-
7 ing “the Inter-American Foundation,” after “United
8 States African Development Foundation,”;

9 (6) in paragraph (9), as redesignated—

10 (A) by inserting “agriculture and food” be-
11 fore “systems”; and

12 (B) by inserting “, including global food ca-
13 tastrophes,” after “food security”;

14 (7) in paragraph (10), as redesignated, by strik-
15 ing “fishers” and inserting “artisanal fishing commu-
16 nities”;

17 (8) in paragraph (11), as redesignated, by
18 amending subparagraphs (D) and (E) to read as fol-
19 lows:

20 “(D) is a marker of an environment defi-
21 cient in the various needs that allow for a child’s
22 healthy growth, including nutrition; and

23 “(E) is associated with long-term poor
24 health, delayed motor development, impaired
25 cognitive function, and decreased immunity.”;

1 (9) in paragraph (13), as redesignated, by strik-
2 ing “agriculture and nutrition security” and insert-
3 ing “food and nutrition security and agriculture-led
4 economic growth”; and

5 (10) by adding at the end the following:

6 “(14) WASTING.—The term ‘wasting’ means—

7 “(A) a life-threatening condition attrib-
8 utable to poor nutrient intake or disease that is
9 characterized by a rapid deterioration in nutri-
10 tional status over a short period of time; and

11 “(B) in the case of children, is characterized
12 by low weight for height and weakened immu-
13 nity, increasing their risk of death due to greater
14 frequency and severity of common infection, par-
15 ticularly when severe.”.

16 (d) *COMPREHENSIVE GLOBAL FOOD SECURITY STRAT-*
17 *EGY.*—Section 5(a) of the Global Food Security Act of 2016
18 (22 U.S.C. 9304) is amended—

19 (1) in paragraph (4), by striking “country-
20 owned agriculture, nutrition, and food security policy
21 and investment plans” and inserting “partner coun-
22 try-led agriculture, nutrition, regulatory, food secu-
23 rity, and water resources management policy and in-
24 vestment plans and governance systems”;

1 (2) *by amending paragraph (5) to read as fol-*
2 *lows:*

3 “(5) *support the locally-led and inclusive devel-*
4 *opment of agriculture and food systems, including by*
5 *enhancing the extent to which small-scale food pro-*
6 *ducers, especially women, have access to and control*
7 *over the inputs, skills, resource management capacity,*
8 *networking, bargaining power, financing, market*
9 *linkages, technology, and information needed to*
10 *sustainably increase productivity and incomes, reduce*
11 *poverty and malnutrition, and promote long-term*
12 *economic prosperity;”;*

13 (3) *in paragraph (6)—*

14 (A) *by inserting “, adolescent girls,” after*
15 *“women”; and*

16 (B) *by inserting “and preventing incidence*
17 *of wasting” after “reducing child stunting”;*

18 (4) *in paragraph (7), by inserting “poor water*
19 *resource management and” after “including”;*

20 (5) *in paragraph (8)—*

21 (A) *by striking “the long-term success of*
22 *programs” and inserting “long-term impact”;*
23 *and*

24 (B) *by inserting “, including agricultural*
25 *research capacity,” after “institutions”;*

1 (6) in paragraph (9), by striking “integrate re-
2 siliience and nutrition strategies into food security
3 programs, such that chronically vulnerable popu-
4 lations are better able to” and inserting “coordinate
5 with and complement relevant strategies to ensure
6 that chronically vulnerable populations are better able
7 to adapt,”;

8 (7) by redesignating paragraph (17) as para-
9 graph (22);

10 (8) by redesignating paragraphs (12) through
11 (16) as paragraphs (14) through (18), respectively;

12 (9) by striking paragraphs (10) and (11) and
13 inserting the following:

14 “(10) develop community and producer resilience
15 and adaptation strategies to disasters, emergencies,
16 and other shocks and stresses to food and nutrition se-
17 curity, including conflicts, droughts, flooding, pests,
18 and diseases, that adversely impact agricultural yield
19 and livelihoods;

20 “(11) harness science, technology, and innova-
21 tion, including the research and extension activities
22 supported by the private sector, relevant Federal de-
23 partments and agencies, Feed the Future Innovation
24 Labs or any successor entities, and international and
25 local researchers and innovators, recognizing that sig-

1 *nificant investments in research and technological ad-*
2 *vances will be necessary to reduce global poverty, hun-*
3 *ger, and malnutrition;*

4 *“(12) use evidenced-based best practices, includ-*
5 *ing scientific and forecasting data, and improved*
6 *planning and coordination by, with, and among key*
7 *partners and relevant Federal departments and agen-*
8 *cies to identify, analyze, measure, and mitigate risks,*
9 *and strengthen resilience capacities;*

10 *“(13) ensure scientific and forecasting data is*
11 *accessible and usable by affected communities and fa-*
12 *facilitate communication and collaboration among local*
13 *stakeholders in support of adaptation planning and*
14 *implementation, including scenario planning and*
15 *preparedness using seasonal forecasting and scientific*
16 *and local knowledge;”;*

17 *(10) in paragraph (15), as redesignated, by in-*
18 *serting “nongovernmental organizations, including”*
19 *after “civil society;”;*

20 *(11) in paragraph (16), as redesignated, by in-*
21 *serting “and coordination, as appropriate,” after*
22 *“collaboration”;*

23 *(12) in paragraph (18), as redesignated, by*
24 *striking “section 8(b)(4); and” and inserting “section*
25 *8(a)(4);”;* and

1 (13) by inserting after paragraph (18), as rededesignated, the following:

3 “(19) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;

7 “(20) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially among food insecure populations living in or near biodiverse ecosystems;

12 “(21) be periodically updated in a manner that reflects learning and best practices; and”.

14 (e) *PERIODIC UPDATES*.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (d), is further amended by adding at the end the following:

18 “(d) *PERIODIC UPDATES*.—Not less frequently than quinquennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans described in subsection (c)(2).”.

1 (f) *AUTHORIZATION OF APPROPRIATIONS TO IMPLE-*
2 *MENT THE GLOBAL FOOD SECURITY STRATEGY.*—Section
3 *6(b) of such Act (22 U.S.C. 9305(b)) is amended—*

4 (1) *by striking “\$1,000,600,000 for each of fiscal*
5 *years 2017 through 2023” and inserting*
6 *“\$1,200,000,000 for each of the fiscal years 2024*
7 *through 2028”; and*

8 (2) *by adding at the end the following: “Amounts*
9 *authorized to appropriated under this subsection*
10 *should be prioritized to carry out programs and ac-*
11 *tivities in target countries.”.*

12 (g) *EMERGENCY FOOD SECURITY PROGRAM.*—

13 (1) *IN GENERAL.*—Section 7 of the *Global Food*
14 *Security Act of 2016 (22 U.S.C. 9306) is amended by*
15 *striking “(a) SENSE OF CONGRESS.—” and all that*
16 *follows through “It shall be” and inserting “It shall*
17 *be”.*

18 (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
19 *tion 492(a) of the Foreign Assistance Act of 1961 (22*
20 *U.S.C. 2292a(a)) is amended by striking*
21 *“\$2,794,184,000 for each of fiscal years 2017 through*
22 *2023, of which up to \$1,257,382,000” and inserting*
23 *“\$3,905,460,000 for each of the fiscal years 2024*
24 *through 2028, of which up to \$1,757,457,000”.*

1 (h) *REPORTS.*—Section 8(a) of the *Global Food Security Act of 2016* (22 U.S.C. 9307) is amended—

2 (1) *in the matter preceding paragraph (1)*—

3 (A) *by striking “During each of the first 7*
4 *years after the date of the submission of the*
5 *strategy required under section 5(c),” and insert-*
6 *ing “For each of the fiscal years through 2028,”;*

7 (B) *by striking “reports that describe” and*
8 *inserting “a report that describes”; and*

9 (C) *by striking “at the end of the reporting*
10 *period” and inserting “during the preceding*
11 *year”;*

12 (2) *in paragraph (2), by inserting “, including*
13 *any changes to the target countries selected pursuant*
14 *to the selection criteria described in section 5(a)(2)*
15 *and justifications for any such changes” before the*
16 *semicolon at the end;*

17 (3) *in paragraph (3), by inserting “identify*
18 *and” before “describe”;*

19 (4) *by redesignating paragraphs (12) through*
20 *(14) as paragraphs (15) through (17), respectively;*

21 (5) *by redesignating paragraphs (5) through (11)*
22 *as paragraphs (7) through (13), respectively;*

23 (6) *by striking paragraph (4) and inserting the*
24 *following:*
25

1 “(4) identify and describe the priority quan-
2 titative metrics used to establish baselines and per-
3 formance targets at the initiative, country, and zone
4 of influence levels;

5 “(5) identify such established baselines and per-
6 formance targets at the country and zone of influence
7 levels;

8 “(6) identify the output and outcome benchmarks
9 and indicators used to measure results annually, and
10 report the annual measurement of results for each of
11 the priority metrics identified pursuant to paragraph
12 (4), disaggregated by age, gender, and disability, to
13 the extent practicable and appropriate, in an open
14 and transparent manner that is accessible to the peo-
15 ple of the United States;”;

16 (7) in paragraph (7), as redesignated, by strik-
17 ing “agriculture” and inserting “food”;

18 (8) in paragraph (8), as redesignated—

19 (A) by inserting “quantitative and quali-
20 tative” after “how”; and

21 (B) by inserting “at the initiative, country,
22 and zone of influence levels, including longitu-
23 dinal data and key uncertainties” before the
24 semicolon at the end;

1 (9) in paragraph (9), as redesignated, by insert-
2 ing “within target countries, amounts and justifica-
3 tion for any spending outside of target countries”
4 after “amounts spent”;

5 (10) in paragraph (13), as redesignated, by
6 striking “and the impact of private sector invest-
7 ment” and inserting “and efforts to encourage finan-
8 cial donor burden sharing and the impact of such in-
9 vestment and efforts”;

10 (11) by inserting after paragraph (13), as redesi-
11 gnated, the following:

12 “(14) describe how agriculture research is
13 prioritized within the Global Food Security Strategy
14 to support agriculture-led growth and eventual self-
15 sufficiency and assess efforts to coordinate research
16 programs within the Global Food Security Strategy
17 with key stakeholders;”;

18 (12) in paragraph (16), as redesignated, by
19 striking “and” at the end;

20 (13) in paragraph (17), as redesignated—

21 (A) by inserting “, including key challenges
22 or missteps,” after “lessons learned”; and

23 (B) by striking the period at the end and
24 inserting “; and”; and

25 (14) by adding at the end the following:

1 “(18) during the final year of each strategy re-
2 quired under section 5, complete country graduation
3 reports to determine whether a country should remain
4 a target country based on quantitative and quali-
5 tative analysis.”.

6 **SEC. 5589. EXTENSION AND MODIFICATION OF CERTAIN EX-**
7 **PORT CONTROLS.**

8 (a) *EXTENSION OF EXPORT PROHIBITION ON MUNI-*
9 *TIONS ITEMS TO THE HONG KONG POLICE FORCE.*—Sec-
10 tion 3 of the Act entitled “An Act to prohibit the commercial
11 export of covered munitions items to the Hong Kong Police
12 Force”, approved November 27, 2019 (Public Law 116–77;
13 133 Stat. 1173), is amended by striking “shall expire” and
14 all that follows and inserting “shall expire on December 31,
15 2024.”.

16 (b) *MODIFICATION OF AUTHORITY OF PRESIDENT*
17 *UNDER EXPORT CONTROL REFORM ACT OF 2018.*—Section
18 1753(a)(2)(F) of the Export Control Reform Act of 2018
19 (50 U.S.C. 4812(a)(2)(F)) is amended by inserting “, secu-
20 rity, or” before “intelligence”.

1 **SEC. 5590. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **THE SALE, SUPPLY, OR TRANSFER OF GOLD**
3 **TO OR FROM RUSSIA.**

4 (a) *IDENTIFICATION.*—Not later than 90 days after the
5 date of the enactment of this Act, and periodically as nec-
6 essary thereafter, the President—

7 (1) shall submit to Congress a report identifying
8 foreign persons that knowingly participated in a sig-
9 nificant transaction—

10 (A) for the sale, supply, or transfer (includ-
11 ing transportation) of gold, directly or indi-
12 rectly, to or from the Russian Federation or the
13 Government of the Russian Federation, includ-
14 ing from reserves of the Central Bank of the Rus-
15 sian Federation held outside the Russian Federa-
16 tion; or

17 (B) that otherwise involved gold in which
18 the Government of the Russian Federation had
19 any interest; and

20 (2) shall impose the sanctions described in sub-
21 section (b)(1) with respect to each such person; and

22 (3) may impose the sanctions described in sub-
23 section (b)(2) with respect to any such person that is
24 an alien.

25 (b) *SANCTIONS DESCRIBED.*—The sanctions described
26 in this subsection are the following:

1 (1) *BLOCKING OF PROPERTY.*—*The exercise of all*
2 *powers granted to the President by the International*
3 *Emergency Economic Powers Act (50 U.S.C. 1701 et*
4 *seq.) to the extent necessary to block and prohibit all*
5 *transactions in all property and interests in property*
6 *of a foreign person identified in the report required*
7 *by subsection (a)(1) if such property and interests in*
8 *property are in the United States, come within the*
9 *United States, or are or come within the possession*
10 *or control of a United States person.*

11 (2) *INELIGIBILITY FOR VISAS, ADMISSION, OR PA-*
12 *ROLE.*—

13 (A) *VISAS, ADMISSION, OR PAROLE.*—*An*
14 *alien described in subsection (a)(1) is—*

15 (i) *inadmissible to the United States;*

16 (ii) *ineligible to receive a visa or other*
17 *documentation to enter the United States;*
18 *and*

19 (iii) *otherwise ineligible to be admitted*
20 *or paroled into the United States or to re-*
21 *ceive any other benefit under the Immigra-*
22 *tion and Nationality Act (8 U.S.C. 1101 et*
23 *seq.).*

24 (B) *CURRENT VISAS REVOKED.*—

1 (i) *IN GENERAL.*—*The issuing consular*
2 *officer, the Secretary of State, or the Sec-*
3 *retary of Homeland Security (or a designee*
4 *of one of such Secretaries) shall, in accord-*
5 *ance with section 221(i) of the Immigration*
6 *and Nationality Act (8 U.S.C. 1201(i)), re-*
7 *voke any visa or other entry documentation*
8 *issued to an alien described in subsection*
9 *(a)(1).*

10 (ii) *IMMEDIATE EFFECT.*—*The revoca-*
11 *tion under clause (i) of a visa or other*
12 *entry documentation issued to an alien*
13 *shall—*

14 (I) *take effect immediately; and*

15 (II) *automatically cancel any*
16 *other valid visa or entry documenta-*
17 *tion that is in the alien’s possession.*

18 (c) *IMPLEMENTATION; PENALTIES.*—

19 (1) *IMPLEMENTATION.*—*The President may exer-*
20 *cise all authorities provided under sections 203 and*
21 *205 of the International Emergency Economic Powers*
22 *Act (50 U.S.C. 1702 and 1704) to carry out this sec-*
23 *tion.*

24 (2) *PENALTIES.*—*A person that violates, at-*
25 *tempts to violate, conspires to violate, or causes a vio-*

1 *lation of this section or any regulation, license, or*
2 *order issued to carry out this section shall be subject*
3 *to the penalties set forth in subsections (b) and (c) of*
4 *section 206 of the International Emergency Economic*
5 *Powers Act (50 U.S.C. 1705) to the same extent as a*
6 *person that commits an unlawful act described in*
7 *subsection (a) of that section.*

8 *(d) NATIONAL INTEREST WAIVER.—The President*
9 *may waive the imposition of sanctions under this section*
10 *with respect to a person if the President—*

11 *(1) determines that such a waiver is in the na-*
12 *tional interests of the United States; and*

13 *(2) submits to Congress a notification of the*
14 *waiver and the reasons for the waiver.*

15 *(e) TERMINATION.—*

16 *(1) IN GENERAL.—Except as provided in para-*
17 *graph (2), the requirement to impose sanctions under*
18 *this section, and any sanctions imposed under this*
19 *section, shall terminate on the earlier of—*

20 *(A) the date that is 3 years after the date*
21 *of the enactment of this Act; or*

22 *(B) the date that is 30 days after the date*
23 *on which the President certifies to Congress*
24 *that—*

1 (i) *the Government of the Russian Fed-*
2 *eration has ceased its destabilizing activities*
3 *with respect to the sovereignty and terri-*
4 *torial integrity of Ukraine; and*

5 (ii) *such termination in the national*
6 *interests of the United States.*

7 (2) *TRANSITION RULES.—*

8 (A) *CONTINUATION OF CERTAIN AUTHORI-*
9 *TIES.—Any authorities exercised before the ter-*
10 *mination date under paragraph (1) to impose*
11 *sanctions with respect to a foreign person under*
12 *this section may continue to be exercised on and*
13 *after that date if the President determines that*
14 *the continuation of those authorities is in the na-*
15 *tional interests of the United States.*

16 (B) *APPLICATION TO ONGOING INVESTIGA-*
17 *TIONS.—The termination date under paragraph*
18 *(1) shall not apply to any investigation of a*
19 *civil or criminal violation of this section or any*
20 *regulation, license, or order issued to carry out*
21 *this section, or the imposition of a civil or crimi-*
22 *nal penalty for such a violation, if—*

23 (i) *the violation occurred before the ter-*
24 *mination date; or*

1 (ii) the person involved in the violation
2 continues to be subject to sanctions pursu-
3 ant to subparagraph (A).

4 (f) *EXCEPTIONS.*—

5 (1) *EXCEPTIONS FOR AUTHORIZED INTEL-*
6 *LIGENCE AND LAW ENFORCEMENT AND NATIONAL SE-*
7 *CURITY ACTIVITIES.*—*This section shall not apply*
8 *with respect to activities subject to the reporting re-*
9 *quirements under title V of the National Security Act*
10 *of 1947 (50 U.S.C. 3091 et seq.) or any authorized in-*
11 *telligence, law enforcement, or national security ac-*
12 *tivities of the United States.*

13 (2) *EXCEPTION TO COMPLY WITH INTER-*
14 *NATIONAL AGREEMENTS.*—*Sanctions under subsection*
15 *(b)(2) may not apply with respect to the admission*
16 *of an alien to the United States if such admission is*
17 *necessary to comply with the obligations of the United*
18 *States under the Agreement regarding the Head-*
19 *quarters of the United Nations, signed at Lake Suc-*
20 *cess June 26, 1947, and entered into force November*
21 *21, 1947, between the United Nations and the United*
22 *States, or the Convention on Consular Relations, done*
23 *at Vienna April 24, 1963, and entered into force*
24 *March 19, 1967, or other international obligations.*

1 (3) *HUMANITARIAN EXEMPTION.*—*The President*
2 *shall not impose sanctions under this section with re-*
3 *spect to any person for conducting or facilitating a*
4 *transaction for the sale of agricultural commodities,*
5 *food, medicine, or medical devices or for the provision*
6 *of humanitarian assistance.*

7 (4) *EXCEPTION RELATING TO IMPORTATION OF*
8 *GOODS.*—

9 (A) *IN GENERAL.*—*The requirement or au-*
10 *thority to impose sanctions under this section*
11 *shall not include the authority or a requirement*
12 *to impose sanctions on the importation of goods.*

13 (B) *GOOD DEFINED.*—*In this paragraph,*
14 *the term “good” means any article, natural or*
15 *manmade substance, material, supply, or manu-*
16 *factured product, including inspection and test*
17 *equipment, and excluding technical data.*

18 (g) *DEFINITIONS.*—*In this section:*

19 (1) *The terms “admission”, “admitted”, “alien”,*
20 *and “lawfully admitted for permanent residence”*
21 *have the meanings given those terms in section 101 of*
22 *the Immigration and Nationality Act (8 U.S.C.*
23 *1101).*

24 (2) *The term “foreign person” means an indi-*
25 *vidual or entity that is not a United States person.*

1 (3) *The term “knowingly”, with respect to con-*
2 *duct, a circumstance, or a result, means that a person*
3 *has actual knowledge, or should have known, of the*
4 *conduct, the circumstance, or the result.*

5 (4) *The term “United States person” means—*

6 (A) *a United States citizen or an alien law-*
7 *fully admitted for permanent residence to the*
8 *United States;*

9 (B) *an entity organized under the laws of*
10 *the United States or any jurisdiction within the*
11 *United States, including a foreign branch of*
12 *such an entity; or*

13 (C) *any person in the United States.*

14 **SEC. 5591. RENEGOTIATION OF COMPACTS OF FREE ASSO-**
15 **CIATION.**

16 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
17 *as follows:*

18 (1) *The United States shares deep ties, history*
19 *and interests with the Freely Associated States of the*
20 *Republic of the Marshall Islands, Federated States of*
21 *Micronesia, and Palau and continues a special,*
22 *unique and mutually beneficial relationship with*
23 *them under the decades-old Compacts of Free Associa-*
24 *tion.*

1 (2) *Under the Compacts, the United States has*
2 *undertaken the responsibility and obligation to pro-*
3 *vide and ensure the security and defense of the Freely*
4 *Associated States.*

5 (3) *The Compacts are critical to the national se-*
6 *curity of the United States and its allies and partners*
7 *and are the bedrock of the United States role in the*
8 *Pacific.*

9 (4) *Renewal of key provisions of the Compacts,*
10 *now being renegotiated with each nation, is critical*
11 *for regional security.*

12 (5) *Maintaining and strengthening the Compacts*
13 *supports both United States national security and the*
14 *United States responsibility for the security and de-*
15 *fense of the Freely Associated States.*

16 (b) *BRIEFING ON RENEGOTIATIONS.*—*Not later than*
17 *90 days after the date of the enactment of this Act, the Sec-*
18 *retary of State, in coordination with the Secretary of De-*
19 *fense and the Secretary of the Interior, shall brief the fol-*
20 *lowing committees on the status of the renegotiations of the*
21 *Compacts of Free Association described in subsection (a)*
22 *and opportunities to expand its support for the renegoti-*
23 *ations:*

24 (1) *The congressional defense committees.*

1 (2) *The Committee on Foreign Affairs and the*
2 *Committee on Natural Resources of the House of Rep-*
3 *resentatives.*

4 (3) *The Committee on Foreign Relations and the*
5 *Committee on Energy and Natural Resources of the*
6 *Senate.*

7 **SEC. 5592. SECRETARY OF STATE ASSISTANCE FOR PRIS-**
8 **ONERS IN ISLAMIC REPUBLIC OF IRAN.**

9 (a) *STATEMENT OF POLICY.—It is the policy of the*
10 *United States that—*

11 (1) *the Islamic Republic of Iran should allow the*
12 *United Nations Special Rapporteur on the Situation*
13 *of Human Rights in the Islamic Republic of Iran*
14 *unimpeded access to facilitate the full implementation*
15 *of the mandate of the United Nations Special*
16 *Rapporteur, including—*

17 (A) *investigating alleged violations of*
18 *human rights that are occurring or have oc-*
19 *curred both within prisons and elsewhere;*

20 (B) *transmitting urgent appeals and letters*
21 *to the Islamic Republic of Iran regarding alleged*
22 *violations of human rights; and*

23 (C) *engaging with relevant stakeholders in*
24 *the Islamic Republic of Iran and the sur-*
25 *rounding region;*

1 (2) *the Islamic Republic of Iran should immediately end violations of the human rights of political*
2 *prisoners or persons imprisoned for exercising the*
3 *right to freedom of speech, including—*

4 (A) *torture;*

5 (B) *denial of access to health care; and*

6 (C) *denial of a fair trial;*

7 (3) *all prisoners of conscience and political prisoners in the Islamic Republic of Iran should be un-*
8 *conditionally and immediately released;*

9 (4) *all diplomatic tools of the United States*
10 *should be invoked to ensure that all prisoners of con-*
11 *science and political prisoners in the Islamic Repub-*
12 *lic of Iran are released, including raising individual*
13 *cases of particular concern; and*

14 (5) *all officials of the government of the Islamic*
15 *Republic of Iran who are responsible for human*
16 *rights abuses in the form of politically motivated im-*
17 *prisonment should be held to account, including*
18 *through the imposition of sanctions pursuant to the*
19 *Global Magnitsky Human Rights Accountability Act*
20 *(22 U.S.C. 10101 et seq.) and other applicable statu-*
21 *tory authorities of the United States.*

22 (b) *ASSISTANCE FOR PRISONERS.—The Secretary of*
23 *State is authorized to continue to provide assistance to civil*
24 *State is authorized to continue to provide assistance to civil*
25

1 *society organizations that support prisoners of conscience*
2 *and political prisoners in the Islamic Republic of Iran, in-*
3 *cluding organizations that—*

4 (1) *work to secure the release of such prisoners;*

5 (2) *document violations of human rights with re-*
6 *spect to such prisoners;*

7 (3) *support international advocacy to raise*
8 *awareness of issues relating to such prisoners;*

9 (4) *support the health, including mental health,*
10 *of such prisoners; and*

11 (5) *provide post-incarceration assistance to en-*
12 *able such prisoners to resume normal lives, including*
13 *access to education, employment, or other forms of*
14 *reparation.*

15 (c) *DEFINITIONS.—In this section:*

16 (1) *The term “political prisoner” means a per-*
17 *son who has been detained or imprisoned on politi-*
18 *cally motivated grounds.*

19 (2) *The term “prisoner of conscience” means a*
20 *person who—*

21 (A) *is imprisoned or otherwise physically*
22 *restricted solely in response to the peaceful exer-*
23 *cise of the human rights of such person; and*

24 (B) *has not used violence or advocated vio-*
25 *lence or hatred.*

1 **SEC. 5593. IRAN NUCLEAR WEAPONS CAPABILITY AND TER-**
2 **RORISM MONITORING ACT OF 2022.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Iran Nuclear Weapons Capability and Terrorism Moni-*
5 *toring Act of 2022”.*

6 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
7 *that—*

8 (1) *an Islamic Republic of Iran that possesses a*
9 *nuclear weapons capability would be a serious threat*
10 *to the national security of the United States, Israel,*
11 *and other allies and partners;*

12 (2) *the Islamic Republic of Iran has been less*
13 *than cooperative with international inspectors from*
14 *the International Atomic Energy Agency and has ob-*
15 *structed their ability to inspect facilities as well as*
16 *data and recordings collected by surveillance equip-*
17 *ment across Iran;*

18 (3) *the Islamic Republic of Iran continues to ad-*
19 *vance missile and drone programs, which are a threat*
20 *to the national security of the United States, Israel,*
21 *and other allies and partners;*

22 (4) *the Islamic Republic of Iran continues to*
23 *support proxies in the Middle East in a manner*
24 *that—*

25 (A) *undermines the sovereignty of regional*
26 *governments;*

1 (B) threatens the safety of United States
2 citizens;

3 (C) threatens United States allies and part-
4 ners; and

5 (D) directly undermines the national secu-
6 rity interests of the United States;

7 (5) the Islamic Republic of Iran has engaged in
8 assassination plots against former United States offi-
9 cials and has been implicated in plots to kidnap
10 United States citizens within the United States;

11 (6) the Islamic Republic of Iran is engaged in
12 unsafe and unprofessional maritime activity that
13 threatens the movement of naval vessels of the United
14 States and the free flow of commerce through strategic
15 maritime chokepoints in the Middle East and North
16 Africa;

17 (7) the Islamic Republic of Iran has delivered
18 hundreds of armed drones to the Russian Federation,
19 which will enable Vladimir Putin to continue the as-
20 sault against Ukraine in direct opposition of the na-
21 tional security interests of the United States; and

22 (8) the United States must—

23 (A) ensure that the Islamic Republic of Iran
24 does not acquire a nuclear weapons capability;

1 (B) protect against aggression from the Is-
2 lamic Republic of Iran manifested through its
3 missiles and drone programs; and

4 (C) counter regional and global terrorism of
5 the Islamic Republic of Iran in a manner that
6 minimizes the threat posed by state and non-
7 state actors to the interests of the United States.

8 (c) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional commit-
11 tees” means—

12 (A) the Committee on Foreign Relations, the
13 Committee on Appropriations, the Committee on
14 Armed Services, the Committee on Energy and
15 Natural Resources, and the Select Committee on
16 Intelligence of the Senate; and

17 (B) the Committee on Foreign Affairs, the
18 Committee on Appropriations, the Committee on
19 Armed Services, the Committee on Energy and
20 Commerce, and the Permanent Select Committee
21 on Intelligence of the House of Representatives.

22 (2) COMPREHENSIVE SAFEGUARDS AGREE-
23 MENT.—The term “Comprehensive Safeguards Agree-
24 ment” means the Agreement between the Islamic Re-
25 public of Iran and the International Atomic Energy

1 *Agency for the Application of Safeguards in Connec-*
2 *tion with the Treaty on the Non-Proliferation of Nu-*
3 *clear Weapons, done at Vienna June 19, 1973.*

4 (3) *INTELLIGENCE COMMUNITY.*—*The term “in-*
5 *telligence community” has the meaning given the*
6 *term in section 3 of the National Security Act of 1947*
7 *(50 U.S.C. 3003).*

8 (4) *TASK FORCE.*—*The term “task force” means*
9 *the task force established under subsection (d).*

10 (5) *UNMANNED AIRCRAFT SYSTEM.*—*The term*
11 *“unmanned aircraft system” has the meaning given*
12 *the term in section 44801 of title 49, United States*
13 *Code.*

14 (d) *ESTABLISHMENT OF INTERAGENCY TASK FORCE*
15 *ON NUCLEAR ACTIVITY AND GLOBAL REGIONAL TERRORISM*
16 *OF THE ISLAMIC REPUBLIC OF IRAN.—*

17 (1) *ESTABLISHMENT.*—*The Secretary of State*
18 *shall establish a task force to coordinate and syn-*
19 *thesize efforts by the United States Government re-*
20 *garding—*

21 (A) *nuclear activity of the Islamic Republic*
22 *of Iran or its proxies; and*

23 (B) *regional and global terrorism activity*
24 *by the Islamic Republic of Iran or its proxies.*

25 (2) *COMPOSITION.—*

1 (A) *CHAIRPERSON.*—*The Secretary of State*
2 *shall be the Chairperson of the task force.*

3 (B) *MEMBERSHIP.*—

4 (i) *IN GENERAL.*—*The task force shall*
5 *be composed of individuals, each of whom*
6 *shall be an employee of and appointed to*
7 *the task force by the head of one of the fol-*
8 *lowing agencies:*

9 (I) *The Department of State.*

10 (II) *The Department of Defense.*

11 (III) *The Department of Energy.*

12 (ii) *ADDITIONAL MEMBERS.*—*The*
13 *Chairperson may appoint to the task force*
14 *additional individuals from other Federal*
15 *agencies, as the Chairperson considers nec-*
16 *essary.*

17 (iii) *INTELLIGENCE COMMUNITY SUP-*
18 *PORT.*—*The Director of National Intel-*
19 *ligence shall ensure that the task force re-*
20 *ceives all appropriate support from the in-*
21 *telligence community.*

22 (3) *SUNSET.*—*The task force shall terminate on*
23 *December 31, 2028.*

24 (e) *ASSESSMENTS.*—

1 (1) *INTELLIGENCE ASSESSMENT ON NUCLEAR AC-*
2 *TIVITY.—*

3 (A) *IN GENERAL.—Not later than 120 days*
4 *after the date of the enactment of this Act, and*
5 *every 180 days thereafter until December 31,*
6 *2028, the Director of National Intelligence shall*
7 *submit to the appropriate congressional commit-*
8 *tees an assessment regarding any uranium en-*
9 *richment, nuclear weapons development, delivery*
10 *vehicle development, and associated engineering*
11 *and research activities of the Islamic Republic of*
12 *Iran.*

13 (B) *CONTENTS.—The assessment required*
14 *by subparagraph (A) shall include—*

15 (i) *a description and location of cur-*
16 *rent fuel cycle activities for the production*
17 *of fissile material being undertaken by the*
18 *Islamic Republic of Iran, including—*

19 (I) *research and development ac-*
20 *tivities to procure or construct addi-*
21 *tional advanced IR-2, IR-6 and other*
22 *model centrifuges and enrichment cas-*
23 *cades, including for stable isotopes;*

24 (II) *research and development of*
25 *reprocessing capabilities, including—*

1 (aa) reprocessing of spent
2 fuel; and

3 (bb) extraction of medical
4 isotopes from irradiated uranium
5 targets;

6 (III) activities with respect to de-
7 signing or constructing reactors, in-
8 cluding—

9 (aa) the construction of
10 heavy water reactors;

11 (bb) the manufacture or pro-
12 curement of reactor components,
13 including the intended applica-
14 tion of such components; and

15 (cc) efforts to rebuild the
16 original reactor at Arak;

17 (IV) uranium mining, concentra-
18 tion, conversion, and fuel fabrication,
19 including—

20 (aa) estimated uranium ore
21 production capacity and annual
22 recovery;

23 (bb) recovery processes and
24 ore concentrate production capac-
25 ity and annual recovery;

- 1 (cc) research and develop-
2 ment with respect to, and the an-
3 nual rate of, conversion of ura-
4 nium; and
- 5 (dd) research and develop-
6 ment with respect to the fabrica-
7 tion of reactor fuels, including the
8 use of depleted, natural, and en-
9 riched uranium; and
- 10 (V) activities with respect to—
- 11 (aa) producing or acquiring
12 plutonium or uranium (or their
13 alloys);
- 14 (bb) conducting research and
15 development on plutonium or ura-
16 nium (or their alloys);
- 17 (cc) uranium metal; or
- 18 (dd) casting, forming, or ma-
19 chining plutonium or uranium;
- 20 (ii) with respect to any activity de-
21 scribed in clause (i), a description, as ap-
22 plicable, of—
- 23 (I) the number and type of cen-
24 trifuges used to enrich uranium and
25 the operating status of such centrifuges;

1 (II) *the number and location of*
2 *any enrichment or associated research*
3 *and development facility used to en-*
4 *gage in such activity;*

5 (III) *the amount of heavy water,*
6 *in metric tons, produced by such activ-*
7 *ity and the acquisition or manufacture*
8 *of major reactor components, includ-*
9 *ing, for the second and subsequent as-*
10 *sessments, the amount produced since*
11 *the last assessment;*

12 (IV) *the number and type of fuel*
13 *assemblies produced by the Islamic Re-*
14 *public of Iran, including failed or re-*
15 *jected assemblies; and*

16 (V) *the total amount of—*

17 (aa) *uranium-235 enriched*
18 *to not greater than 5 percent pu-*
19 *rity;*

20 (bb) *uranium-235 enriched*
21 *to greater than 5 percent purity*
22 *and not greater than 20 percent*
23 *purity;*

24 (cc) *uranium-235 enriched*
25 *to greater than 20 percent purity*

1 *and not greater than 60 percent*
2 *purity;*

3 *(dd) uranium-235 enriched*
4 *to greater than 60 percent purity*
5 *and not greater than 90 percent*
6 *purity; and*

7 *(ee) uranium-235 enriched*
8 *greater than 90 percent purity;*

9 *(iii) a description of any*
10 *weaponization plans and weapons develop-*
11 *ment capabilities of the Islamic Republic of*
12 *Iran, including—*

13 *(I) plans and capabilities with re-*
14 *spect to—*

15 *(aa) weapon design, includ-*
16 *ing fission, warhead miniaturiza-*
17 *tion, and boosted and early ther-*
18 *monuclear weapon design;*

19 *(bb) high yield fission devel-*
20 *opment;*

21 *(cc) design, development, ac-*
22 *quisition, or use of computer mod-*
23 *els to simulate nuclear explosive*
24 *devices;*

1 *(dd) design, development,*
2 *fabricating, acquisition, or use of*
3 *explosively driven neutron sources*
4 *or specialized materials for explo-*
5 *sively driven neutron sources; and*

6 *(ee) design, development, fab-*
7 *rication, acquisition, or use of*
8 *precision machining and tooling*
9 *that could enable the production*
10 *of nuclear explosive device compo-*
11 *nents;*

12 *(II) the ability of the Islamic Re-*
13 *public of Iran to deploy a working or*
14 *reliable delivery vehicle capable of car-*
15 *rying a nuclear warhead;*

16 *(III) the estimated breakout time*
17 *for the Islamic Republic of Iran to de-*
18 *velop and deploy a nuclear weapon,*
19 *including a crude nuclear weapon; and*

20 *(IV) the status and location of*
21 *any research and development work*
22 *site related to the preparation of an*
23 *underground nuclear test;*

24 *(iv) an identification of any clandes-*
25 *tine nuclear facilities;*

1 (v) *an assessment of whether the Islamic*
2 *Republic of Iran maintains locations*
3 *to store equipment, research archives, or*
4 *other material previously used for a weap-*
5 *ons program or that would be of use to a*
6 *weapons program that the Islamic Republic*
7 *of Iran has not declared to the Inter-*
8 *national Atomic Energy Agency;*

9 (vi) *any diversion by the Islamic Re-*
10 *public of Iran of uranium, carbon-fiber, or*
11 *other materials for use in an undeclared or*
12 *clandestine facility;*

13 (vii) *an assessment of activities related*
14 *to developing or acquiring the capabilities*
15 *for the production of nuclear weapons, con-*
16 *ducted at facilities controlled by the Min-*
17 *istry of Defense and Armed Forces Logistics*
18 *of Iran, the Islamic Revolutionary Guard*
19 *Corps, and the Organization of Defensive*
20 *Innovation and Research, including an*
21 *analysis of gaps in knowledge;*

22 (viii) *a description of activities be-*
23 *tween the Islamic Republic of Iran and*
24 *other countries or persons with respect to*
25 *sharing information on, or providing other*

1 *forms of support for, the acquisition of a*
2 *nuclear weapons capability or activities re-*
3 *lated to weaponization;*

4 *(ix) with respect to any new ballistic,*
5 *cruise, or hypersonic missiles being designed*
6 *and tested by the Islamic Republic of Iran*
7 *or any of its proxies, a description of—*

8 *(I) the type of missile;*

9 *(II) the range of such missiles;*

10 *(III) the capability of such mis-*
11 *siles to deliver a nuclear warhead;*

12 *(IV) the number of such missiles;*

13 *and*

14 *(V) any testing of such missiles;*

15 *(x) an assessment of whether the Is-*
16 *lamic Republic of Iran or any of its proxies*
17 *possesses an unmanned aircraft system or*
18 *other military equipment capable of deliv-*
19 *ering a nuclear weapon; and*

20 *(xi) an assessment of the extent to*
21 *which the Islamic Republic of Iran is pro-*
22 *viding drones, missiles, or related tech-*
23 *nology from other countries to its proxies or*
24 *partners.*

1 (2) *ASSESSMENT ON SUPPORT FOR REGIONAL*
2 *AND GLOBAL TERRORISM OF THE ISLAMIC REPUBLIC*
3 *OF IRAN.*—

4 (A) *IN GENERAL.*—*Not later than 120 days*
5 *after the date of the enactment of this Act, and*
6 *annually thereafter until December 31, 2028, the*
7 *Director of National Intelligence shall submit to*
8 *the appropriate congressional committees an as-*
9 *essment regarding the regional and global ter-*
10 *rorism of the Islamic Republic of Iran.*

11 (B) *CONTENTS.*—*The assessment required*
12 *by subparagraph (A) shall include—*

13 (i) *a description of the lethal support*
14 *of the Islamic Republic of Iran, including*
15 *training, equipment, and associated intel-*
16 *ligence support, to regional and global non-*
17 *state terrorist groups and proxies;*

18 (ii) *a description of the lethal support*
19 *of the Islamic Republic of Iran, including*
20 *training and equipment, to state actors;*

21 (iii) *an assessment of financial sup-*
22 *port of the Islamic Republic of Iran to non-*
23 *state terrorist groups and proxies and asso-*
24 *ciated Iranian revenue streams funding*
25 *such support;*

1 (iv) an assessment of the threat posed
2 by the Islamic Republic of Iran and Ira-
3 nian-supported groups to members of the
4 Armed Forces, diplomats, and military and
5 diplomatic facilities of the United States;

6 (v) a description of attacks by, or
7 sponsored by, the Islamic Republic of Iran
8 against members of the Armed Forces, dip-
9 lomats, and military and diplomatic facili-
10 ties of the United States and the associated
11 response by the United States Government
12 in the previous year;

13 (vi) a description of attacks by, or
14 sponsored by, the Islamic Republic of Iran
15 against United States partners or allies and
16 the associated response by the United States
17 Government in the previous year;

18 (vii) an assessment of interference by
19 the Islamic Republic of Iran into the elec-
20 tions and political processes of sovereign
21 countries in the Middle East and North Af-
22 rica in an effort to create conditions for or
23 shape agendas more favorable to the policies
24 of the Government of the Islamic Republic
25 of Iran;

1 (viii) a description of any plots by the
2 Islamic Republic of Iran against former
3 and current United States officials;

4 (ix) a description of any plots by the
5 Islamic Republic of Iran against United
6 States citizens both abroad and within the
7 United States; and

8 (x) a description of maritime activity
9 of the Islamic Republic of Iran and associ-
10 ated impacts on the free flow of commerce
11 and the national security interests of the
12 United States.

13 (3) *FORM; PUBLIC AVAILABILITY; DUPLICA-*
14 *TION.—*

15 (A) *FORM.—Each assessment required by*
16 *this subsection shall be submitted in unclassified*
17 *form but may include a classified annex for in-*
18 *formation that, if released, would be detrimental*
19 *to the national security of the United States. In*
20 *addition, any classified portion may contain an*
21 *additional annex provided to the congressional*
22 *intelligence committees that details information*
23 *and analysis that would otherwise disclose sen-*
24 *sitive sources and methods.*

1 (B) *PUBLIC AVAILABILITY.*—*The unclassi-*
2 *fied portion of an assessment required by this*
3 *subsection shall be made available to the public*
4 *on an internet website of the Office of the Direc-*
5 *tor of National Intelligence.*

6 (C) *DUPLICATION.*—*For any assessment re-*
7 *quired by this subsection, the Director of Na-*
8 *tional Intelligence may rely upon existing prod-*
9 *ucts that reflect the current analytic judgment of*
10 *the intelligence community, including reports or*
11 *products produced in response to congressional*
12 *mandate or requests from executive branch offi-*
13 *cials.*

14 (f) *DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED*
15 *NUCLEAR, BALLISTIC MISSILE, AND TERRORISM THREATS*
16 *TO THE UNITED STATES.*—

17 (1) *IN GENERAL.*—*Not later than 30 days after*
18 *the submission of the initial assessment under sub-*
19 *section (e)(1), and annually thereafter until December*
20 *31, 2028, the Secretary of State, in consultation with*
21 *the task force, shall submit to the appropriate con-*
22 *gressional committees a diplomatic strategy that out-*
23 *lines a comprehensive plan for engaging with part-*
24 *ners and allies of the United States regarding ura-*
25 *nium enrichment, nuclear weaponization, missile de-*

1 *velopment, and drone-related activities and regional*
2 *and global terrorism of the Islamic Republic of Iran.*

3 (2) *CONTENTS.—The diplomatic strategy re-*
4 *quired by paragraph (1) shall include—*

5 (A) *an assessment of whether the Islamic*
6 *Republic of Iran—*

7 (i) *is in compliance with the Com-*
8 *prehensive Safeguards Agreement and modi-*
9 *fied Code 3.1 of the Subsidiary Arrange-*
10 *ments to the Comprehensive Safeguards*
11 *Agreement as well as the nuclear related*
12 *commitments endorsed in United Nations*
13 *Security Council Resolution 2231 (2015);*
14 *and*

15 (ii) *has denied access to sites that the*
16 *International Atomic Energy Agency has*
17 *sought to inspect during previous 1-year pe-*
18 *riod;*

19 (B) *a description of any dual-use item (as*
20 *defined under section 730.3 of title 15, Code of*
21 *Federal Regulations or listed on the List of Nu-*
22 *clear-Related Dual-Use Equipment, Materials,*
23 *Software, and Related Technology issued by the*
24 *Nuclear Suppliers Group or any successor list)*

1 *the Islamic Republic of Iran is using to further*
2 *the nuclear weapon, missile, or drone program;*

3 *(C) a description of efforts of the United*
4 *States to counter efforts of the Islamic Republic*
5 *of Iran to project political and military influ-*
6 *ence into the Middle East;*

7 *(D) a description of efforts to address the*
8 *increased threat that new or evolving uranium*
9 *enrichment, nuclear weaponization, missile, or*
10 *drone development activities by the Islamic Re-*
11 *public of Iran pose to United States citizens, the*
12 *diplomatic presence of the United States in the*
13 *Middle East, and the national security interests*
14 *of the United States;*

15 *(E) a description of efforts to address the*
16 *threat that terrorism by, or sponsored by, the Is-*
17 *lamic Republic of Iran poses to United States*
18 *citizens, the diplomatic presence of the United*
19 *States in the Middle East, and the national secu-*
20 *rity interests of the United States;*

21 *(F) a description of efforts to address the*
22 *impact of the influence of the Islamic Republic*
23 *of Iran on sovereign governments on the safety*
24 *and security of United States citizens, the diplo-*
25 *matic presence of the United States in the Mid-*

1 *dle East, and the national security interests of*
2 *the United States;*

3 *(G) a description of a coordinated whole-of-*
4 *government approach to use political, economic,*
5 *and security related tools to address such activi-*
6 *ties; and*

7 *(H) a comprehensive plan for engaging with*
8 *allies and regional partners in all relevant mul-*
9 *tilateral fora to address such activities.*

10 *(3) UPDATED STRATEGY RELATED TO NOTIFICA-*
11 *TION.—Not later than 45 days after the Chairperson*
12 *determines that there has been a significant develop-*
13 *ment in the nuclear weapons capability or nuclear*
14 *weapons delivery systems capability of the Islamic*
15 *Republic of Iran, the Secretary of State shall submit*
16 *to the appropriate congressional committees an up-*
17 *date to the most recent diplomatic strategy submitted*
18 *under paragraph (1).*

19 ***Subtitle H—Reports***

20 ***SEC. 5594. MODIFICATION TO PEACEKEEPING OPERATIONS***
21 ***REPORT.***

22 *Section 6502 of the National Defense Authorization*
23 *Act for Fiscal Year 2022 (22 U.S.C. 2348 note) is amend-*
24 *ed—*

25 *(1) in subsection (a)—*

1 (A) by amending paragraph (4) to read as
2 follows:

3 “(4) As applicable, a description of specific
4 training on monitoring and adhering to international
5 human rights and humanitarian law provided to the
6 foreign country or entity receiving the assistance.”;
7 and

8 (B) by striking paragraphs (7) and (8);
9 (2) in subsection (b)—

10 (A) in the subsection heading, by striking
11 “ON PROGRAMS UNDER PEACEKEEPING OPER-
12 ATIONS ACCOUNT”; and

13 (B) in paragraph (1), in the matter pre-
14 ceding subparagraph (A)—

15 (i) by inserting “authorized under sec-
16 tion 551 of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2348) and” after “security
18 assistance”; and

19 (ii) by striking “foreign countries” and
20 all that follows through the colon and in-
21 sserting “foreign countries for any of the fol-
22 lowing purposes.”;

23 (3) by redesignating subsection (c) as subsection
24 (d); and

1 (4) *by inserting after subsection (b), as amended,*
2 *the following:*

3 “(c) *COORDINATION OF SUBMISSION.—The Secretary*
4 *of State is authorized to integrate the elements of the report*
5 *required by subsection (b) into other reports required to be*
6 *submitted annually to the appropriate congressional com-*
7 *mittees.”.*

8 **SEC. 5595. REPORT ON INDO-PACIFIC REGION.**

9 (a) *IN GENERAL.—*

10 (1) *IN GENERAL.—Not later than one year after*
11 *the date of the enactment of this Act, the Assistant*
12 *Secretary of State for the Bureau of East Asian and*
13 *Pacific Affairs, in coordination with the Assistant*
14 *Secretary of State for the Bureau of South and Cen-*
15 *tral Asian Affairs and Assistant Administrator for*
16 *the Bureau for Asia of the United States Agency for*
17 *International Development (USAID), shall submit to*
18 *the congressional foreign affairs committees a report*
19 *that contains a 2-year strategy assessing the resources*
20 *and activities required to achieve the policy objectives*
21 *described in subsection (c).*

22 (2) *SUBMISSION AND UPDATE.—The report and*
23 *strategy required by this subsection shall—*

24 (A) *be submitted at the same time as the*
25 *submission of the budget of the President (sub-*

1 mitted to Congress pursuant to section 1105 of
2 title 31, United States Code) for fiscal year
3 2024; and

4 (B) be updated and submitted at the same
5 time as the submission of the budget of the Presi-
6 dent (submitted to Congress pursuant to section
7 1105 of title 31, United States Code) for fiscal
8 years 2026, 2028, and 2030.

9 (b) *CRITERIA.*—The report and strategy required in
10 subsection (a) shall be developed in accordance with the fol-
11 lowing criteria:

12 (1) It shall reflect the objective, autonomous, and
13 independent assessment of the activities, resources,
14 and costs required to achieve objectives detailed in
15 subsection (c) by the principals, the subordinate and
16 parallel offices providing input into the assessment.

17 (2) It shall cover a period of five fiscal years, be-
18 ginning with the fiscal year following the fiscal year
19 in which the report is submitted.

20 (3) It shall incorporate input from United States
21 Ambassadors in the Indo-Pacific region provided ex-
22 plicitly for the required report.

23 (4) It may include information gathered through
24 consultation with program offices and subject matter

1 *experts in relevant functional bureaus, as deemed nec-*
2 *essary by the principals.*

3 *(5) It shall not be subject to fiscal guidance or*
4 *global strategic tradeoffs associated with the annual*
5 *President's budget request.*

6 *(c) POLICY OBJECTIVES.—The report and strategy re-*
7 *quired in subsection (a) shall assess the activities and re-*
8 *sources required to achieve the following policy objectives:*

9 *(1) Implementing the Interim National Security*
10 *Strategic Guidance, or the most recent National Secu-*
11 *rity Strategy, with respect to the Indo-Pacific region.*

12 *(2) Implementing the 2022 Indo-Pacific Strat-*
13 *egy, or successor documents, that set forth the United*
14 *States Government strategy toward the Indo-Pacific*
15 *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 through*
24 *countering the malign influence of the Government of*
25 *the People's Republic of China.*

1 (d) *MATTERS TO BE INCLUDED.*—*The report and*
2 *strategy required under subsection (a) shall include the fol-*
3 *lowing:*

4 (1) *A description of the Bureaus' bilateral and*
5 *multilateral goals for the period covered in the report*
6 *that the principals deem necessary to accomplish the*
7 *objectives outlined in subsection (c), disaggregated by*
8 *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 ob-*
14 *jectives outlined in subsection (c), through consulta-*
15 *tion with United States embassies in the region. The*
16 *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.*

1 (C) *A discussion of embassies or consulates*
2 *where diplomatic staff could be reduced within*
3 *the Indo-Pacific region, where appropriate.*

4 (D) *A detailed description of the fiscal and*
5 *personnel resources required to fill gaps identi-*
6 *fied.*

7 (4) *A detailed plan to expand United States dip-*
8 *lomatic engagement and foreign assistance presence*
9 *in the Pacific Island nations within the next five*
10 *years, including a description of “quick impact” pro-*
11 *grams that can be developed and implemented within*
12 *the first fiscal year of the period covered in the report.*

13 (5) *A discussion of the resources needed to en-*
14 *hance United States strategic messaging and spotlight*
15 *coercive behavior by the People’s Republic of China.*

16 (6) *A detailed description of the resources and*
17 *policy tools needed to expand the United States abil-*
18 *ity to offer high-quality infrastructure projects in*
19 *strategically significant parts of the Indo-Pacific re-*
20 *gion, with a particular focus on expanding invest-*
21 *ments in Southeast Asia and the Pacific Islands.*

22 (7) *A gap assessment of security assistance by*
23 *country, and of the resources needed to fill those 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 ob-*
6 *jectives 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 include*
10 *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 Administrator*
17 *for Policy and Programming, the Deputy Administrator for*
18 *Management and Resources, the Under Secretary of State*
19 *for Political Affairs, the Director of the Office of Foreign*
20 *Assistance at the Department of State, the Director of the*
21 *Bureau of Foreign Assistance at the USAID, and the Direc-*
22 *tor of Policy Planning.*

23 (g) *DEFINITIONS.*—*In this section:*

24 (1) *INDO-PACIFIC REGION.*—*The term “Indo-Pa-*
25 *cific region” means the countries under the jurisdic-*

1 *tion of the Bureau for East Asian and Pacific Af-*
2 *fairs, as well as the countries of Bangladesh, Bhutan,*
3 *India, Maldives, Nepal, Pakistan, and Sri Lanka.*

4 (2) *FOREIGN AFFAIRS COMMITTEES.*—*The term*
5 *“foreign affairs committees” means—*

6 (A) *the Committee on Foreign Relations*
7 *and the Subcommittee on State, Foreign Oper-*
8 *ations, and Related Programs of the Committee*
9 *on Appropriations of the Senate; and*

10 (B) *the Committee on Foreign Affairs and*
11 *the Subcommittee on State, Foreign Operations,*
12 *Related Programs of the Committee on Appro-*
13 *priations of the House of Representatives.*

14 (3) *PRINCIPALS.*—*The term “principals” means*
15 *the Assistant Secretary of State for the Bureau of*
16 *East Asian and Pacific Affairs, the Assistant Sec-*
17 *retary of State for the Bureau of South and Central*
18 *Asian Affairs, and the Assistant Administrator for*
19 *the Bureau for Asia of the United States Agency for*
20 *International Development.*

21 **SEC. 5596. REPORT ON HUMANITARIAN SITUATION AND**
22 **FOOD SECURITY IN LEBANON.**

23 (a) *REPORT REQUIRED.*—*Not later than 90 days after*
24 *the date of the enactment of this Act, the Secretary of State,*
25 *in consultation with the Secretary of Defense and in coordi-*

1 *nation with the Administrator of the United States Agency*
2 *for International Development, shall submit to the appro-*
3 *priate congressional committees a report that contains an*
4 *evaluation of the humanitarian situation in Lebanon, as*
5 *well as the impact of the deficit of wheat imports due to*
6 *Russia's further invasion of Ukraine, initiated on February*
7 *24, 2022.*

8 *(b) ELEMENTS.—The report required by subsection (a)*
9 *shall include the following elements:*

10 *(1) The projected increase in malnutrition in*
11 *Lebanon.*

12 *(2) The estimated increase in the number of food*
13 *insecure individuals in Lebanon.*

14 *(3) The estimated number of individuals who*
15 *will be faced with acute malnutrition due to food*
16 *price inflation in Lebanon.*

17 *(4) Actions United States Government allies and*
18 *partners are taking to address the matters described*
19 *in paragraphs (1), (2), and (3).*

20 *(5) The potential impact of food insecurity in*
21 *Lebanon on Department of Defense goals and objec-*
22 *tives in Lebanon.*

23 *(c) FORM OF REPORT.—The report required by sub-*
24 *section (a) shall be submitted in an unclassified form, but*
25 *may contain a classified annex.*

1 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term “appropriate congres-*
3 *sional committees” means—*

4 (1) *the Committee on Armed Services, the Com-*
5 *mittee on Foreign Relations, and the Committee on*
6 *Appropriations of the Senate; and*

7 (2) *the Committee on Armed Services, the Com-*
8 *mittee on Foreign Affairs, and the Committee on Ap-*
9 *propriations of the House of Representatives.*

10 **SEC. 5597. STATEMENT OF POLICY AND REPORT ON ENGAG-**
11 **ING WITH NIGER.**

12 (a) *STATEMENT OF POLICY.*—*It is the policy of the*
13 *United States to—*

14 (1) *continue to support Niger’s efforts to advance*
15 *democracy, good governance, human rights, and re-*
16 *gional security within its borders through bilateral*
17 *assistance and multilateral initiatives;*

18 (2) *enhance engagement and cooperation with*
19 *the Nigerien Government at all levels as a key compo-*
20 *nent of stabilizing the Sahel, where frequent coups*
21 *and other anti-democratic movements, food insecurity,*
22 *violent extremism, and armed conflict threaten to fur-*
23 *ther weaken governments throughout the region; and*

24 (3) *work closely with partners and allies*
25 *throughout the international community to elevate*

1 *Niger, which experienced its first democratic transi-*
2 *tion of power in 2021, as an example of transitioning*
3 *from longstanding military governance and a cycle of*
4 *coups to a democratic, civilian-led form of govern-*
5 *ment.*

6 *(b) REPORT REQUIRED.—Not later than 180 days*
7 *after the date of the enactment of this Act, the Secretary*
8 *of State, in consultation with the heads of relevant depart-*
9 *ments and agencies, shall submit to the appropriate con-*
10 *gressional committees a report on interagency efforts to en-*
11 *hance United States engagement with Niger as a key com-*
12 *ponent of the United States Strategy toward the Sahel.*
13 *Such report shall also include the following information*
14 *with respect to the 2 fiscal years preceding the date of the*
15 *submission of the report:*

16 *(1) A description of United States efforts to pro-*
17 *mote democracy, political pluralism, fiscal trans-*
18 *parency and other good governance initiatives,*
19 *human rights and the rule of law, and a robust and*
20 *engaged civil society.*

21 *(2) A full, detailed breakdown of United States*
22 *assistance provided to help the Nigerien Government*
23 *develop a comprehensive national security strategy,*
24 *including to counter terrorism, regional and*
25 *transnational organized crime, intercommunal vio-*

1 *lence, and other forms of armed conflict, criminal ac-*
2 *tivity, and other threats to United States and*
3 *Nigerien national security.*

4 *(3) An analysis of relevant resources at the*
5 *United States Embassy in Niamey, including whether*
6 *staff in place by the end of the current fiscal year will*
7 *be sufficient to meet various country and regional*
8 *strategic objectives.*

9 *(4) An overview of foreign partner support for*
10 *Niger’s intelligence and security sector.*

11 *(5) A detailed description of United States and*
12 *international efforts to address food insecurity in*
13 *Niger, including that which is caused by deforest-*
14 *ation, desertification, and other climate change-re-*
15 *lated issues.*

16 *(6) A breakdown of United States funds obli-*
17 *gated for humanitarian assistance in Niger, and an*
18 *analysis of how the security situation in Niger has af-*
19 *ected humanitarian operations and diplomatic en-*
20 *gagement throughout the country.*

21 *(7) An assessment of foreign malign influence in*
22 *Niger, with a specific focus on the People’s Republic*
23 *of China, the Russian Federation, and their proxies.*

1 (c) *FORM.*—*The report required by subsection (b) shall*
2 *be submitted in unclassified form, and may include a clas-*
3 *sified annex.*

4 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
5 *FINED.*—*In this section, the term “appropriate congres-*
6 *sional committees” means—*

7 (1) *the Committee on Foreign Affairs and the*
8 *Committee on Financial Services of the House of Rep-*
9 *resentatives; and*

10 (2) *the Committee on Foreign Relations and the*
11 *Committee on Banking, Housing, and Urban Affairs*
12 *of the Senate.*

13 **SEC. 5598. REPORT ON BILATERAL SECURITY AND LAW EN-**
14 **FORCEMENT COOPERATION WITH MEXICO.**

15 (a) *IN GENERAL.*—*Not later than 180 days after the*
16 *date of the enactment of this Act, the President shall submit*
17 *to the appropriate congressional committees a report that*
18 *includes the following:*

19 (1) *A description of past and current bilateral*
20 *security and law enforcement cooperation with Mex-*
21 *ico, including through United States Northern Com-*
22 *mand, the Department of Homeland Security, the De-*
23 *partment of Justice (including the Drug Enforcement*
24 *Administration), and the Department of State (in-*
25 *cluding the Bureau of International Narcotics and*

1 *Law Enforcement Affairs), including over the pre-*
2 *ceding 10 years.*

3 (2) *A summary of efforts of the Government of*
4 *Mexico to reduce impunity and strengthen judicial*
5 *processes for violent crimes and cartels across Mexico*
6 *and along the United States-Mexico border.*

7 (3) *A description and mapping of increasing*
8 *cartel control over Mexican territory and its impacts*
9 *on United States national security.*

10 (4) *An assessment of any changes in Mexico's*
11 *electoral and democratic institutions, including their*
12 *ability to ensure accountability for human rights vio-*
13 *lations, and its impacts on national security.*

14 (b) *FORM.—The report required by subsection (a) shall*
15 *be submitted in unclassified form, but may include a classi-*
16 *fied annex. The unclassified portion of such report shall be*
17 *published on a publicly available website of the Federal gov-*
18 *ernment.*

19 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
20 *FINED.—In this section, the term “appropriate congres-*
21 *sional committees” means—*

22 (1) *the congressional defense committees;*

23 (2) *the Committee on Foreign Relations, the Se-*
24 *lect Committee on Intelligence, the Committee on*

1 *Homeland Security and Governmental Affairs, and*
2 *the Committee on the Judiciary of the Senate; and*

3 *(3) the Committee on Foreign Affairs, the Per-*
4 *manent Select Committee on Intelligence, the Com-*
5 *mittee on Homeland Security, and the Committee on*
6 *the Judiciary of the House of Representatives.*

7 **SEC. 5599. REPORT ON CHINESE SUPPORT TO RUSSIA WITH**
8 **RESPECT TO ITS UNPROVOKED INVASION OF**
9 **AND FULL-SCALE WAR AGAINST UKRAINE.**

10 *(a) IN GENERAL.—Not later than 30 days after the*
11 *date of the enactment of this Act, and every 90 days there-*
12 *after until the sunset specified in subsection (d), the Sec-*
13 *retary of State, in consultation with the Secretary of Com-*
14 *merce and the Director of National Intelligence as appro-*
15 *priate, shall submit to the appropriate congressional com-*
16 *mittees a report on whether and how the People’s Republic*
17 *of China (PRC), including the Government of the PRC, the*
18 *Chinese Communist Party, any PRC state-owned enter-*
19 *prise, and any other PRC entity, has provided support to*
20 *the Russian Federation with respect to its unprovoked inva-*
21 *sion of and full-scale war against Ukraine.*

22 *(b) MATTERS TO BE INCLUDED.—The report required*
23 *by subsection (a) shall include a discussion of the support*
24 *provided by the PRC to the Russian Federation with respect*
25 *to—*

1 (1) *helping the Government of Russia or Russian*
2 *entities evade or circumvent United States sanctions*
3 *or multilateral sanctions and export controls;*

4 (2) *deliberately inhibiting on-site United States*
5 *Government export control end-use checks, including*
6 *interviews and investigations, in the PRC;*

7 (3) *providing Russia with any technology, in-*
8 *cluding semiconductors classified as EAR99, that sup-*
9 *ports Russian intelligence or military capabilities;*

10 (4) *establishing economic or financial arrange-*
11 *ments that will have the effect of alleviating the im-*
12 *port of United States sanctions or multilateral sanc-*
13 *tions;*

14 (5) *furthering Russia's disinformation and prop-*
15 *aganda efforts;*

16 (6) *coordinating to hinder the response of multi-*
17 *lateral organizations, including the United Nations,*
18 *to provide assistance to the people or Government of*
19 *Ukraine, to condemn Russia's war, to hold Russia ac-*
20 *countable for the invasion and its prosecution of the*
21 *war, or to hold those complicit accountable; and*

22 (7) *providing any material, technical, or*
23 *logistical support, including to Russian military or*
24 *intelligence agencies and state-owned or state-linked*
25 *enterprises.*

1 (c) *FORM.*—

2 (1) *IN GENERAL.*—*The report required by sub-*
3 *section (a) shall be submitted in unclassified form*
4 *and published on a publicly available website of the*
5 *Department of State.*

6 (2) *EXCEPTION.*—*If the Secretary, in consulta-*
7 *tion with the Director of National Intelligence, cer-*
8 *tifies to the appropriate congressional committees that*
9 *the Secretary is unable to include an element required*
10 *under any of paragraphs (1) through (7) of subsection*
11 *(b) in an unclassified manner, the Secretary shall*
12 *provide in unclassified form an affirmative or nega-*
13 *tive determination with respect to whether the Peo-*
14 *ple’s Republic of China is supporting the Russian*
15 *Federation in the manner described in each applica-*
16 *ble such paragraph and concurrently provide the dis-*
17 *cussion of that element to the appropriate congres-*
18 *sional committees at the lowest possible classification*
19 *level, consistent with the protection of sources and*
20 *methods.*

21 (d) *SUNSET.*—*The requirement to submit the report*
22 *under subsection (a) shall terminate on the earlier of—*

23 (1) *the date on which the Secretary of State de-*
24 *termines the conflict in Ukraine has ended; or*

1 (2) *the date that is 2 years after the date of the*
2 *enactment of this Act.*

3 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
4 *FINED.*—*In this section, the term “appropriate congres-*
5 *sional committees” means—*

6 (1) *the congressional defense committees;*

7 (2) *the Committee on Foreign Relations, the*
8 *Committee on Banking, Housing, and Urban Affairs,*
9 *and the Select Committee on Intelligence of the Sen-*
10 *ate; and*

11 (3) *the Committee on Foreign Affairs, the Com-*
12 *mittee on Ways and Means, and the Permanent Select*
13 *Committee on Intelligence of the House of Representa-*
14 *tives.*

15 **SEC. 5599A. FEASIBILITY STUDY ON UNITED STATES SUP-**
16 **PORT FOR AND PARTICIPATION IN THE**
17 **INTERNATIONAL COUNTERTERRORISM ACAD-**
18 **EMY IN CÔTE D’IVOIRE.**

19 (a) *STATEMENT OF POLICY.*—*It is the policy of the*
20 *United States to partner with West African governments*
21 *where possible to mitigate and counter growing regional in-*
22 *security resulting from the spread of armed conflict and ter-*
23 *rorism, including by providing assistance to train, equip,*
24 *and mentor West African security services to counter*

1 *threats to regional and national security through a whole-*
2 *of-government approach.*

3 **(b) FEASIBILITY STUDY.**—*Not later than 90 days after*
4 *the date of the enactment of this Act, the Secretary of State,*
5 *in consultation with the Secretary of Defense, shall conduct*
6 *a feasibility study regarding the provision of United States*
7 *assistance for infrastructure, training, equipment, and*
8 *other forms of support to institutionalize the International*
9 *Counterterrorism Academy (Académie Internationale de*
10 *Lutte Contre le Terrorisme or AILCT) in Jacqueville, Côte*
11 *d’Ivoire that—*

12 **(1)** *provides a legal analysis of existing authori-*
13 *ties to provide United States foreign assistance dedi-*
14 *cated to the development and establishment of AILCT*
15 *programs, initiatives, and infrastructure for the pur-*
16 *poses of training, equipping, and mentoring eligible*
17 *West African security services bilaterally or in coordi-*
18 *nation with partners and allies;*

19 **(2)** *identifies opportunities for the United States*
20 *to leverage and support the AILCT facility to pursue*
21 *national security interests in West Africa, the Sahel,*
22 *sub-Saharan Africa, and the strategic Atlantic Ocean*
23 *coastal and maritime environments, including*
24 *through training and research activities, infrastruc-*
25 *ture development, combatting transnational terrorist*

1 *and organized crime threats, and countering foreign*
2 *malign influence throughout the region; and*

3 (3) *assesses any planned and pledged contribu-*
4 *tions from other countries to ensure appropriate*
5 *sustainment of the facilities and burden sharing.*

6 (c) *FORMS.*—*The feasibility study required by sub-*
7 *section (b) shall be submitted in unclassified form, but may*
8 *contain a classified annex.*

9 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
10 *FINED.*—*In this section, the term “appropriate congres-*
11 *sional committees” means—*

12 (1) *the Committee on Foreign Relations, the*
13 *Committee on Armed Services, and the Committee on*
14 *Appropriations of the Senate; and*

15 (2) *the Committee on Foreign Affairs, the Com-*
16 *mittee on Armed Services, and the Committee on Ap-*
17 *propriations of the House of Representatives.*

18 **SEC. 5599B. CONSULTATIONS ON REUNITING KOREAN**
19 **AMERICANS WITH FAMILY MEMBERS IN**
20 **NORTH KOREA.**

21 (a) *CONSULTATIONS.*—

22 (1) *CONSULTATIONS WITH SOUTH KOREA.*—*The*
23 *Secretary of State, or a designee of the Secretary,*
24 *should consult with officials of South Korea, as ap-*
25 *propriate, on potential opportunities to reunite Ko-*

1 *rean American families with family members in*
2 *North Korea from which such Korean American fami-*
3 *lies were divided after the signing of the Korean War*
4 *Armistice Agreement, including potential opportuni-*
5 *ties for video reunions for Korean Americans with*
6 *such family members.*

7 (2) *CONSULTATIONS WITH KOREAN AMERI-*
8 *CANS.—The Special Envoy on North Korean Human*
9 *Rights Issues of the Department of State should regu-*
10 *larly consult with representatives of Korean Ameri-*
11 *cans who have family members in North Korea with*
12 *respect to efforts to reunite families divided after the*
13 *signing of the Korean War Armistice Agreement, in-*
14 *cluding potential opportunities for video reunions for*
15 *Korean Americans with such family members.*

16 (b) *REPORT.—Not later than 120 days after the date*
17 *of the enactment of this Act, and annually thereafter for*
18 *three years, the Secretary of State, acting through the Spe-*
19 *cial Envoy on North Korean Human Rights Issues or other*
20 *appropriate designee, shall submit to the Committee on For-*
21 *eign Affairs of the House of Representatives and the Com-*
22 *mittee on Foreign Relations of the Senate a report on the*
23 *consultations conducted pursuant to this section during the*
24 *preceding year.*

1 ***Subtitle I—Sense of Congress***
2 ***Provisions***

3 **SEC. 5599C. SENSE OF CONGRESS REGARDING THE STATUS**
4 **OF CHINA.**

5 *It is the sense of Congress that—*

6 (1) *the People’s Republic of China is a fully in-*
7 *dustrialized nation and no longer a developing na-*
8 *tion; and*

9 (2) *any international agreement that provides or*
10 *accords China a favorable status or treatment as a*
11 *“developing nation” should be updated to reflect the*
12 *status of China.*

13 **SEC. 5599D. SENSE OF CONGRESS REGARDING ISRAEL.**

14 *It is the sense of Congress that—*

15 (1) *since 1948, Israel has been one of the strong-*
16 *est friends and allies of the United States;*

17 (2) *Israel is a stable, democratic country in a re-*
18 *gion often marred by turmoil;*

19 (3) *it is essential to the strategic interest of the*
20 *United States to continue to offer security assistance*
21 *and related support to Israel; and*

22 (4) *such assistance and support is especially*
23 *vital as Israel confronts a number of potential chal-*
24 *lenges at the present time, including continuing*
25 *threats from Iran.*

1 **SEC. 5599E. SENSE OF CONGRESS RELATING TO THE NATO**
2 **PARLIAMENTARY ASSEMBLY.**

3 *It is the sense of Congress that the United States*
4 *should—*

5 *(1) proactively engage with the North Atlantic*
6 *Treaty Organization (NATO) Parliamentary Assem-*
7 *bly (PA) and its member delegations;*

8 *(2) communicate with and educate the public on*
9 *the benefits and importance of NATO and NATO PA;*
10 *and*

11 *(3) support increased inter-democracy and inter-*
12 *parliamentary cooperation on countering misin-*
13 *formation and disinformation.*

14 **SEC. 5599F. CONDEMNING DETENTION AND INDICTMENT**
15 **OF RUSSIAN OPPOSITION LEADER VLADIMIR**
16 **VLADIMIROVICH KARA-MURZA.**

17 *(a) FINDINGS.—Congress finds the following:*

18 *(1) Vladimir Vladimirovich Kara-Murza (re-*
19 *ferred to in this section as “Mr. Kara-Murza”) has*
20 *tirelessly worked for decades to advance the cause of*
21 *freedom, democracy, and human rights for the people*
22 *of the Russian Federation.*

23 *(2) In retaliation for his advocacy, two attempts*
24 *have been made on Mr. Kara-Murza’s life, as—*

1 (A) on May 26, 2015, Mr. Kara-Murza fell
2 ill with symptoms indicative of poisoning and
3 was hospitalized; and

4 (B) on February 2, 2017, he fell ill with
5 similar symptoms and was placed in a medi-
6 cally induced coma.

7 (3) Independent investigations conducted by
8 Bellingcat, the Insider, and Der Spiegel found that
9 the same unit of the Federal Security Service of the
10 Russian Federation responsible for poisoning Mr.
11 Kara-Murza was responsible for poisoning Russian
12 opposition leader Alexei Navalny and activists Timur
13 Kuashev, Ruslan Magomedragimov, and Nikita
14 Isayev.

15 (4) On February 24, 2022, Vladimir Putin
16 launched another unprovoked, unjustified, and illegal
17 invasion into Ukraine in contravention of the obliga-
18 tions freely undertaken by the Russian Federation to
19 respect the territorial integrity of Ukraine under the
20 Budapest Memorandum of 1994, the Minsk protocols
21 of 2014 and 2015, and international law.

22 (5) On March 5, 2022, Vladimir Putin signed a
23 law criminalizing the distribution of truthful state-
24 ments about the invasion of Ukraine by the Russian

1 *Federation and mandating up to 15 years in prison*
2 *for such offenses.*

3 (6) *Since February 24, 2022, Mr. Kara-Murza*
4 *has used his voice and platform to join more than*
5 *15,000 citizens of the Russian Federation in peace-*
6 *fully protesting the war against Ukraine and millions*
7 *more who silently oppose the war.*

8 (7) *On April 11, 2022, five police officers ar-*
9 *rested Mr. Kara-Murza in front of his home and de-*
10 *denied his right to an attorney, and the next day Mr.*
11 *Kara-Murza was sentenced to 15 days in prison for*
12 *disobeying a police order.*

13 (8) *On April 22, 2022, the Investigative Com-*
14 *mittee of the Russian Federation charged Mr. Kara-*
15 *Murza with violations under the law signed on March*
16 *5, 2022, for his fact-based statements condemning the*
17 *invasion of Ukraine by the Russian Federation.*

18 (9) *Mr. Kara-Murza was then placed into pre-*
19 *trial detention and ordered to be held until at least*
20 *June 12, 2022.*

21 (10) *If convicted of those charges, Mr. Kara-*
22 *Murza faces detention in a penitentiary system that*
23 *human rights nongovernmental organizations have*
24 *criticized for widespread torture, ill-treatment, and*
25 *suspicious deaths of prisoners.*

1 **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*
2 *that Congress—*

3 (1) *condemns the unjust detention and indicting*
4 *of Russian opposition leader Vladimir Vladimirovich*
5 *Kara-Murza, who has courageously stood up to op-*
6 *pression in the Russian Federation;*

7 (2) *expresses solidarity with Vladimir*
8 *Vladimirovich Kara-Murza, his family, and all indi-*
9 *viduals in the Russian Federation imprisoned for ex-*
10 *ercising their fundamental freedoms of speech, assem-*
11 *bly, and belief;*

12 (3) *urges the United States Government and*
13 *other allied governments to work to secure the imme-*
14 *diate release of Vladimir Vladimirovich Kara-Murza,*
15 *Alexei Navalny, and other citizens of the Russian*
16 *Federation imprisoned for opposing the regime of*
17 *Vladimir Putin and the war against Ukraine; and*

18 (4) *calls on the President to increase support*
19 *provided by the United States Government for those*
20 *advocating for democracy and independent media in*
21 *the Russian Federation, which Vladimir*
22 *Vladimirovich Kara-Murza has worked to advance.*

23 **SEC. 5599G. SENSE OF CONGRESS REGARDING DEVELOP-**
24 **MENT OF NUCLEAR WEAPONS BY IRAN.**

25 *Congress—*

1 (1) reiterates its commitment to ensuring Iran
2 will never acquire a nuclear weapon;

3 (2) supports the important work of the Inter-
4 national Atomic Energy Agency (IAEA) in safe-
5 guarding nuclear material around the globe;

6 (3) condemns Iran for its lack of transparency
7 and meaningful cooperation with the IAEA on the
8 unresolved matter of uranium particles discovered at
9 undeclared sites in Iran and additional escalatory ac-
10 tions related to its nuclear program; and

11 (4) applauds the IAEA Board of Governors' reso-
12 lution urging Iran's full cooperation with the IAEA
13 on outstanding safeguards issues on an urgent basis.

14 **TITLE LVI—TRANSPORTATION**
15 **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.

16 **SEC. 5601. DESIGNATION OF SMALL STATE AND RURAL AD-**
17 **VOCATE.**

18 (a) *IN GENERAL.*—Section 326(c) of the Robert T.
19 Stafford Disaster Relief and Emergency Assistance Act (42
20 U.S.C. 5165d) is amended—

21 (1) by striking “and” at the end of paragraph

22 (2);

1 (2) by redesignating paragraph (3) as para-
2 graph (4); and

3 (3) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) assist States in the collection and presen-
6 tation of material in the disaster or emergency dec-
7 laration request relevant to demonstrate severe local-
8 ized impacts within the State for a specific incident,
9 including—

10 “(A) the per capita personal income by
11 local area, as calculated by the Bureau of Eco-
12 nomic Analysis;

13 “(B) the disaster impacted population pro-
14 file, as reported by the Bureau of the Census, in-
15 cluding—

16 “(i) the percentage of the population
17 for whom poverty status is determined;

18 “(ii) the percentage of the population
19 already receiving Government assistance
20 such as Supplemental Security Income and
21 Supplemental Nutrition Assistance Pro-
22 gram benefits;

23 “(iii) the pre-disaster unemployment
24 rate;

1 “(iv) the percentage of the population
2 that is 65 years old and older;

3 “(v) the percentage of the population
4 18 years old and younger;

5 “(vi) the percentage of the population
6 with a disability;

7 “(vii) the percentage of the population
8 who speak a language other than English
9 and speak English less than ‘very well’; and

10 “(viii) any unique considerations re-
11 garding American Indian and Alaskan Na-
12 tive Tribal populations raised in the State’s
13 request for a major disaster declaration that
14 may not be reflected in the data points ref-
15 erenced in this subparagraph;

16 “(C) the impact to community infrastruc-
17 ture, including—

18 “(i) disruptions to community life-sav-
19 ing and life-sustaining services;

20 “(ii) disruptions or increased demand
21 for essential community services; and

22 “(iii) disruptions to transportation,
23 infrastructure, and utilities; and

24 “(D) any other information relevant to
25 demonstrate severe local impacts; and”.

1 **(b) GAO REVIEW OF A FINAL RULE.—**

2 **(1) IN GENERAL.—***The Comptroller General of*
3 *the United States shall conduct a review of the Fed-*
4 *eral Emergency Management Agency’s implementa-*
5 *tion of its final rule, published on March 21, 2019,*
6 *amending section 206.48(b) of title 44, Code of Fed-*
7 *eral Regulations (regarding factors considered when*
8 *evaluating a Governor’s request for a major disaster*
9 *declaration), which revised the factors that the Agency*
10 *considers when evaluating a Governor’s request for a*
11 *major disaster declaration authorizing individual as-*
12 *sistance under the Robert T. Stafford Disaster Relief*
13 *and Emergency Assistance Act (42 U.S.C. 5121 et*
14 *seq).*

15 **(2) SCOPE.—***The review required under para-*
16 *graph (1) shall include the following:*

17 **(A)** *An assessment of the criteria used by*
18 *the Agency to assess individual assistance re-*
19 *quests following a major disaster declaration au-*
20 *thorizing individual assistance.*

21 **(B)** *An assessment of the consistency with*
22 *which the Agency uses the updated Individual*
23 *Assistance Declaration Factors when assessing*
24 *the impact of individual communities after a*
25 *major disaster declaration.*

1 (C) *An assessment of the impact, if any, of*
2 *using the updated Individual Assistance Dec-*
3 *laration Factors has had on equity in disaster*
4 *recovery outcomes.*

5 (D) *Recommendations to improve the use of*
6 *the Individual Assistance Declaration Factors to*
7 *increase equity in disaster recovery outcomes.*

8 (3) *REPORT.—Not later than 1 year after the*
9 *date of enactment of this Act, the Comptroller General*
10 *shall submit to the Committee on Transportation and*
11 *Infrastructure of the House of Representatives and the*
12 *Committee on Homeland Security and Governmental*
13 *Affairs of the Senate a report on the review required*
14 *under this section.*

15 **SEC. 5602. FLEXIBILITY.**

16 (a) *IN GENERAL.—Section 1216(a) of the Disaster Re-*
17 *covery Reform Act of 2018 (42 U.S.C. 5174a(a)) is amend-*
18 *ed—*

19 (1) *by amending paragraph (2)(A) to read as*
20 *follows:*

21 “(A) *except as provided in subparagraph*
22 *(B), shall—*

23 “(i) *waive a debt owed to the United*
24 *States related to covered assistance provided*
25 *to an individual or household if the covered*

1 *assistance was distributed based on an error*
2 *by the Agency and such debt shall be con-*
3 *strued as a hardship; and*

4 “(ii) *waive a debt owed to the United*
5 *States related to covered assistance provided*
6 *to an individual or household if such assist-*
7 *ance is subject to a claim or legal action,*
8 *including in accordance with section of the*
9 *Robert T. Stafford Disaster Relief and*
10 *Emergency Assistance Act (42 U.S.C. 5160);*
11 *and”;* and

12 (2) *in paragraph (3)(B)—*

13 (A) *by striking “Removal of” and inserting*
14 *“Report on”;* and

15 (B) *in clause (i) by striking “the authority*
16 *of the Administrator to waive debt under para-*
17 *graph (2) shall no longer be effective” and insert-*
18 *ing “the Administrator shall report to the Com-*
19 *mittee on Transportation and Infrastructure of*
20 *the House of Representatives and the Committee*
21 *on Homeland Security and Governmental Af-*
22 *airs of the Senate actions that the Adminis-*
23 *trator will take to reduce the error rate”.*

24 (b) *REPORT TO CONGRESS.—The Administrator of the*
25 *Federal Emergency Management Agency shall submit to the*

1 *Committee on Transportation and Infrastructure of the*
2 *House of Representatives and the Committee on Homeland*
3 *Security and Governmental Affairs of the Senate a report*
4 *containing a description of the internal processes used to*
5 *make decisions regarding the distribution of covered assist-*
6 *ance under section 1216 of the Disaster Recovery and Re-*
7 *form Act of 2018 (42 U.S.C. a) and any changes made to*
8 *such processes.*

9 **SEC. 5603. PRELIMINARY DAMAGE ASSESSMENT.**

10 (a) *FINDINGS.—Congress finds the following:*

11 (1) *Preliminary damage assessments play a crit-*
12 *ical role in assessing and validating the impact and*
13 *magnitude of a disaster.*

14 (2) *Through the preliminary damage assessment*
15 *process, representatives from the Federal Emergency*
16 *Management Agency validate information gathered by*
17 *State and local officials that serves as the basis for*
18 *disaster assistance requests.*

19 (3) *Various factors can impact the duration of a*
20 *preliminary damage assessment and the cor-*
21 *responding submission of a major disaster request,*
22 *however, the average time between when a disaster oc-*
23 *currs, and the submission of a corresponding disaster*
24 *request has been found to be approximately twenty*
25 *days longer for flooding disasters.*

1 (4) *With communities across the country facing*
2 *increased instances of catastrophic flooding and other*
3 *extreme weather events, accurate and efficient pre-*
4 *liminary damage assessments have become critically*
5 *important to the relief process for impacted States*
6 *and municipalities.*

7 **(b) REPORT TO CONGRESS.—**

8 (1) *IN GENERAL.—Not later than 90 days after*
9 *the date of enactment of this Act, the Administrator*
10 *of the Federal Emergency Management Agency shall*
11 *submit to Congress a report describing the prelimi-*
12 *nary damage assessment process, as supported by the*
13 *Federal Emergency Management Agency in the 5*
14 *years before the date of enactment of this Act.*

15 (2) *CONTENTS.—The report described in para-*
16 *graph (1) shall contain the following:*

17 (A) *The process of the Federal Emergency*
18 *Management Agency for deploying personnel to*
19 *support preliminary damage assessments.*

20 (B) *The number of Agency staff partici-*
21 *parting on disaster assessment teams.*

22 (C) *The training and experience of such*
23 *staff described in subparagraph (B).*

1 (D) *A calculation of the average amount of*
2 *time disaster assessment teams described in sub-*
3 *paragraph (A) are deployed to a disaster area.*

4 (E) *The efforts of the Agency to maintain a*
5 *consistent liaison between the Agency and State,*
6 *local, tribal, and territorial officials within a*
7 *disaster area.*

8 (c) *PRELIMINARY DAMAGE ASSESSMENT.—*

9 (1) *IN GENERAL.—Not later than 6 months after*
10 *the date of enactment of this Act, the Administrator*
11 *of the Federal Emergency Management Agency shall*
12 *convene an advisory panel consisting of emergency*
13 *management personnel employed by State, local, ter-*
14 *ritorial, or tribal authorities, and the representative*
15 *organizations of such personnel to assist the Agency*
16 *in improving critical components of the preliminary*
17 *damage assessment process.*

18 (2) *MEMBERSHIP.—*

19 (A) *IN GENERAL.—This advisory panel*
20 *shall consist of at least 2 representatives from*
21 *national emergency management organizations*
22 *and at least 1 representative from each of the 10*
23 *regions of the Federal Emergency Management*
24 *Agency, selected from emergency management*

1 *personnel employed by State, local, territorial, or*
2 *tribal authorities within each region.*

3 *(B) INCLUSION ON PANEL.—To the furthest*
4 *extent practicable, representation on the advisory*
5 *panel shall include emergency management per-*
6 *sonnel from both rural and urban jurisdictions.*

7 *(3) CONSIDERATIONS.—The advisory panel con-*
8 *vened under paragraph (1) shall—*

9 *(A) consider—*

10 *(i) establishing a training regime to*
11 *ensure preliminary damage assessments are*
12 *conducted and reviewed under consistent*
13 *guidelines;*

14 *(ii) utilizing a common technological*
15 *platform to integrate data collected by State*
16 *and local governments with data collected*
17 *by the Agency; and*

18 *(iii) assessing instruction materials*
19 *provided by the Agency for omissions of per-*
20 *tinent information or language that con-*
21 *flicts with other statutory requirements; and*

22 *(B) identify opportunities for streamlining*
23 *the consideration of preliminary damage assess-*
24 *ments by the Agency, including eliminating du-*
25 *plicative paperwork requirements and ensuring*

1 *consistent communication and decision making*
2 *among Agency staff.*

3 (4) *INTERIM REPORT.*—*Not later than 18 months*
4 *after the date of enactment of this Act, the Adminis-*
5 *trator shall submit to Congress a report regarding the*
6 *findings of the advisory panel, steps that will be un-*
7 *dertaken by the Agency to implement the findings of*
8 *the advisory panel, and additional legislation that*
9 *may be necessary to implement the findings of the ad-*
10 *visory panel.*

11 (5) *RULEMAKING AND FINAL REPORT.*—*Not later*
12 *than 2 years after the date of enactment of this Act,*
13 *the Administrator shall issue such regulations as are*
14 *necessary to implement the recommendations of the*
15 *advisory panel and submit to Congress a report dis-*
16 *cussing—*

17 (A) *the implementation of recommendations*
18 *from the advisory panel;*

19 (B) *the identification of any additional*
20 *challenges to the preliminary damage assessment*
21 *process, including whether specific disasters re-*
22 *sult in longer preliminary damage assessments;*
23 *and*

1 (C) any additional legislative recommenda-
2 tions necessary to improve the preliminary dam-
3 age assessment process.

4 **SEC. 5604. LETTER OF DEVIATION AUTHORITY.**

5 A flight instructor, registered owner, lessor, or lessee
6 of an aircraft shall not be required to obtain a letter of
7 deviation authority from the Administrator of the Federal
8 Aviation Administration to allow, conduct or receive flight
9 training, checking, and testing in an experimental aircraft
10 if—

11 (1) the flight instructor is not providing both the
12 training and the aircraft;

13 (2) no person advertises or broadly offers the air-
14 craft as available for flight training, checking, or test-
15 ing; and

16 (3) no person receives compensation for use of
17 the aircraft for a specific flight during which flight
18 training, checking, or testing was received, other than
19 expenses for owning, operating, and maintaining the
20 aircraft.

21 **SEC. 5605. RECOGNIZING FEMA SUPPORT.**

22 Congress finds the following:

23 (1) The Federal Emergency Management Agency
24 provides vital support to communities and disaster
25 survivors in the aftermath of major disasters, includ-

1 *ing housing assistance for individuals and families*
 2 *displaced from their homes.*

3 *(2) The Federal Emergency Management Agency*
 4 *should be encouraged to study the idea integrating*
 5 *collapsible shelters for appropriate non-congregate*
 6 *sheltering needs into the disaster preparedness stock-*
 7 *pile.*

8 **TITLE LVII—FINANCIAL**
 9 **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.

10 **SEC. 5701. UNITED STATES POLICY ON WORLD BANK GROUP**
 11 **AND ASIAN DEVELOPMENT BANK ASSISTANCE**
 12 **TO THE PEOPLE'S REPUBLIC OF CHINA.**

13 *(a) IN GENERAL.—Title XVI of the International Fi-*
 14 *nancial Institutions Act (22 U.S.C. 262p et seq.) is amend-*
 15 *ed by adding at the end the following:*

1 **“SEC. 1632. 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.—The Secretary of the Treasury*
6 *shall instruct the United States Executive Director at each*
7 *international financial institution of the World Bank*
8 *Group and at the Asian Development Bank to use the voice*
9 *and vote of the United States at the respective institution*
10 *to vote against the provision of any loan, extension of finan-*
11 *cial assistance, or technical assistance to the People’s Re-*
12 *public of China unless the Secretary of the Treasury has*
13 *certified to the appropriate congressional committees that—*

14 *“(1) the Government of the People’s Republic of*
15 *China and any lender owned or controlled by the*
16 *Government of the People’s Republic of China have*
17 *demonstrated a commitment—*

18 *“(A) to the rules and principles of the Paris*
19 *Club, or of other similar coordinated multilateral*
20 *initiatives on debt relief and debt restructuring*
21 *in which the United States participates, includ-*
22 *ing with respect to debt transparency and appro-*
23 *priate burden-sharing among all creditors;*

24 *“(B) to the practice of presumptive public*
25 *disclosure of the terms and conditions on which*
26 *they extend credit to other governments (without*

1 *regard to the form of any such extension of cred-*
2 *it);*

3 “(C) *not to enforce any agreement terms*
4 *that may impair their own or the borrowers’ ca-*
5 *capacity fully to implement any commitment de-*
6 *scribed in subparagraph (A) or (B); and*

7 “(D) *not to enter into any agreement con-*
8 *taining terms that may impair their own or the*
9 *borrowers’ capacity fully to implement any com-*
10 *mitment described in subparagraph (A) or (B);*
11 *or*

12 “(2) *the loan or assistance is important to the*
13 *national interest of the United States, as described in*
14 *a detailed explanation by the Secretary to accompany*
15 *the certification.*

16 “(b) *DEFINITIONS.—In this section:*

17 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
18 *TEES.—The term ‘appropriate congressional commit-*
19 *tees’ means the Committee on Financial Services of*
20 *the House of Representatives and the Committee on*
21 *Foreign Relations of the Senate.*

22 “(2) *WORLD BANK GROUP.—The term ‘World*
23 *Bank Group’ means the International Bank for Re-*
24 *construction and Development, the International De-*
25 *velopment Association, the International Finance*

1 *Corporation, and the Multilateral Investment Guar-*
2 *antee Agency.”.*

3 (b) *SUNSET.—The amendment made by subsection (a)*
4 *is repealed effective on the date that is 7 years after the*
5 *effective date of this section.*

6 **SEC. 5702. SUPPORT FOR INTERNATIONAL INITIATIVES TO**
7 **PROVIDE DEBT RESTRUCTURING OR RELIEF**
8 **TO DEVELOPING COUNTRIES WITH**
9 **UNSUSTAINABLE LEVELS OF DEBT.**

10 (a) *IN GENERAL.—Title XVI of the International Fi-*
11 *ancial Institutions Act (22 U.S.C. 262p et seq.), as amend-*
12 *ed by section 5701, is further amended by adding at the*
13 *end the following:*

14 **“SEC. 1633. SUPPORT FOR INTERNATIONAL INITIATIVES TO**
15 **PROVIDE DEBT RESTRUCTURING OR RELIEF**
16 **TO DEVELOPING COUNTRIES WITH**
17 **UNSUSTAINABLE LEVELS OF DEBT.**

18 *“(a) DEBT RELIEF.—The Secretary of the Treasury,*
19 *in consultation with the Secretary of State, shall—*

20 *“(1) engage with international financial institu-*
21 *tions, the G20, and official and commercial creditors*
22 *to advance support for prompt and effective imple-*
23 *mentation and improvement of the Common Frame-*
24 *work for Debt Treatments beyond the DSSI (in this*
25 *section referred to as the ‘Common Framework’), or*

1 *any successor framework or similar coordinated inter-*
2 *national debt treatment process in which the United*
3 *States participates through the establishment and*
4 *publication of clear and accountable—*

5 “(A) *debt treatment benchmarks designed to*
6 *achieve debt sustainability for each participating*
7 *debtor;*

8 “(B) *standards for appropriate burden-*
9 *sharing among all creditors with material claims*
10 *on each participating debtor, without regard for*
11 *their official, private, or hybrid status;*

12 “(C) *robust debt disclosure by creditors, in-*
13 *cluding the People’s Republic of China, and debt-*
14 *or countries, including inter-creditor data-shar-*
15 *ing and, to the maximum extent practicable,*
16 *public disclosure of material terms and condi-*
17 *tions of claims on participating debtors;*

18 “(D) *expansion of Common Framework*
19 *country eligibility to lower middle-income coun-*
20 *tries who otherwise meet the existing criteria;*

21 “(E) *improvements to the Common Frame-*
22 *work process with the aim of ensuring access to*
23 *debt relief in a timely manner for those countries*
24 *eligible and who request treatment; and*

1 “(F) consistent enforcement and improve-
2 ment of the policies of multilateral institutions
3 relating to asset-based and revenue-based bor-
4 rowing by participating debtors, and coordi-
5 nated standards on restructuring collateralized
6 debt;

7 “(2) engage with international financial institu-
8 tions and official and commercial creditors to ad-
9 vance support, as the Secretary finds appropriate, for
10 debt restructuring or debt relief for each participating
11 debtor, including, on a case-by-case basis, a debt
12 standstill, if requested by the debtor country through
13 the Common Framework process from the time of con-
14 clusion of a staff-level agreement with the Inter-
15 national Monetary Fund, and until the conclusion of
16 a memorandum of understanding with its creditor
17 committee pursuant to the Common Framework, or
18 any successor framework or similar coordinated inter-
19 national debt treatment process in which the United
20 States participates; and

21 “(3) instruct the United States Executive Direc-
22 tor at the International Monetary Fund and the
23 United States Executive Director at the World Bank
24 to use the voice and vote of the United States to ad-
25 vance the efforts described in paragraphs (1) and (2).

1 “(b) *REPORTING REQUIREMENT.*—Not later than 120
2 *days after the date of the enactment of this section, and*
3 *annually thereafter, the Secretary of the Treasury, in co-*
4 *ordination with the Secretary of State, shall submit to the*
5 *Committees on Banking, Housing, and Urban Affairs and*
6 *Foreign Relations of the Senate and the Committees on Fi-*
7 *ancial Services and Foreign Affairs of the House of Rep-*
8 *resentatives a report that describes—*

9 “(1) *any actions that have been taken, in coordi-*
10 *nation with international financial institutions, by*
11 *official creditors, including the government of, and*
12 *state-owned enterprises in, the People’s Republic of*
13 *China, and relevant commercial creditor groups to*
14 *advance debt restructuring or relief for countries with*
15 *unsustainable debt that have sought restructuring or*
16 *relief under the Common Framework, any successor*
17 *framework or mechanism, or under any other coordi-*
18 *nated international arrangement for sovereign debt*
19 *restructuring in which the United States participates;*

20 “(2) *any implementation challenges that hinder*
21 *the ability of the Common Framework to provide*
22 *timely debt restructuring for any country with*
23 *unsustainable debt that seeks debt restructuring or*
24 *debt payment relief, including any refusal of a cred-*
25 *itor to participate in appropriate burden-sharing, in-*

1 *cluding failure to share (or publish, as appropriate)*
2 *all material information needed to assess debt sus-*
3 *tainability; and*

4 *“(3) recommendations on how to address any*
5 *challenges identified in paragraph (2).”.*

6 *(b) SUNSET.—The amendment made by subsection (a)*
7 *is repealed effective on the date that is 5 years after the*
8 *effective date of this section.*

9 **SEC. 5703. UKRAINE DEBT PAYMENT RELIEF.**

10 *(a) SUSPENSION OF MULTILATERAL DEBT PAYMENTS*
11 *OF UKRAINE.—*

12 *(1) UNITED STATES POSITION IN THE INTER-*
13 *NATIONAL FINANCIAL INSTITUTIONS.—The Secretary*
14 *of the Treasury shall instruct the United States Exec-*
15 *utive Director at each international financial institu-*
16 *tion (as defined in section 1701(c)(2) of the Inter-*
17 *national Financial Institutions Act) to use the voice,*
18 *vote, and influence of the United States to advocate*
19 *that the respective institution immediately provide*
20 *appropriate debt service relief to Ukraine.*

21 *(2) OFFICIAL BILATERAL AND COMMERCIAL DEBT*
22 *SERVICE PAYMENT RELIEF.—The Secretary of the*
23 *Treasury, working in coordination with the Secretary*
24 *of State, shall commence immediate efforts with other*
25 *governments and commercial creditor groups, through*

1 *the Paris Club of Official Creditors and other bilat-*
2 *eral and multilateral frameworks, both formal and*
3 *informal, to pursue comprehensive debt payment re-*
4 *lief for Ukraine.*

5 (3) *MULTILATERAL FINANCIAL SUPPORT FOR*
6 *UKRAINE.—The Secretary of the Treasury shall direct*
7 *the United States Executive Director at each inter-*
8 *national financial institution (as defined in section*
9 *1701(c)(2) of the International Financial Institutions*
10 *Act) to use the voice and vote of the United States to*
11 *support, to the extent practicable, the provision of*
12 *concessional financial assistance for Ukraine.*

13 (4) *MULTILATERAL FINANCIAL SUPPORT FOR*
14 *REFUGEES.—The Secretary of the Treasury shall di-*
15 *rect the United States Executive Director at each*
16 *international financial institution (as defined in sec-*
17 *tion 1701(c)(2) of the International Financial Insti-*
18 *tutions Act) to use the voice and vote of the United*
19 *States to seek to provide economic support for refugees*
20 *from Ukraine, including refugees of African and*
21 *Asian descent, and for countries receiving refugees*
22 *from Ukraine that are eligible for assistance from the*
23 *multilateral development banks.*

24 (b) *REPORT TO THE CONGRESS.—Not later than De-*
25 *cember 31 of each year, the President shall—*

1 (1) *submit to the Committees on Financial Serv-*
2 *ices, on Appropriations, and on Foreign Affairs of the*
3 *House of Representatives and the Committees on For-*
4 *oreign Relations and on Appropriations of the Senate,*
5 *a report on the activities undertaken under this sec-*
6 *tion; and*

7 (2) *make public a copy of the report.*

8 (c) *WAIVER AND TERMINATION.—*

9 (1) *WAIVER.—The President may waive the ap-*
10 *plication of this section if the President determines*
11 *that a waiver is in the national interest of the United*
12 *States and reports to the Congress an explanation of*
13 *the reasons therefor.*

14 (2) *TERMINATION.—This section shall have no*
15 *force or effect on the earlier of—*

16 (A) *the date that is 7 years after the date*
17 *of the enactment of this Act; or*

18 (B) *the date that is 30 days after the date*
19 *on which the President reports to Congress that*
20 *the Government of the Russian Federation has*
21 *ceased its destabilizing activities with respect to*
22 *the sovereignty and territorial integrity of*
23 *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 the*
5 *Russian Federation, to the maximum extent practicable,*
6 *from participation in meetings, proceedings, and other ac-*
7 *tivities 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 Treasury,*
17 *the Board of Governors of the Federal Reserve System, and*
18 *the Securities and Exchange Commission, as the case may*
19 *be, shall take all necessary steps to advance the policy set*
20 *forth in subsection (a).*

21 (c) *TERMINATION.*—*This section shall have no force or*
22 *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 Gov-*

1 *ernment of the Russian Federation has ceased its de-*
2 *stabilizing activities with respect to the sovereignty*
3 *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 19*
10 *of the Federal Deposit Insurance Act (12 U.S.C. 1829) is*
11 *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 re-*
24 *leased 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 of*
4 *age or younger, subsection (a) shall not apply to*
5 *the offense if it has been more than 30 months*
6 *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 respect*
11 *to an individual, subsection (a) shall not apply to an*
12 *offense if—*

13 “(A) *there is an order of expungement, seal-*
14 *ing, or dismissal that has been issued in regard*
15 *to the conviction in connection with such offense;*
16 *and*

17 “(B) *it is intended by the language in the*
18 *order itself, or in the legislative provisions under*
19 *which the order was issued, that the conviction*
20 *shall be destroyed or sealed from the individual’s*
21 *State, Tribal, or Federal record, even if excep-*
22 *tions allow the record to be considered for certain*
23 *character and fitness evaluation purposes.*

24 “(3) *DE MINIMIS EXEMPTION.*—

1 “(A) *IN GENERAL.*—Subsection (a) shall not
2 apply to such *de minimis* offenses as the Cor-
3 poration 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 a
16 particular jurisdiction or was required to
17 report occasionally to an individual or a
18 specific location.

19 “(C) *BAD CHECK CRITERIA.*—In setting the
20 criteria for *de minimis* offenses under subpara-
21 graph (A), if the Corporation establishes criteria
22 with respect to insufficient funds checks, the Cor-
23 poration shall require that the aggregate total
24 face value of all insufficient funds checks across

1 *all convictions or program entries related to in-*
2 *sufficient funds checks is \$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 of-*
8 *fenses as the Corporation may designate) if 1*
9 *year or more has passed since the applicable con-*
10 *viction or program entry.”; and*

11 *(2) by adding at the end the following:*

12 “(f) *CONSENT APPLICATIONS.*—

13 “(1) *IN GENERAL.*—*The Corporation shall accept*
14 *consent applications from an individual and from an*
15 *insured depository institution or depository institu-*
16 *tion holding company on behalf of an individual that*
17 *are filed separately or contemporaneously with a re-*
18 *gional office of the Corporation.*

19 “(2) *SPONSORED APPLICATIONS FILED WITH RE-*
20 *GIONAL OFFICES.*—*Consent applications filed at a re-*
21 *gional office of the Corporation by an insured depository*
22 *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 of-
2 fice, if such authority has been delegated to such
3 office by the Corporation; and

4 “(C) may only be denied by such office if
5 the general counsel of the Corporation (or a des-
6 ignee) certifies that the denial is consistent with
7 this section.

8 “(3) *INDIVIDUAL APPLICATIONS FILED WITH RE-*
9 *REGIONAL OFFICES.*—Consent applications filed at a re-
10 gional office by an individual—

11 “(A) shall be reviewed by such office; and

12 “(B) may be approved or denied by such of-
13 fice, if such authority has been delegated to such
14 office by the Corporation, except with respect
15 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 Corpora-
20 tion.

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 shall
6 make all forms and instructions related to con-
7 sent applications available to the public, includ-
8 ing 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 that
14 may support a finding of rehabilitation.

15 “(6) CONSIDERATION OF CRIMINAL HISTORY.—

16 “(A) REGIONAL OFFICE CONSIDERATION.—
17 In reviewing a consent application, a regional
18 office shall—

19 “(i) primarily rely on the criminal
20 history 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 Corporation
25 may not require an applicant to provide cer-

1 *tified copies of criminal history records unless*
2 *the Corporation determines that there is a clear*
3 *and compelling justification to require addi-*
4 *tional information to verify the accuracy of the*
5 *criminal history record of the Federal Bureau of*
6 *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 pro-*
15 *gram entry, the time that has elapsed since con-*
16 *viction or program entry, and the relationship of*
17 *individual’s offense to the responsibilities of the*
18 *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 lo-
11 cation) and across positions, except that the prior
12 consent of the Corporation (which may require a new
13 application) shall be required for any proposed sig-
14 nificant changes in the individual’s security-related
15 duties or responsibilities, such as promotion to an of-
16 ficer or other positions that the employer determines
17 will require higher security screening credentials.

18 “(9) COORDINATION WITH THE NCUA.—In car-
19 rying out this section, the Corporation shall consult
20 and coordinate with the National Credit Union Ad-
21 ministration as needed to promote consistent imple-
22 mentation where appropriate.

23 “(g) DEFINITIONS.—In this section:

24 “(1) CONSENT APPLICATION.—The term ‘consent
25 application’ means an application filed with Cor-

1 *poration by an individual (or by an insured deposi-*
2 *tory institution or depository institution holding*
3 *company on behalf of an individual) seeking the writ-*
4 *ten consent of the Corporation under subsection*
5 *(a)(1).*

6 “(2) *CRIMINAL OFFENSE INVOLVING DISHON-*
7 *ESTY.—The term ‘criminal offense involving dishon-*
8 *esty’—*

9 “(A) *means an offense under which an indi-*
10 *vidual, directly or indirectly—*

11 “(i) *cheats or defrauds; or*

12 “(ii) *wrongfully takes property belong-*
13 *ing to another in violation of a criminal*
14 *statute;*

15 “(B) *includes an offense that Federal, State,*
16 *or local law defines as dishonest, or for which*
17 *dishonesty is an element of the offense; and*

18 “(C) *does not include—*

19 “(i) *a misdemeanor criminal offense*
20 *committed more than one year before the*
21 *date on which an individual files a consent*
22 *application, excluding any period of incar-*
23 *ceration; or*

24 “(ii) *an offense involving the posses-*
25 *sion of controlled substances.*

1 “(3) *PRETRIAL DIVERSION OR SIMILAR PRO-*
2 *GRAM.*—*The term ‘pretrial diversion or similar pro-*
3 *gram’ means a program characterized by a suspen-*
4 *sion or eventual dismissal or reversal of charges or*
5 *criminal prosecution upon agreement by the accused*
6 *to restitution, drug or alcohol rehabilitation, anger*
7 *management, or community service.’”.*

8 (b) *FEDERAL CREDIT UNION ACT.*—*Section 205(d) of*
9 *the Federal Credit Union Act (12 U.S.C. 1785(d)) is*
10 *amended by adding at the end the following:*

11 “(4) *EXCEPTIONS.*—

12 “(A) *CERTAIN OLDER OFFENSES.*—

13 “(i) *IN GENERAL.*—*With respect to an*
14 *individual, paragraph (1) shall not apply*
15 *to an offense if—*

16 “(I) *it has been 7 years or more*
17 *since the offense occurred; or*

18 “(II) *the individual was incarcer-*
19 *ated with respect to the offense and it*
20 *has been 5 years or more since the in-*
21 *dividual was released from incarcer-*
22 *ation.*

23 “(ii) *OFFENSES COMMITTED BY INDI-*
24 *VIDUALS 21 OR YOUNGER.*—*For individuals*
25 *who committed an offense when they were*

1 *21 years of age or younger, paragraph (1)*
2 *shall not apply to the offense if it has been*
3 *more than 30 months since the sentencing*
4 *occurred.*

5 “(iii) *LIMITATION.*—*This subpara-*
6 *graph shall not apply to an offense de-*
7 *scribed under paragraph (1)(B).*

8 “(B) *EXPUNGEMENT AND SEALING.*—*With*
9 *respect to an individual, paragraph (1) shall not*
10 *apply to an offense if—*

11 “(i) *there is an order of expungement,*
12 *sealing, or dismissal that has been issued in*
13 *regard to the conviction in connection with*
14 *such offense; and*

15 “(ii) *it is intended by the language in*
16 *the order itself, or in the legislative provi-*
17 *sions under which the order was issued, that*
18 *the conviction shall be destroyed or sealed*
19 *from the individual’s State, Tribal, or Fed-*
20 *eral record, even if exceptions allow the*
21 *record to be considered for certain character*
22 *and fitness evaluation purposes.*

23 “(C) *DE MINIMIS EXEMPTION.*—

1 “(i) *IN GENERAL.*—Paragraph (1)
2 *shall not apply to such de minimis offenses*
3 *as the Board determines, by rule.*

4 “(ii) *CONFINEMENT CRITERIA.*—*In*
5 *issuing rules under clause (i), the Board*
6 *shall include a requirement that the offense*
7 *was punishable by a term of three years or*
8 *less confined in a correctional facility,*
9 *where such confinement—*

10 “(I) *is calculated based on the*
11 *time an individual spent incarcerated*
12 *as a punishment or a sanction, not as*
13 *pretrial detention; and*

14 “(II) *does not include probation*
15 *or parole where an individual was re-*
16 *stricted to a particular jurisdiction or*
17 *was required to report occasionally to*
18 *an individual or a specific location.*

19 “(iii) *BAD CHECK CRITERIA.*—*In set-*
20 *ting the criteria for de minimis offenses*
21 *under clause (i), if the Board establishes*
22 *criteria with respect to insufficient funds*
23 *checks, the Board shall require that the ag-*
24 *gregate total face value of all insufficient*
25 *funds checks across all convictions or pro-*

1 *gram entries related to insufficient funds*
2 *checks is \$2,000 or less.*

3 “(iv) *DESIGNATED LESSER OF-*
4 *FENSES.—Paragraph (1) shall not apply to*
5 *certain lesser offenses (including the use of*
6 *a fake ID, shoplifting, trespass, fare eva-*
7 *sion, driving with an expired license or tag,*
8 *and such other low-risk offenses as the*
9 *Board may designate) if 1 year or more has*
10 *passed since the applicable conviction or*
11 *program entry.*

12 “(5) *CONSENT APPLICATIONS.—*

13 “(A) *IN GENERAL.—The Board shall accept*
14 *consent applications from an individual and*
15 *from an insured credit union on behalf of an in-*
16 *dividual that are filed separately or contempora-*
17 *neously with a regional office of the Board.*

18 “(B) *SPONSORED APPLICATIONS FILED*
19 *WITH REGIONAL OFFICES.—Consent applications*
20 *filed at a regional office of the Board by an in-*
21 *sured credit union on behalf of an individual—*

22 “(i) *shall be reviewed by such office;*

23 “(ii) *may be approved or denied by*
24 *such office, if such authority has been dele-*
25 *gated to such office by the Board; and*

1 “(iii) may only be denied by such of-
2 fice if the general counsel of the Board (or
3 a designee) certifies that the denial is con-
4 sistent with this section.

5 “(C) *INDIVIDUAL APPLICATIONS FILED*
6 *WITH REGIONAL OFFICES.*—Consent applications
7 filed at a regional office by an individual—

8 “(i) shall be reviewed by such office;
9 and

10 “(ii) may be approved or denied by
11 such office, if such authority has been dele-
12 gated to such office by the Board, except
13 with respect to—

14 “(I) cases involving an offense de-
15 scribed under paragraph (1)(B); and

16 “(II) such other high-level security
17 cases as may be designated by the
18 Board.

19 “(D) *NATIONAL OFFICE REVIEW.*—The na-
20 tional office of the Board shall—

21 “(i) review any consent application
22 with respect to which a regional office is not
23 authorized to approve or deny the applica-
24 tion; and

1 “(ii) review any consent application
2 that is denied by a regional office, if the in-
3 dividual requests a review by the national
4 office.

5 “(E) FORMS AND INSTRUCTIONS.—

6 “(i) AVAILABILITY.—The Board shall
7 make all forms and instructions related to
8 consent applications available to the public,
9 including on the website of the Board.

10 “(ii) CONTENTS.—The forms and in-
11 structions described under clause (i) shall
12 provide a sample cover letter and a com-
13 prehensive list of items that may accom-
14 pany the application, including clear guid-
15 ance on evidence that may support a find-
16 ing of rehabilitation.

17 “(F) CONSIDERATION OF CRIMINAL HIS-
18 TORY.—

19 “(i) REGIONAL OFFICE CONSIDER-
20 ATION.—In reviewing a consent applica-
21 tion, a regional office shall—

22 “(I) primarily rely on the crimi-
23 nal history record of the Federal Bu-
24 reau of Investigation; and

1 “(II) provide such record to the
2 applicant to review for accuracy.

3 “(ii) *CERTIFIED COPIES.*—*The Board*
4 *may not require an applicant to provide*
5 *certified copies of criminal history records*
6 *unless the Board determines that there is a*
7 *clear and compelling justification to require*
8 *additional information to verify the accu-*
9 *racy of the criminal history record of the*
10 *Federal Bureau of Investigation.*

11 “(G) *CONSIDERATION OF REHABILITA-*
12 *TION.*—*Consistent with title VII of the Civil*
13 *Rights Act of 1964 (42 U.S.C. 2000e et seq.), the*
14 *Board shall—*

15 “(i) *conduct an individualized assess-*
16 *ment when evaluating consent applications*
17 *that takes into account evidence of rehabili-*
18 *tation, the applicant’s age at the time of the*
19 *conviction or program entry, the time that*
20 *has elapsed since conviction or program*
21 *entry, and the relationship of individual’s*
22 *offense to the responsibilities of the applica-*
23 *ble position;*

24 “(ii) *consider the individual’s employ-*
25 *ment history, letters of recommendation,*

1 *certificates documenting participation in*
2 *substance abuse programs, successful par-*
3 *ticipating in job preparation and edu-*
4 *cational programs, and other relevant miti-*
5 *gating evidence; and*

6 “(iii) *consider any additional informa-*
7 *tion the Board determines necessary for*
8 *safety and soundness.*

9 “(H) *SCOPE OF EMPLOYMENT.*—*With re-*
10 *spect to an approved consent application filed by*
11 *an insured credit union on behalf of an indi-*
12 *vidual, if the Board determines it appropriate,*
13 *such approved consent application shall allow*
14 *the individual to work for the same employer*
15 *(without restrictions on the location) and across*
16 *positions, except that the prior consent of the*
17 *Board (which may require a new application)*
18 *shall be required for any proposed significant*
19 *changes in the individual’s security-related du-*
20 *ties or responsibilities, such as promotion to an*
21 *officer or other positions that the employer deter-*
22 *mines will require higher security screening cre-*
23 *dentials.*

24 “(I) *COORDINATION WITH FDIC.*—*In car-*
25 *rying out this subsection, the Board shall consult*

1 *and coordinate with the Federal Deposit Insur-*
2 *ance Corporation as needed to promote consistent*
3 *implementation where appropriate.*

4 “(6) *DEFINITIONS.—In this subsection:*

5 “(A) *CONSENT APPLICATION.—The term*
6 *‘consent application’ means an application filed*
7 *with Board by an individual (or by an insured*
8 *credit union on behalf of an individual) seeking*
9 *the written consent of the Board under para-*
10 *graph (1)(A).*

11 “(B) *CRIMINAL OFFENSE INVOLVING DIS-*
12 *HONESTY.—The term ‘criminal offense involving*
13 *dishonesty’—*

14 “(i) *means an offense under which an*
15 *individual, directly or indirectly—*

16 “(I) *cheats or defrauds; or*

17 “(II) *wrongfully takes property*
18 *belonging to another in violation of a*
19 *criminal statute;*

20 “(ii) *includes an offense that Federal,*
21 *State, or local law defines as dishonest, or*
22 *for which dishonesty is an element of the of-*
23 *fense; and*

24 “(iii) *does not include—*

1 “(I) a misdemeanor criminal of-
2 fense committed more than one year
3 before the date on which an individual
4 files a consent application, excluding
5 any period of incarceration; or

6 “(II) an offense involving the pos-
7 session of controlled substances.

8 “(C) *PRETRIAL DIVERSION OR SIMILAR*
9 *PROGRAM.*—The term ‘pretrial diversion or simi-
10 lar program’ means a program characterized by
11 a suspension or eventual dismissal or reversal of
12 charges or criminal prosecution upon agreement
13 by the accused to restitution, drug or alcohol re-
14 habilitation, anger management, or community
15 service.”.

16 (c) *REVIEW AND REPORT TO CONGRESS.*—Not later
17 than the end of the 2-year period beginning on the date
18 of enactment of this Act, the Federal Deposit Insurance Cor-
19 poration and the National Credit Union Administration
20 shall—

21 (1) review the rules issued to carry out this Act
22 and the amendments made by this Act on—

23 (A) the application of section 19 of the Fed-
24 eral Deposit Insurance Act (12 U.S.C. 1829) and

1 *section 205(d) of the Federal Credit Union Act*
2 *(12 U.S.C. 1785(d));*

3 *(B) the number of applications for consent*
4 *applications under such sections; and*

5 *(C) the rates of approval and denial for*
6 *consent applications under such sections;*

7 (2) *make the results of the review required under*
8 *paragraph (1) available to the public; and*

9 (3) *issue a report to Congress containing any*
10 *legislative or regulatory recommendations for expand-*
11 *ing employment opportunities for those with a pre-*
12 *vious minor criminal offense.*

13 **SEC. 5706. BANKING TRANSPARENCY FOR SANCTIONED**
14 **PERSONS ACT OF 2022.**

15 (a) *IN GENERAL.*—*Not later than 1 year after the date*
16 *of the enactment of this Act, and annually thereafter, the*
17 *Secretary of the Treasury shall issue a report to the Com-*
18 *mittees on Financial Services and Foreign Affairs of the*
19 *House of Representatives and the Committees on Banking,*
20 *Housing, and Urban Affairs and Foreign Relations of the*
21 *Senate that includes a list of specific licenses issued by the*
22 *Secretary in the preceding 365 days that authorizes a U.S.*
23 *financial institution (as defined under section 561.309 of*
24 *title 31, Code of Federal Regulations) to provide financial*
25 *services to any of the following:*

1 (1) *The government of a state sponsor of ter-*
2 *rorism.*

3 (2) *A person sanctioned pursuant to any of the*
4 *following:*

5 (A) *Section 404 of the Russia and Moldova*
6 *Jackson-Vanik Repeal and Sergei Magnitsky*
7 *Rule of Law Accountability Act of 2012 (Public*
8 *Law 112–208).*

9 (B) *Subtitle F of title XII of the National*
10 *Defense Authorization Act for Fiscal Year 2017*
11 *(Public Law 114–328, the Global Magnitsky*
12 *Human Rights Accountability Act).*

13 (C) *Executive Order No. 13818.*

14 (b) *SUBMISSION OF COPIES OF LICENSES ON RE-*
15 *QUEST.—The Secretary of the Treasury shall expeditiously*
16 *provide a copy of any license identified in a report required*
17 *by subsection (a) to the Committee on Financial Services*
18 *of the House of Representatives and the Committee on*
19 *Banking, Housing, and Urban Affairs of the Senate if an*
20 *appropriate Member of Congress requests a copy of that li-*
21 *cense not later than 60 days after submission of the report.*

22 (c) *BUSINESS CONFIDENTIAL INFORMATION.—*

23 (1) *IN GENERAL.—The Secretary of the Treasury*
24 *shall, in the report under subsection (a) and any sub-*
25 *missions under subsection (b), identify any propri-*

1 *etary information submitted by any private sector*
2 *representative and mark such information as “busi-*
3 *ness confidential information”.*

4 (2) *TREATMENT AS TRADE SECRETS.—Business*
5 *confidential information described under paragraph*
6 *(1) shall be considered to be a matter falling within*
7 *the meaning of trade secrets and commercial or finan-*
8 *cial information exemption under section 552(b)(4) of*
9 *title 5, United States Code, and shall be exempt from*
10 *disclosure under such section 552 of such title without*
11 *the express approval of the private party.*

12 (d) *AUTHORIZATION OF APPROPRIATIONS.—For the*
13 *purpose of carrying out the activities authorized under this*
14 *section, there is authorized to be appropriated to the Sec-*
15 *retary of the Treasury \$1,000,000.*

16 (e) *SUNSET.—The section shall cease to have any force*
17 *or effect after the end of the 5-year period beginning on*
18 *the date of enactment of this Act.*

19 (f) *FORM OF REPORT AND SUBMISSIONS.—A report or*
20 *submission required under this section shall be submitted*
21 *in unclassified form but may contain a classified annex.*

22 (g) *APPROPRIATE MEMBER OF CONGRESS DEFINED.—*
23 *In this section, the term “appropriate Member of Congress”*
24 *has the meaning given that term under section 7132(d) of*

1 *the National Defense Authorization Act for Fiscal Year*
2 *2020.*

3 **SEC. 5707. FLEXIBILITY IN ADDRESSING RURAL HOMELESS-**
4 **NESS.**

5 *Subsection (a) of section 423 of subtitle C of title IV*
6 *of the McKinney-Vento Homeless Assistance Act (42 U.S.C.*
7 *11383(a)) is amended by adding at the end the following:*

8 *“(13) Projects in rural areas that consist of one*
9 *or more of the following activities:*

10 *“(A) Payment of short-term emergency lodg-*
11 *ing, including in motels or shelters, directly or*
12 *through vouchers.*

13 *“(B) Repairs to units—*

14 *“(i) in which homeless individuals and*
15 *families will be housed; or*

16 *“(ii) which are currently not fit for*
17 *human habitation.*

18 *“(C) Staff training, professional develop-*
19 *ment, skill development, and staff retention ac-*
20 *tivities.”.*

21 **SEC. 5708. MASTER ACCOUNT AND SERVICES DATABASE.**

22 *The Federal Reserve Act is amended by inserting after*
23 *section 11B (12 U.S.C. 248b et seq.) the following:*

24 **“SEC. 11C. MASTER ACCOUNT AND SERVICES DATABASE.**

25 *“(a) DEFINITIONS.—In this section:*

1 “(1) *ACCESS REQUEST*.—The term ‘access re-
2 quest’ means a request to a Federal reserve bank for
3 access to a reserve bank master account and services,
4 including any written documentation or formal indi-
5 cation that an entity intends to seek access to a re-
6 serve bank master account and services.

7 “(2) *OFFICIAL ACCOUNTHOLDER*.—The term ‘of-
8 ficial accountholder’ means—

9 “(A) a foreign state, as defined in section
10 25B;

11 “(B) a central bank, as defined in section
12 25B, other than a commercial bank;

13 “(C) a public international organization
14 entitled to enjoy privileges, exemptions, and im-
15 munities as an international organization under
16 the *International Organizations Immunities Act*
17 (22 U.S.C. 288 et seq.); and

18 “(D) any governmental entity for which the
19 Secretary of the Treasury has directed a Federal
20 reserve bank to receive deposits as fiscal agent of
21 the United States under section 15.

22 “(3) *RESERVE BANK MASTER ACCOUNT AND*
23 *SERVICES*.—The term ‘reserve bank master account
24 and services’ means an account in which a Federal
25 reserve bank—

1 “(A) receives deposits for an entity other
2 than an official accountholder; or

3 “(B) provides any service under section
4 11A(b) to an entity other than an official
5 accountholder.

6 “(b) PUBLISHING MASTER ACCOUNT AND ACCESS IN-
7 FORMATION.—

8 “(1) ONLINE DATABASE.—The Board shall create
9 and maintain a public, online, and searchable data-
10 base that contains—

11 “(A) a list of every entity that currently has
12 access to a reserve bank master account and serv-
13 ices, including the date on which the access was
14 granted to the extent the date is knowable;

15 “(B) a list of every entity that submits an
16 access request for a reserve bank master account
17 and services after enactment of this section (or
18 that has submitted an access request that is
19 pending on the date of enactment of this section),
20 including whether, and the dates on which, a re-
21 quest—

22 “(i) was submitted; and

23 “(ii) was approved, rejected, pending,
24 or withdrawn; and

1 “(C) for each list described in subparagraph
2 (A) or (B), the type of entity that holds or sub-
3 mitted an access request for a reserve bank mas-
4 ter account and services, including whether such
5 entity is—

6 “(i) an insured depository institution,
7 as defined in section 3 of the Federal De-
8 posit Insurance Act (12 U.S.C. 1813);

9 “(ii) an insured credit union, as de-
10 fined in section 101 of the Federal Credit
11 Union Act (12 U.S.C. 1752); or

12 “(iii) a depository institution that is
13 not an insured depository institution or an
14 insured credit union.

15 “(2) *UPDATES.*—Not less frequently than once
16 every quarter, the Board shall update the database to
17 add any new information required under paragraph
18 (1).

19 “(3) *DEADLINE.*—Not later than 180 days after
20 the date of enactment of this section, the Board shall
21 publish the database with the information required
22 under paragraph (1).”.

23 **TITLE LVIII—FINANCIAL DATA**
24 **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.

1 **SEC. 5801. SHORT TITLE.**

2 *This title may be cited as the “Financial Data Trans-*
3 *parency Act of 2022”.*

4 ***Subtitle A—Data Standards for***
5 ***Covered Agencies; Department of***
6 ***the Treasury Rulemaking***

7 **SEC. 5811. DATA STANDARDS.**

8 *(a) IN GENERAL.—Subtitle A of the Financial Sta-*
9 *bility Act of 2010 (12 U.S.C. 5321 et seq.) is amended by*
10 *adding at the end the following:*

11 **“SEC. 124. DATA STANDARDS.**

12 *“(a) DEFINITIONS.—In this section—*

13 *“(1) the term ‘covered agencies’ means—*

14 *“(A) the Department of the Treasury;*

15 *“(B) the Board of Governors;*

16 *“(C) the Office of the Comptroller of the*
17 *Currency;*

18 *“(D) the Bureau;*

19 *“(E) the Commission;*

20 *“(F) the Corporation;*

21 *“(G) the Federal Housing Finance Agency;*

1 “(H) *the National Credit Union Adminis-*
2 *tration Board; and*

3 “(I) *any other primary financial regulatory*
4 *agency designated by the Secretary;*

5 “(2) *the terms ‘data asset’, ‘machine-readable’,*
6 *‘metadata’, and ‘open license’ have the meanings*
7 *given the terms in section 3502 of title 44, United*
8 *States Code; and*

9 “(3) *the term ‘data standard’ means a standard*
10 *that specifies rules by which data is described and re-*
11 *corded.*

12 “(b) *RULES.—*

13 “(1) *PROPOSED RULES.—Not later than 18*
14 *months after the date of enactment of this section, the*
15 *heads of the covered agencies shall jointly issue pro-*
16 *posed rules for public comment that establish data*
17 *standards for—*

18 “(A) *the collections of information reported*
19 *to each covered agency by financial entities*
20 *under the jurisdiction of the covered agency; and*

21 “(B) *the data collected from covered agen-*
22 *cies on behalf of the Council.*

23 “(2) *FINAL RULES.—Not later than 2 years after*
24 *the date of enactment of this section, the heads of the*
25 *covered agencies shall jointly promulgate final rules*

1 *that establish the data standards described in para-*
2 *graph (1).*

3 *“(c) DATA STANDARDS.—*

4 *“(1) COMMON IDENTIFIERS; QUALITY.—The data*
5 *standards established in the final rules promulgated*
6 *under subsection (b)(2) shall—*

7 *“(A) include common identifiers for collec-*
8 *tions of information reported to covered agencies*
9 *or collected on behalf of the Council, which shall*
10 *include a common nonproprietary legal entity*
11 *identifier that is available under an open license*
12 *for all entities required to report to covered agen-*
13 *cies; and*

14 *“(B) to the extent practicable—*

15 *“(i) render data fully searchable and*
16 *machine-readable;*

17 *“(ii) enable high quality data through*
18 *schemas, with accompanying metadata doc-*
19 *umented in machine-readable taxonomy or*
20 *ontology models, which clearly define the se-*
21 *mantic meaning of the data, as defined by*
22 *the underlying regulatory information col-*
23 *lection requirements;*

24 *“(iii) ensure that a data element or*
25 *data asset that exists to satisfy an under-*

1 *lying regulatory information collection re-*
2 *quirement be consistently identified as such*
3 *in associated machine-readable metadata;*

4 *“(iv) be nonproprietary or made avail-*
5 *able under an open license;*

6 *“(v) incorporate standards developed*
7 *and maintained by voluntary consensus*
8 *standards bodies; and*

9 *“(vi) use, be consistent with, and im-*
10 *plement applicable accounting and report-*
11 *ing principles.*

12 *“(2) CONSULTATION; INTEROPERABILITY.—In es-*
13 *tablishing data standards in the final rules promul-*
14 *gated under subsection (b)(2), the heads of the covered*
15 *agencies shall—*

16 *“(A) consult with other Federal departments*
17 *and agencies and multi-agency initiatives re-*
18 *sponsible for Federal data standards; and*

19 *“(B) seek to promote interoperability of fi-*
20 *nancial regulatory data across members of the*
21 *Council.*

22 *“(d) EFFECTIVE DATE.—The data standards estab-*
23 *lished in the final rules promulgated under subsection (b)(2)*
24 *shall take effect not later than 2 years after the date on*

1 *which those final rules are promulgated under that sub-*
2 *section.”.*

3 (b) *CLERICAL AMENDMENT.—The table of contents*
4 *under section 1(b) of the Dodd-Frank Wall Street Reform*
5 *and Consumer Protection Act is amended by inserting after*
6 *the item relating to section 123 the following:*

“Sec. 124. Data standards.”.

7 **SEC. 5812. OPEN DATA PUBLICATION BY THE DEPARTMENT**
8 **OF THE TREASURY.**

9 (a) *IN GENERAL.—Subtitle A of the Financial Sta-*
10 *bility Act of 2010 (12 U.S.C. 5321 et seq.), as amended by*
11 *section 5811(a), is further amended by adding at the end*
12 *the following:*

13 **“SEC. 125. OPEN DATA PUBLICATION.**

14 *“All public data assets published by the Secretary*
15 *under this subtitle shall be—*

16 *“(1) made available as an open Government*
17 *data asset (as defined in section 3502 of title 44,*
18 *United States Code);*

19 *“(2) freely available for download;*

20 *“(3) rendered in a human-readable format; and*

21 *“(4) accessible via application programming*
22 *interface where appropriate.”.*

23 (b) *CLERICAL AMENDMENT.—The table of contents*
24 *under section 1(b) of the Dodd-Frank Wall Street Reform*
25 *and Consumer Protection Act, as amended by section*

1 5811(b), is further amended by inserting after the item re-
2 lating to section 124 the following:

“Sec. 125. Open data publication.”.

3 (c) *RULEMAKING.*—

4 (1) *IN GENERAL.*—*The Secretary of the Treasury*
5 *shall issue rules to carry out the amendments made*
6 *by this section, which shall take effect not later than*
7 *2 years after the date on which final rules are pro-*
8 *mulgated under section 124(b)(2) of the Financial*
9 *Stability Act of 2010, as added by section 5811(a) of*
10 *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 amendments*
14 *made by this subtitle to an appropriate office within*
15 *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 of*
19 *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 was*
22 *collected or made publicly available under that Act, as of*
23 *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 1940*
8 *(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, by***
16 ***rule, adopt data standards for all reports filed by in-***
17 ***vestment 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 pro-***
23 ***mulgated under section 124 of the Financial Stability***
24 ***Act of 2010, including, to the extent practicable, by***
25 ***having the characteristics described in clauses (i)***

1 *through (vi) of subsection (c)(1)(B) of such section*
2 *124.”.*

3 *(b) DATA STANDARDS FOR REGISTRATION STATE-*
4 *MENTS AND REPORTS UNDER THE INVESTMENT COMPANY*
5 *ACT OF 1940.—The Investment Company Act of 1940 (15*
6 *U.S.C. 80a–1 et seq.) is amended—*

7 *(1) in section 8 (15 U.S.C. 80a–8), by adding at*
8 *the end the following:*

9 *“(g) DATA STANDARDS FOR REGISTRATION STATE-*
10 *MENTS.—*

11 *“(1) REQUIREMENT.—The Commission shall, by*
12 *rule, adopt data standards for all registration state-*
13 *ments required to be filed with the Commission under*
14 *this section, except that the Commission may exempt*
15 *exhibits, signatures, and certifications from those data*
16 *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 pro-*
21 *mulgated under section 124 of the Financial Stability*
22 *Act of 2010, including, to the extent practicable, by*
23 *having the characteristics described in clauses (i)*
24 *through (vi) of subsection (c)(1)(B) of such section*
25 *124.”; and*

1 (2) *in section 30 (15 U.S.C. 80a–29), by adding*
2 *at the end the following:*

3 “(k) *DATA STANDARDS FOR REPORTS.*—

4 “(1) *REQUIREMENT.*—*The Commission shall, by*
5 *rule, adopt data standards for all reports required to*
6 *be filed with the Commission under this section, ex-*
7 *cept that the Commission may exempt exhibits, signa-*
8 *tures, and certifications from those data standards.*

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 pro-*
13 *mulgated under section 124 of the Financial Stability*
14 *Act of 2010, including, to the extent practicable, by*
15 *having the characteristics described in clauses (i)*
16 *through (vi) of subsection (c)(1)(B) of such section*
17 *124.”.*

18 (c) *DATA STANDARDS FOR INFORMATION REQUIRED*
19 *TO BE SUBMITTED OR PUBLISHED BY NATIONALLY REC-*
20 *OGNIZED STATISTICAL RATING ORGANIZATIONS.*—*Section*
21 *15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–*
22 *7) is amended by adding at the end the following:*

23 “(w) *DATA STANDARDS FOR INFORMATION REQUIRED*
24 *TO BE SUBMITTED OR PUBLISHED UNDER THIS SEC-*
25 *TION.*—

1 “(1) *REQUIREMENT.*—*The Commission shall, by*
2 *rule, adopt data standards for all collections of infor-*
3 *mation required to be submitted or published by a na-*
4 *tionally recognized statistical rating organization*
5 *under this section.*”

6 “(2) *CONSISTENCY.*—*The data standards re-*
7 *quired under paragraph (1) shall incorporate, and*
8 *ensure compatibility with (to the extent feasible), all*
9 *applicable data standards established in the rules pro-*
10 *mulgated under section 124 of the Financial Stability*
11 *Act of 2010, including, to the extent practicable, by*
12 *having the characteristics described in clauses (i)*
13 *through (vi) of subsection (c)(1)(B) of such section*
14 *124.”.*

15 *(d) DATA STANDARDS FOR ASSET-BACKED SECURI-*
16 *TIES DISCLOSURES.*—*Section 7(c) of the Securities Act of*
17 *1933 (15 U.S.C. 77g(c)) is amended by adding at the end*
18 *the following:*

19 “(3) *DATA STANDARDS FOR ASSET-BACKED SE-*
20 *CURITIES DISCLOSURES.*—

21 “(A) *REQUIREMENT.*—*The Commission*
22 *shall, by rule, adopt data standards for all dis-*
23 *closures required under this subsection.*”

24 “(B) *CONSISTENCY.*—*The data standards*
25 *required under subparagraph (A) shall incor-*

1 *porate, and ensure compatibility with (to the ex-*
2 *tent feasible), all applicable data standards es-*
3 *tablished in the rules promulgated under section*
4 *124 of the Financial Stability Act of 2010, in-*
5 *cluding, to the extent practicable, by having the*
6 *characteristics described in clauses (i) through*
7 *(vi) of subsection (c)(1)(B) of such section 124.”.*

8 *(e) DATA STANDARDS FOR CORPORATE DISCLOSURES*
9 *UNDER THE SECURITIES ACT OF 1933.—Title I of the Se-*
10 *curities Act of 1933 (15 U.S.C. 77a et seq.) is amended by*
11 *adding at the end the following:*

12 **“SEC. 29. DATA STANDARDS.**

13 *“(a) REQUIREMENT.—The Commission shall, by rule,*
14 *adopt data standards for all registration statements, and*
15 *for all prospectuses included in registration statements, re-*
16 *quired to be filed with the Commission under this title, ex-*
17 *cept that the Commission may exempt exhibits, signatures,*
18 *and certifications from those data standards.*

19 *“(b) CONSISTENCY.—The data standards required*
20 *under subsection (a) shall incorporate, and ensure compat-*
21 *ibility with (to the extent feasible), all applicable data*
22 *standards established in the rules promulgated under sec-*
23 *tion 124 of the Financial Stability Act of 2010, including,*
24 *to the extent practicable, by having the characteristics de-*

1 *scribed in clauses (i) through (vi) of subsection (c)(1)(B)*
2 *of such section 124.”.*

3 *(f) DATA STANDARDS FOR PERIODIC AND CURRENT*
4 *CORPORATE DISCLOSURES UNDER THE SECURITIES EX-*
5 *CHANGE ACT OF 1934.—Section 13 of the Securities Ex-*
6 *change Act of 1934 (15 U.S.C. 78m) is amended by adding*
7 *at the end the following:*

8 *“(s) DATA STANDARDS.—*

9 *“(1) REQUIREMENT.—The Commission shall, by*
10 *rule, adopt data standards for all collections of infor-*
11 *mation with respect to periodic and current reports*
12 *required to be filed or furnished under this section or*
13 *under section 15(d), except that the Commission may*
14 *exempt exhibits, signatures, and certifications from*
15 *those data standards.*

16 *“(2) CONSISTENCY.—The data standards re-*
17 *quired under paragraph (1) shall incorporate, and*
18 *ensure compatibility with (to the extent feasible), all*
19 *applicable data standards established in the rules pro-*
20 *mulgated under section 124 of the Financial Stability*
21 *Act of 2010, including, to the extent practicable, by*
22 *having the characteristics described in clauses (i)*
23 *through (vi) of subsection (c)(1)(B) of such section*
24 *124.”.*

1 (g) *DATA STANDARDS FOR CORPORATE PROXY AND*
2 *CONSENT SOLICITATION MATERIALS UNDER THE SECURI-*
3 *TIES EXCHANGE ACT OF 1934.*—Section 14 of the Securities
4 *Exchange Act of 1934 (15 U.S.C. 78n) is amended by add-*
5 *ing at the end the following:*

6 “(k) *DATA STANDARDS FOR PROXY AND CONSENT SO-*
7 *LICITATION MATERIALS.*—

8 “(1) *REQUIREMENT.*—The Commission shall, by
9 rule, adopt data standards for all information con-
10 tained in any proxy or consent solicitation material
11 prepared by an issuer for an annual meeting of the
12 shareholders of the issuer, except that the Commission
13 may exempt exhibits, signatures, and certifications
14 from those data standards.

15 “(2) *CONSISTENCY.*—The data standards re-
16 quired under paragraph (1) shall incorporate, and
17 ensure compatibility with (to the extent feasible), all
18 applicable data standards established in the rules pro-
19 mulgated under section 124 of the Financial Stability
20 Act of 2010, including, to the extent practicable, by
21 having the characteristics described in clauses (i)
22 through (vi) of subsection (c)(1)(B) of such section
23 124.”.

24 (h) *DATA STANDARDS FOR SECURITY-BASED SWAP*
25 *REPORTING.*—The Securities Exchange Act of 1934 (15

1 *U.S.C. 78a et seq.) is amended by adding at the end the*
2 *following:*

3 **“SEC. 41. DATA STANDARDS FOR SECURITY-BASED SWAP**
4 **REPORTING.**

5 *“(a) REQUIREMENT.—The Commission shall, by rule,*
6 *adopt data standards for all reports related to security-*
7 *based swaps that are required under this Act.*

8 *“(b) CONSISTENCY.—The data standards required*
9 *under subsection (a) shall incorporate, and ensure compat-*
10 *ibility with (to the extent feasible), all applicable data*
11 *standards established in the rules promulgated under sec-*
12 *tion 124 of the Financial Stability Act of 2010, including,*
13 *to the extent practicable, by having the characteristics de-*
14 *scribed in clauses (i) through (vi) of subsection (c)(1)(B)*
15 *of such section 124.”.*

16 *(i) RULEMAKING.—*

17 *(1) IN GENERAL.—The rules that the Securities*
18 *and Exchange Commission are required to issue*
19 *under the amendments made by this section shall take*
20 *effect not later than 2 years after the date on which*
21 *final rules are promulgated under section 124(b)(2) of*
22 *the Financial Stability Act of 2010, as added by sec-*
23 *tion 5811(a) of this title.*

24 *(2) SCALING OF REGULATORY REQUIREMENTS;*
25 *MINIMIZING DISRUPTION.—In issuing the rules re-*

1 *quired under the amendments made by this section,*
2 *as described in paragraph (1), the Securities and Ex-*
3 *change Commission—*

4 *(A) may scale data reporting requirements*
5 *in order to reduce any unjustified burden on*
6 *emerging growth companies, lending institutions,*
7 *accelerated filers, smaller reporting companies,*
8 *and other smaller issuers, as determined by any*
9 *study required under section 5825(b), while still*
10 *providing searchable information to investors;*
11 *and*

12 *(B) shall seek to minimize disruptive*
13 *changes to the persons affected by those rules.*

14 **SEC. 5822. OPEN DATA PUBLICATION BY THE SECURITIES**
15 **AND EXCHANGE COMMISSION.**

16 *Section 4 of the Securities Exchange Act of 1934 (15*
17 *U.S.C. 78d) is amended by adding at the end the following:*

18 *“(k) OPEN DATA PUBLICATION.—All public data as-*
19 *sets published by the Commission under the securities laws*
20 *and the Dodd-Frank Wall Street Reform and Consumer*
21 *Protection Act (Public Law 111–203; 124 Stat. 1376) shall*
22 *be—*

23 *“(1) made available as an open Government*
24 *data asset (as defined in section 3502 of title 44,*
25 *United States Code);*

1 “(2) *freely available for download;*
2 “(3) *rendered in a human-readable format; and*
3 “(4) *accessible via application programming*
4 *interface where appropriate.*”

5 **SEC. 5823. DATA TRANSPARENCY RELATING TO MUNICIPAL**
6 **SECURITIES.**

7 (a) *IN GENERAL.*—Section 15B(b) of the Securities
8 *Exchange Act of 1934 (15 U.S.C. 78o–4(b)) is amended by*
9 *adding at the end the following:*

10 “(8)(A) *The Commission shall adopt data standards*
11 *for information submitted to the Board.*

12 “(B) *Any data standards adopted under subparagraph*
13 *(A) shall incorporate, and ensure compatibility with (to the*
14 *extent feasible), all applicable data standards established in*
15 *the rules promulgated under section 124 of the Financial*
16 *Stability Act of 2010, including, to the extent practicable,*
17 *by having the characteristics described in clauses (i)*
18 *through (vi) of subsection (c)(1)(B) of such section 124.*

19 “(C) *The Commission shall consult market partici-*
20 *pants in establishing data standards under subparagraph*
21 *(A).*

22 “(D) *Nothing in this paragraph may be construed to*
23 *affect the operation of paragraph (1) or (2) of subsection*
24 *(d).*”

25 (b) *RULEMAKING.*—

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date on which final rules are promulgated under
3 section 124(b)(2) of the Financial Stability Act of
4 2010, as added by section 5811(a) of this title, the Se-
5 curities and Exchange Commission shall issue rules to
6 adopt the data standards required under paragraph
7 (8) of section 15B(b) of the Securities Exchange Act
8 of 1934 (15 U.S.C. 78o–4(b)), as added by subsection
9 (a) of this section.

10 (2) *SCALING OF REGULATORY REQUIREMENTS;*
11 *MINIMIZING DISRUPTION.*—In issuing the rules de-
12 scribed in paragraph (1) that adopt the data stand-
13 ards described in that paragraph, the Securities and
14 Exchange Commission—

15 (A) may scale those data standards in order
16 to reduce any unjustified burden on smaller reg-
17 ulated entities; and

18 (B) shall seek to minimize disruptive
19 changes to the persons affected by those rules.

20 **SEC. 5824. DATA TRANSPARENCY AT NATIONAL SECURITIES**
21 **ASSOCIATIONS.**

22 (a) *IN GENERAL.*—Section 15A of the Securities Ex-
23 change Act of 1934 (15 U.S.C. 78o–3) is amended by adding
24 at the end the following:

25 “(n) *DATA STANDARDS.*—

1 “(1) *REQUIREMENT.*—*A national securities asso-*
2 *ciation registered pursuant to subsection (a) shall*
3 *adopt data standards for all information that is regu-*
4 *larly filed with or submitted to the association.*

5 “(2) *CONSISTENCY.*—*The data standards re-*
6 *quired under paragraph (1) shall incorporate, and*
7 *ensure compatibility with (to the extent feasible), all*
8 *applicable data standards established in the rules pro-*
9 *mulgated under section 124 of the Financial Stability*
10 *Act of 2010, including, to the extent practicable, by*
11 *having the characteristics described in clauses (i)*
12 *through (vi) of subsection (c)(1)(B) of such section*
13 *124.”.*

14 **(b) *RULEMAKING.***—

15 (1) *IN GENERAL.*—*Not later than 2 years after*
16 *the date on which final rules are promulgated under*
17 *section 124(b)(2) of the Financial Stability Act of*
18 *2010, as added by section 5811(a) of this title, each*
19 *national securities association registered pursuant to*
20 *section 15A(a) of the Securities Exchange Act of 1934*
21 *(15 U.S.C. 78o–3(a)) shall issue rules to adopt the*
22 *standards required under subsection (n) of section*
23 *15A of the Securities Exchange Act of 1934 (15*
24 *U.S.C. 78o–3), as added by subsection (a) of this sec-*
25 *tion.*

1 (2) *SCALING OF REGULATORY REQUIREMENTS;*
2 *MINIMIZING DISRUPTION.*—*In issuing the rules re-*
3 *quired under paragraph (1), a national securities as-*
4 *sociation described in that paragraph—*

5 (A) *may scale data reporting requirements*
6 *in order to reduce any unjustified burden on*
7 *smaller regulated entities; and*

8 (B) *shall seek to minimize disruptive*
9 *changes to the persons affected by those stand-*
10 *ards.*

11 **SEC. 5825. SHORTER-TERM BURDEN REDUCTION AND DIS-**
12 **CLOSURE SIMPLIFICATION AT THE SECURI-**
13 **TIES AND EXCHANGE COMMISSION; SUNSET.**

14 (a) *BETTER ENFORCEMENT OF THE QUALITY OF COR-*
15 *PORATE FINANCIAL DATA SUBMITTED TO THE SECURITIES*
16 *AND EXCHANGE COMMISSION.—*

17 (1) *DATA QUALITY IMPROVEMENT PROGRAM.—*

18 (A) *IN GENERAL.*—*Not later than 180 days*
19 *after the date of enactment of this Act, the Secu-*
20 *rities and Exchange Commission shall establish*
21 *a program to improve the quality of corporate fi-*
22 *nancial data filed or furnished by issuers under*
23 *the Securities Act of 1933 (15 U.S.C. 77a et*
24 *seq.), the Securities Exchange Act of 1934 (15*

1 *U.S.C. 78a et seq.*), and the *Investment Com-*
2 *pany Act of 1940 (15 U.S.C. 80a–1 et seq.)*.

3 *(B) CONTENTS.—The program established*
4 *under subparagraph (A) shall include the fol-*
5 *lowing:*

6 *(i) The designation of an official in the*
7 *Office of the Chairman of the Securities and*
8 *Exchange Commission responsible for the*
9 *improvement of the quality of data filed*
10 *with or furnished to the Commission by*
11 *issuers.*

12 *(ii) The issuance by the Division of*
13 *Corporation Finance of the Securities and*
14 *Exchange Commission of comment letters*
15 *requiring correction of errors in data filings*
16 *and submissions, where necessary.*

17 *(2) GOALS.—In establishing the program re-*
18 *quired under this subsection, the Securities and Ex-*
19 *change Commission shall seek to—*

20 *(A) improve the quality of data filed with*
21 *or furnished to the Commission to a commer-*
22 *cially acceptable level; and*

23 *(B) make data filed with or furnished to the*
24 *Commission useful to investors.*

1 **(b) REPORT ON THE USE OF MACHINE-READABLE**
2 **DATA FOR CORPORATE DISCLOSURES.—**

3 **(1) IN GENERAL.—***Not later than 180 days after*
4 *the date of enactment of this Act, and once every 180*
5 *days thereafter, the Securities and Exchange Commis-*
6 *sion shall submit to the Committee on Banking,*
7 *Housing, and Urban Affairs of the Senate and the*
8 *Committee on Financial Services of the House of Rep-*
9 *resentatives a report regarding the public and inter-*
10 *nal use of machine-readable data for corporate disclo-*
11 *sures.*

12 **(2) CONTENT.—***Each report required under*
13 *paragraph (1) shall include—*

14 **(A)** *an identification of which corporate*
15 *disclosures required under section 7 of the Secu-*
16 *rities Act of 1933 (15 U.S.C. 77g), section 13 of*
17 *the Securities Exchange Act of 1934 (15 U.S.C.*
18 *78m), and section 14 of the Securities Exchange*
19 *Act of 1934 (15 U.S.C. 78n) are expressed as*
20 *machine-readable data and which are not;*

21 **(B)** *an analysis of the costs and benefits of*
22 *the use of machine-readable data in corporate*
23 *disclosure to investors, markets, the Securities*
24 *and Exchange Commission, and issuers;*

1 (C) a summary of enforcement actions that
2 result from the use or analysis of machine-read-
3 able data collected under the provisions of law
4 described in subparagraph (A); and

5 (D) an analysis of how the Securities and
6 Exchange Commission uses the machine-readable
7 data collected by the Commission.

8 (c) *SUNSET*.—Beginning on the date that is 7 years
9 after the date of enactment of this Act, this section shall
10 have no force or effect.

11 **SEC. 5826. NO NEW DISCLOSURE REQUIREMENTS.**

12 Nothing in this subtitle, or the amendments made by
13 this subtitle, shall be construed to require the Securities and
14 Exchange Commission, the Municipal Securities Rule-
15 making Board, or any national securities association to col-
16 lect or make publicly available additional information
17 under the provisions of law amended by this subtitle (or
18 under any provision of law referenced in an amendment
19 made by this subtitle), beyond information that was col-
20 lected or made publicly available under any such provision,
21 as of the day before the date of enactment of this Act.

1 ***Subtitle C—Federal Deposit***
2 ***Insurance Corporation***

3 **SEC. 5831. DATA STANDARDS REQUIREMENTS FOR THE**
4 **FEDERAL DEPOSIT INSURANCE CORPORA-**
5 **TION.**

6 *The Federal Deposit Insurance Act (12 U.S.C. 1811*
7 *et seq.) is amended by adding at the end the following:*

8 **“SEC. 52. DATA STANDARDS.**

9 “(a) *DEFINITION.—In this section, the term ‘financial*
10 *company’ has the meaning given the term in section 201(a)*
11 *of the Dodd-Frank Wall Street Reform and Consumer Pro-*
12 *tection Act (12 U.S.C. 5381(a)).*

13 “(b) *REQUIREMENT.—The Corporation shall, by rule,*
14 *adopt data standards for all collections of information with*
15 *respect to information received by the Corporation from any*
16 *depository institution or financial company under this Act*
17 *or under title II of the Dodd-Frank Wall Street Reform and*
18 *Consumer Protection Act (12 U.S.C. 5381 et seq.).*

19 “(c) *CONSISTENCY.—The data standards required*
20 *under subsection (b) shall incorporate, and ensure compat-*
21 *ibility with (to the extent feasible), all applicable data*
22 *standards established in the rules promulgated under sec-*
23 *tion 124 of the Financial Stability Act of 2010, including,*
24 *to the extent practicable, by having the characteristics de-*

1 *scribed in clauses (i) through (vi) of subsection (c)(1)(B)*
2 *of such section 124.”.*

3 **SEC. 5832. OPEN DATA PUBLICATION BY THE FEDERAL DE-**
4 **POSIT INSURANCE CORPORATION.**

5 *The Federal Deposit Insurance Act (12 U.S.C. 1811*
6 *et seq.), as amended by section 5831, is further amended*
7 *by adding at the end the following:*

8 **“SEC. 53. OPEN DATA PUBLICATION.**

9 *“All public data assets published by the Corporation*
10 *under this Act or under the Dodd-Frank Wall Street Reform*
11 *and Consumer Protection Act (Public Law 111–203; 124*
12 *Stat. 1376) shall be—*

13 *“(1) made available as an open Government*
14 *data asset (as defined in section 3502 of title 44,*
15 *United States Code);*

16 *“(2) freely available for download;*

17 *“(3) rendered in a human-readable format; and*

18 *“(4) accessible via application programming*
19 *interface where appropriate.”.*

20 **SEC. 5833. RULEMAKING.**

21 *(a) IN GENERAL.—The Federal Deposit Insurance*
22 *Corporation shall issue rules to carry out the amendments*
23 *made by this subtitle, which shall take effect not later than*
24 *2 years after the date on which final rules are promulgated*

1 *under section 124(b)(2) of the Financial Stability Act of*
2 *2010, as added by section 5811(a) of this title.*

3 *(b) SCALING OF REGULATORY REQUIREMENTS; MINI-*
4 *MIZING DISRUPTION.—In issuing the rules required under*
5 *subsection (a), the Federal Deposit Insurance Corpora-*
6 *tion—*

7 *(1) may scale data reporting requirements in*
8 *order to reduce any unjustified burden on smaller reg-*
9 *ulated entities; and*

10 *(2) shall seek to minimize disruptive changes to*
11 *the persons affected by those regulations.*

12 **SEC. 5834. NO NEW DISCLOSURE REQUIREMENTS.**

13 *Nothing in this title, or the amendments made by this*
14 *title, shall be construed to require the Federal Deposit In-*
15 *surance Corporation to collect or make publicly available*
16 *additional information under the Acts amended by this title*
17 *(or under any provision of law referenced in an amendment*
18 *made by this title), beyond information that was collected*
19 *or made publicly available under any such provision, as*
20 *of the day before the date of enactment of 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 amended*
7 *by inserting after section 332 (12 U.S.C. 14) the following:*

8 **“SEC. 333. DATA STANDARDS; OPEN DATA PUBLICATION.**

9 ***“(a) DATA STANDARDS.—***

10 ***“(1) REQUIREMENT.—The Comptroller of the***
11 *Currency shall, by rule, adopt data standards for all*
12 *collections of information that are regularly filed with*
13 *or submitted to the Comptroller of the Currency by*
14 *any entity with respect to which the Office of the*
15 *Comptroller of the Currency is the appropriate Fed-*
16 *eral banking agency (as defined in section 3 of the*
17 *Federal Deposit Insurance Act (12 U.S.C. 1813)).*

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 pro-*
22 *mulgated under section 124 of the Financial Stability*
23 *Act of 2010, including, to the extent practicable, by*
24 *having the characteristics described in clauses (i)*

1 *through (vi) of subsection (c)(1)(B) of such section*
2 *124.*

3 “(b) *OPEN DATA PUBLICATION.*—*All public data as-*
4 *sets published by the Comptroller of the Currency under*
5 *title LXII or the Dodd-Frank Wall Street Reform and Con-*
6 *sumer Protection Act (Public Law 111–203; 124 Stat.*
7 *1376) shall be—*

8 “(1) *made available as an open Government*
9 *data asset (as defined in section 3502 of title 44,*
10 *United States Code);*

11 “(2) *freely available for download;*

12 “(3) *rendered in a human-readable format; and*

13 “(4) *accessible via application programming*
14 *interface where appropriate.”*

15 **SEC. 5842. RULEMAKING.**

16 (a) *IN GENERAL.*—*The Comptroller of the Currency*
17 *shall issue rules to carry out the amendments made by sec-*
18 *tion 5841, which shall take effect not later than 2 years*
19 *after the date on which final rules are promulgated under*
20 *section 124(b)(2) of the Financial Stability Act of 2010,*
21 *as added by section 5811(a) of this title.*

22 (b) *SCALING OF REGULATORY REQUIREMENTS; MINI-*
23 *MIZING DISRUPTION.*—*In issuing the rules required under*
24 *subsection (a), the Comptroller of the Currency—*

1 (1) *may scale data reporting requirements in*
2 *order to reduce any unjustified burden on smaller reg-*
3 *ulated 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 United*
11 *States (or under any other provision of law referenced in*
12 *an amendment made by this subtitle), beyond information*
13 *that was collected or made publicly available under any*
14 *such provision of law, as of the day before the date of enact-*
15 *ment 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 Finan-*
22 *cial Protection Act of 2010 (12 U.S.C. 5491 et seq.) is*
23 *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 Con-*
7 *sumer Financial Protection shall issue rules to carry out*
8 *the amendments made by section 5851, which shall take ef-*
9 *fect not later than 2 years after the date on which final*
10 *rules are promulgated under section 124(b)(2) of the Finan-*
11 *cial Stability Act of 2010, as added by section 5811(a) of*
12 *this title.*

13 (b) *SCALING OF REGULATORY REQUIREMENTS; MINI-*
14 *MIZING DISRUPTION.*—*In issuing the rules required under*
15 *subsection (a), the Director of the Bureau of Consumer Fi-*
16 *nancial Protection—*

17 (1) *may scale data reporting requirements in*
18 *order to reduce any unjustified burden on smaller reg-*
19 *ulated 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 of*
6 *enactment of this Act.*

7 ***Subtitle F—Federal Reserve System***

8 ***SEC. 5861. DATA STANDARDS REQUIREMENTS FOR THE***
9 ***BOARD OF GOVERNORS OF THE FEDERAL RE-***
10 ***SERVE SYSTEM.***

11 *(a) DATA STANDARDS FOR INFORMATION FILED OR*
12 *SUBMITTED BY NONBANK FINANCIAL COMPANIES.—Section*
13 *161(a) of the Financial Stability Act of 2010 (12 U.S.C.*
14 *5361(a)) is amended by adding at the end the following:*

15 *“(4) DATA STANDARDS FOR REPORTS UNDER*
16 *THIS SUBSECTION.—*

17 *“(A) IN GENERAL.—The Board of Governors*
18 *shall adopt data standards for all information*
19 *that, through a collection of information, is regu-*
20 *larly filed with or submitted to the Board of*
21 *Governors under this subsection by any nonbank*
22 *financial company supervised by the Board of*
23 *Governors or any subsidiary thereof.*

24 *“(B) CONSISTENCY.—The data standards*
25 *required under subparagraph (A) shall incor-*

1 *porate, and ensure compatibility with (to the ex-*
2 *tent feasible), all applicable data standards es-*
3 *tablished in the rules promulgated under section*
4 *124, including, to the extent practicable, by hav-*
5 *ing the characteristics described in clauses (i)*
6 *through (vi) of subsection (c)(1)(B) of section*
7 *124.”.*

8 *(b) DATA STANDARDS FOR INFORMATION FILED OR*
9 *SUBMITTED BY SAVINGS AND LOAN HOLDING COMPA-*
10 *NIES.—Section 10 of the Home Owners’ Loan Act (12*
11 *U.S.C. 1467a) is amended by adding at the end the fol-*
12 *lowing:*

13 *“(u) DATA STANDARDS.—*

14 *“(1) REQUIREMENT.—The Board shall adopt*
15 *data standards for all information that, through a*
16 *collection of information, is regularly filed with or*
17 *submitted to the Board by any savings and loan hold-*
18 *ing company, or subsidiary of a savings and loan*
19 *holding company, other than a depository institution,*
20 *under this section.*

21 *“(2) CONSISTENCY.—The data standards re-*
22 *quired under paragraph (1) shall incorporate, and*
23 *ensure compatibility with (to the extent feasible), all*
24 *applicable data standards established in the rules pro-*
25 *mulgated under section 124 of the Financial Stability*

1 *Act of 2010, including, to the extent practicable, by*
2 *having the characteristics described in clauses (i)*
3 *through (vi) of subsection (c)(1)(B) of such section*
4 *124.”.*

5 *(c) DATA STANDARDS FOR INFORMATION FILED OR*
6 *SUBMITTED BY BANK HOLDING COMPANIES.—Section 5 of*
7 *the Bank Holding Company Act of 1956 (12 U.S.C. 1844)*
8 *is amended by adding at the end the following:*

9 *“(h) DATA STANDARDS.—*

10 *“(1) REQUIREMENT.—The Board shall adopt*
11 *data standards for all information that, through a*
12 *collection of information, is regularly filed with or*
13 *submitted to the Board by any bank holding company*
14 *in a report under subsection (c).*

15 *“(2) CONSISTENCY.—The data standards re-*
16 *quired under paragraph (1) shall incorporate, and*
17 *ensure compatibility with (to the extent feasible), all*
18 *applicable data standards established in the rules pro-*
19 *mulgated under section 124 of the Financial Stability*
20 *Act of 2010, including, to the extent practicable, by*
21 *having the characteristics described in clauses (i)*
22 *through (vi) of subsection (c)(1)(B) of such section*
23 *124.”.*

24 *(d) DATA STANDARDS FOR INFORMATION SUBMITTED*
25 *BY FINANCIAL MARKET UTILITIES OR INSTITUTIONS*

1 *UNDER THE PAYMENT, CLEARING, AND SETTLEMENT SU-*
2 *PERVISION ACT OF 2010.—Section 809 of the Payment,*
3 *Clearing, and Settlement Supervision Act of 2010 (12*
4 *U.S.C. 5468) is amended by adding at the end the following:*

5 “(h) *DATA STANDARDS.—*

6 “(1) *REQUIREMENT.—The Board of Governors*
7 *shall adopt data standards for all information that,*
8 *through a collection of information, is regularly filed*
9 *with or submitted to the Board or the Council by any*
10 *financial market utility or financial institution*
11 *under subsection (a) or (b).*

12 “(2) *CONSISTENCY.—The data standards re-*
13 *quired under paragraph (1) shall incorporate, and*
14 *ensure compatibility with (to the extent feasible), all*
15 *applicable data standards established in the rules pro-*
16 *mulgated under section 124 of the Financial Stability*
17 *Act of 2010, including, to the extent practicable, by*
18 *having the characteristics described in clauses (i)*
19 *through (vi) of subsection (c)(1)(B) of such section*
20 *124.”.*

21 **SEC. 5862. OPEN DATA PUBLICATION BY THE BOARD OF**
22 **GOVERNORS OF THE FEDERAL RESERVE SYS-**
23 **TEM.**

24 *The Federal Reserve Act (12 U.S.C. 226 et seq.) is*
25 *amended by adding at the end the following:*

1 **“SEC. 32. OPEN DATA PUBLICATION BY THE BOARD OF GOV-**
2 **ERNORS.**

3 *“All public data assets published by the Board of Gov-*
4 *ernors under this Act, the Bank Holding Company Act of*
5 *1956 (12 U.S.C. 1841 et seq.), the Financial Stability Act*
6 *of 2010 (12 U.S.C. 5311 et seq.), the Home Owners’ Loan*
7 *Act (12 U.S.C. 1461 et seq.), the Payment, Clearing, and*
8 *Settlement Supervision Act of 2010 (12 U.S.C. 5461 et*
9 *seq.), or the Enhancing Financial Institution Safety and*
10 *Soundness Act of 2010 (title III of Public Law 111–203)*
11 *(or any provision of law amended by that Act) shall be—*

12 *“(1) made available as an open Government*
13 *data asset (as defined in section 3502 of title 44,*
14 *United States Code);*

15 *“(2) freely available for download;*

16 *“(3) rendered in a human-readable format; and*

17 *“(4) accessible via application programming*
18 *interface where appropriate.”.*

19 **SEC. 5863. RULEMAKING.**

20 *(a) IN GENERAL.—The Board of Governors of the Fed-*
21 *eral Reserve System shall issue rules to carry out the*
22 *amendments made by this subtitle, which shall take effect*
23 *not later than 2 years after the date on which final rules*
24 *are promulgated under section 124(b)(2) of the Financial*
25 *Stability Act of 2010, as added by section 5811(a) of this*
26 *title.*

1 **(b) SCALING OF REGULATORY REQUIREMENTS; MINI-**
2 *MIZING DISRUPTION.*—*In issuing the rules required under*
3 *subsection (a), the Board of Governors of the Federal Re-*
4 *serve System—*

5 *(1) may scale data reporting requirements in*
6 *order to reduce any unjustified burden on smaller reg-*
7 *ulated entities; and*

8 *(2) shall seek to minimize disruptive changes to*
9 *the persons affected by those regulations.*

10 **SEC. 5864. NO NEW DISCLOSURE REQUIREMENTS.**

11 *Nothing in this subtitle, or the amendments made by*
12 *this subtitle, shall be construed to require the Board of Gov-*
13 *ernors of the Federal Reserve System to collect or make pub-*
14 *licly available additional information under any Act*
15 *amended by this subtitle, any Act referenced in an amend-*
16 *ment made by this subtitle, or any Act amended by an Act*
17 *referenced in an amendment made by this subtitle, beyond*
18 *information that was collected or made publicly available*
19 *under any such provision of law, as of the day before the*
20 *date of enactment of this Act.*

21 **Subtitle G—National Credit Union**
22 **Administration**

23 **SEC. 5871. DATA STANDARDS.**

24 *Title I of the Federal Credit Union Act (12 U.S.C.*
25 *1752 et seq.) is amended by adding at the end the following:*

1 **“SEC. 132. DATA STANDARDS.**

2 “(a) *REQUIREMENT.*—*The Board shall, by rule, adopt*
3 *data standards for all collections of information and reports*
4 *regularly filed with or submitted to the Administration*
5 *under this Act.*

6 “(b) *CONSISTENCY.*—*The data standards required*
7 *under subsection (a) shall incorporate, and ensure compat-*
8 *ibility with (to the extent feasible), all applicable data*
9 *standards established in the rules promulgated under sec-*
10 *tion 124 of the Financial Stability Act of 2010, including,*
11 *to the extent practicable, by having the characteristics de-*
12 *scribed in clauses (i) through (vi) of subsection (c)(1)(B)*
13 *of such section 124.”.*

14 **SEC. 5872. OPEN DATA PUBLICATION BY THE NATIONAL**
15 **CREDIT UNION ADMINISTRATION.**

16 *Title I of the Federal Credit Union Act (12 U.S.C.*
17 *1752 et seq.), as amended by section 5701, is further amend-*
18 *ed by adding at the end the following:*

19 **“SEC. 133. OPEN DATA PUBLICATION.**

20 *“All public data assets published by the Administra-*
21 *tion under this title shall 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. 5873. RULEMAKING.**

4 (a) *IN GENERAL.*—The National Credit Union Admin-
5 istration Board shall issue rules to carry out the amend-
6 ments made by this subtitle, which shall take effect not later
7 than 2 years after the date on which final rules are promul-
8 gated under section 124(b)(2) of the Financial Stability Act
9 of 2010, as added by section 5811(a) of this title.

10 (b) *SCALING OF REGULATORY REQUIREMENTS; MINI-*
11 *MIZING DISRUPTION.*—In issuing the rules required under
12 subsection (a), the National Credit Union Administration
13 Board—

14 (1) may scale data reporting requirements in
15 order to reduce any unjustified burden on smaller reg-
16 ulated entities; and

17 (2) shall seek to minimize disruptive changes to
18 the persons affected by those regulations.

19 **SEC. 5874. NO NEW DISCLOSURE REQUIREMENTS.**

20 Nothing in this subtitle, or the amendments made by
21 this subtitle, shall be construed to require the National
22 Credit Union Administration Board to collect or make pub-
23 licly available additional information under the Federal
24 Credit Union Act (12 U.S.C. 1751 et seq.), beyond informa-
25 tion that was collected or made publicly available under

1 *that Act, as of the day before the date of enactment of this*
2 *Act.*

3 ***Subtitle H—Federal Housing***
4 ***Finance Agency***

5 **SEC. 5881. DATA STANDARDS REQUIREMENTS FOR THE**
6 **FEDERAL HOUSING FINANCE AGENCY.**

7 *Part 1 of subtitle A of the Federal Housing Enterprises*
8 *Financial Safety and Soundness Act of 1992 (12 U.S.C.*
9 *4511 et seq.) is amended by adding at the end the following:*

10 **“SEC. 1319H. DATA STANDARDS.**

11 “(a) *REQUIREMENT.—The Agency shall, by rule, adopt*
12 *data standards for all collections of information that are*
13 *regularly filed with or submitted to the Agency.*

14 “(b) *CONSISTENCY.—The data standards required*
15 *under subsection (a) shall incorporate, and ensure compat-*
16 *ibility with (to the extent feasible), all applicable data*
17 *standards established in the rules promulgated under sec-*
18 *tion 124 of the Financial Stability Act of 2010, including,*
19 *to the extent practicable, by having the characteristics de-*
20 *scribed in clauses (i) through (vi) of subsection (c)(1)(B)*
21 *of such section 124.”.*

22 **SEC. 5882. OPEN DATA PUBLICATION BY THE FEDERAL**
23 **HOUSING FINANCE AGENCY.**

24 *Part 1 of subtitle A of the Federal Housing Enterprises*
25 *Financial Safety and Soundness Act of 1992 (12 U.S.C.*

1 4511 et seq.), as amended by section 5801, is further amend-
2 ed by adding at the end the following:

3 **“SEC. 1319I. OPEN DATA PUBLICATION.**

4 “All public data assets published by the Agency shall
5 be—

6 “(1) made available as an open Government
7 data asset (as defined in section 3502 of title 44,
8 United States Code);

9 “(2) freely available for download;

10 “(3) rendered in a human-readable format; and

11 “(4) accessible via application programming
12 interface where appropriate.”.

13 **SEC. 5883. RULEMAKING.**

14 (a) *IN GENERAL.*—The Director of the Federal Hous-
15 ing Finance Agency shall issue rules to carry out the
16 amendments made by this subtitle, which shall take effect
17 not later than 2 years after the date on which final rules
18 are promulgated under section 124(b)(2) of the Financial
19 Stability Act of 2010, as added by section 5811(a) of this
20 title.

21 (b) *MINIMIZING DISRUPTION.*—In issuing the regula-
22 tions required under subsection (a), the Director of the Fed-
23 eral Housing Finance Agency shall seek to minimize dis-
24 ruptive changes to the persons affected by those rules.

1 **SEC. 5884. NO NEW DISCLOSURE REQUIREMENTS.**

2 *Nothing in this subtitle, or the amendments made by*
3 *this subtitle, shall be construed to require the Federal Hous-*
4 *ing Finance Agency to collect or make publicly available*
5 *additional information under the Federal Housing Enter-*
6 *prises Financial Safety and Soundness Act of 1992 (12*
7 *U.S.C. 4501 et seq.), beyond information that was collected*
8 *or made publicly available under that Act, as of the day*
9 *before the date of enactment of this Act.*

10 ***Subtitle I—Miscellaneous***

11 **SEC. 5891. RULES OF CONSTRUCTION.**

12 *(a) NO EFFECT ON INTELLECTUAL PROPERTY.—Noth-*
13 *ing in this title, or the amendments made by this title, may*
14 *be construed to alter the legal protections, as in effect on*
15 *the day before the date of enactment of this Act, of copy-*
16 *righted material or other intellectual property rights of any*
17 *non-Federal person.*

18 *(b) NO EFFECT ON MONETARY POLICY.—Nothing in*
19 *this title, or the amendments made by this title, may be*
20 *construed to apply to activities conducted, or data stand-*
21 *ards used, in connection with monetary policy proposed or*
22 *implemented by the Board of Governors of the Federal Re-*
23 *serve System or the Federal Open Market Committee.*

24 *(c) PRESERVATION OF AGENCY AUTHORITY TO TAILOR*
25 *REQUIREMENTS.—Nothing in this title, or the amendments*
26 *made by this title, may be construed to prohibit the head*

1 of a covered agency, as defined in section 124(a) of the Fi-
2 nancial Stability Act of 2010, as added by section 5811(a)
3 of this title, from tailoring those standards when those
4 standards are adopted under this title and the amendments
5 made by this title.

6 **SEC. 5892. CLASSIFIED AND PROTECTED INFORMATION.**

7 (a) *IN GENERAL.*—Nothing in this title, or the amend-
8 ments made by this title, shall require the disclosure to the
9 public of—

10 (1) information that would be exempt from dis-
11 closure under section 552 of title 5, United States
12 Code (commonly known as the “Freedom of Informa-
13 tion Act”); or

14 (2) information protected under—

15 (A) section 552a of title 5, United States
16 Code (commonly known as the “Privacy Act of
17 1974”);

18 (B) section 6103 of the Internal Revenue
19 Code of 1986; or

20 (C) any law administered, or regulation
21 promulgated, by the Financial Crimes Enforce-
22 ment Network of the Department of the Treas-
23 ury.

24 (b) *EXISTING AGENCY REGULATIONS.*—Nothing in
25 this title, or the amendments made by this title, shall be

1 *construed to require the Secretary of the Treasury, the Secu-*
2 *rities and Exchange Commission, the Federal Deposit In-*
3 *surance Corporation, the Comptroller of the Currency, the*
4 *Director of the Bureau of Consumer Financial Protection,*
5 *the Board of Governors of the Federal Reserve System, the*
6 *National Credit Union Administration Board, the Director*
7 *of the Federal Housing Finance Agency, or the head of any*
8 *other primary financial regulatory agency (as defined in*
9 *section 2 of the Dodd-Frank Wall Street Reform and Con-*
10 *sumer Protection Act (12 U.S.C. 5301)) designated by the*
11 *Secretary of the Treasury to amend regulations and proce-*
12 *dures, as in effect on the day before the date of enactment*
13 *of this Act, regarding the sharing and disclosure of non-*
14 *public information, including confidential supervisory in-*
15 *formation.*

16 (c) *DATA PRIVACY AND PERSONALLY IDENTIFIABLE*
17 *INFORMATION.—Nothing in this title, or the amendments*
18 *made by this title, shall be construed to require the Sec-*
19 *retary of the Treasury, the Securities and Exchange Com-*
20 *mission, the Federal Deposit Insurance Corporation, the*
21 *Comptroller of the Currency, the Director of the Bureau of*
22 *Consumer Financial Protection, the Board of Governors of*
23 *the Federal Reserve System, the National Credit Union Ad-*
24 *ministration Board, the Director of the Federal Housing*
25 *Finance Agency, or the head of any other primary financial*

1 *regulatory agency (as defined in section 2 of the Dodd-*
 2 *Frank Wall Street Reform and Consumer Protection Act*
 3 *(12 U.S.C. 5301)) designated by the Secretary of the Treas-*
 4 *ury to disclose to the public any information that can be*
 5 *used to distinguish or trace the identity of an individual,*
 6 *either alone or when combined with other personal or iden-*
 7 *tifying information that is linked or linkable to a specific*
 8 *individual.*

9 **SEC. 5893. REPORT.**

10 *Not later than 3 years after the date of enactment of*
 11 *this Act, the Comptroller General of the United States shall*
 12 *submit to Congress a report on the feasibility, costs, and*
 13 *potential benefits of building upon the taxonomy established*
 14 *by this title, and the amendments made by this title, to*
 15 *arrive at a Federal Governmentwide regulatory compliance*
 16 *standardization mechanism similar to Standard Business*
 17 *Reporting.*

18 **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 “A*
 7 *Joint Resolution to approve the ‘Covenant to Establish a*
 8 *Commonwealth of the Northern Mariana Islands in Polit-*
 9 *ical 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 clause*

1 *(i)*, by striking “December 31, 2023” and inserting “Decem-
2 ber 31, 2024”.

3 **SEC. 5902. ELIGIBILITY OF PORTUGUESE TRADERS AND IN-**
4 **VESTORS FOR E-1 AND E-2 NONIMMIGRANT**
5 **VISAS.**

6 *(a) NONIMMIGRANT TRADERS AND INVESTORS.—For*
7 *purposes of clauses (i) and (ii) of section 101(a)(15)(E) of*
8 *the Immigration and Nationality Act (8 U.S.C.*
9 *1101(a)(15)(E)), Portugal shall be considered to be a for-*
10 *ign state described in such section if the Government of*
11 *Portugal provides similar nonimmigrant status to nation-*
12 *als of the United States.*

13 *(b) MODIFICATION OF ELIGIBILITY CRITERIA FOR E*
14 *VISAS.—Section 101(a)(15)(E) of the Immigration and Na-*
15 *tionality Act (8 U.S.C. 1101(a)(15)(E)) is amended—*

16 *(1) in the matter preceding clause (i)—*

17 *(A) by inserting “(or, in the case of an*
18 *alien who acquired the relevant nationality*
19 *through a financial investment and who has not*
20 *previously been granted status under this sub-*
21 *paragraph, the foreign state of which the alien is*
22 *a national and in which the alien has been dom-*
23 *iciled for a continuous period of not less than 3*
24 *years at any point before applying for a non-*

1 immigrant visa under this subparagraph)” be-
2 fore “, and the spouse”; and

3 (B) by striking “him” and inserting “such
4 alien”; and

5 (2) by striking “he” each place such term ap-
6 pears and inserting “the alien”.

7 **SEC. 5903. INCENTIVES FOR STATES TO CREATE SEXUAL AS-**
8 **SAULT SURVIVORS’ BILL OF RIGHTS.**

9 (a) *INCENTIVES FOR STATES TO CREATE SEXUAL AS-*
10 *SAULT SURVIVORS’ BILL OF RIGHTS.*—

11 (1) *DEFINITION OF COVERED FORMULA GRANT.*—

12 *In this subsection, the term “covered formula grant”*
13 *means a grant under part T of title I of the Omnibus*
14 *Crime Control and Safe Streets Act of 1968 (34*
15 *U.S.C. 10441 et seq.) (commonly referred to as the*
16 *“STOP Violence Against Women Formula Grant Pro-*
17 *gram”).*

18 (2) *GRANT INCREASE.*—*The Attorney General*
19 *shall increase the amount of the covered formula*
20 *grant provided to a State in accordance with this*
21 *subsection if the State has in effect a law that pro-*
22 *vides to sexual assault survivors the rights, at a min-*
23 *imum, under section 3772 of title 18, United States*
24 *Code.*

1 (3) *APPLICATION*.—A State seeking an increase
2 to a covered formula grant under this subsection shall
3 submit an application to the Attorney General at
4 such time, in such manner, and containing such in-
5 formation as the Attorney General may reasonably
6 require, including information about the law de-
7 scribed in paragraph (2).

8 (4) *PERIOD OF INCREASE*.—The Attorney Gen-
9 eral may not provide an increase in the amount of
10 the covered formula grant provided to a State under
11 this subsection more than 4 times.

12 (5) *AUTHORIZATION OF APPROPRIATIONS*.—
13 There are authorized to be appropriated \$20,000,000
14 for each of fiscal years 2023 through 2027 to carry
15 out this subsection.

16 (b) *REAUTHORIZATION OF THE MISSING AMERICANS*
17 *ALERT PROGRAM*.—Section 240001(d) of the Violent Crime
18 *Control and Law Enforcement Act of 1994* (34 U.S.C.
19 12621(d)) is amended by striking “2018 through 2022” and
20 inserting “2023 through 2027”.

21 **SEC. 5904. EXTENDING THE STATUTE OF LIMITATIONS FOR**
22 **CERTAIN MONEY LAUNDERING OFFENSES.**

23 (a) *IN GENERAL*.—Section 1956 of title 18, United
24 *States Code*, is amended by adding at the end the following:

1 “(j) *SEVEN-YEAR LIMITATION.*—Notwithstanding sec-
2 tion 3282, no person shall be prosecuted, tried, or punished
3 for a violation of this section or section 1957 if the specified
4 unlawful activity constituting the violation is the activity
5 defined in subsection (c)(7)(B) of this section, unless the in-
6 dictment is found or the information is instituted not later
7 than 7 years after the date on which the offense was com-
8 mitted.”.

9 (b) *EFFECTIVE DATE.*—The amendments made by this
10 section shall apply to—

11 (1) conduct that occurred before the date of en-
12 actment of this Act for which the applicable statute
13 of limitations has not expired; and

14 (2) conduct that occurred on or after the date of
15 enactment of this Act.

16 ***Subtitle B—Science, Space, and***
17 ***Technology Matters***

18 ***SEC. 5911. FINANCIAL ASSISTANCE FOR CONSTRUCTION OF***
19 ***TEST BEDS AND SPECIALIZED FACILITIES.***

20 Section 34 of the National Institute of Standards and
21 Technology Act (15 U.S.C. 278s) is amended—

22 (1) by redesignating subsections (f) through (l)
23 as subsections (g) through (m), respectively; and

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

1 “(f) *AUTHORITY TO AWARD FINANCIAL ASSISTANCE*
2 *FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FA-*
3 *CILITIES.*—

4 “(1) *IN GENERAL.*—*The Secretary may, acting*
5 *through the Director, award financial assistance for*
6 *the construction of test beds and specialized facilities*
7 *by Manufacturing USA institutes established or sup-*
8 *ported under subsection (e) as the Secretary considers*
9 *appropriate to carry out the purposes of the Program.*

10 “(2) *REQUIREMENTS.*—*The Secretary shall exer-*
11 *cise authority under paragraph (1) in a manner and*
12 *with requirements consistent with paragraphs (3)*
13 *through (8) of subsection (e).*

14 “(3) *PRIORITY.*—*The Secretary shall establish*
15 *preferences in selection criteria for proposals for fi-*
16 *nancial assistance under this subsection from Manu-*
17 *facturing USA institutes that integrate as active*
18 *members one or more covered entities as described in*
19 *section 10262 of the Research and Development, Com-*
20 *petition, and Innovation Act (Public Law 117-*
21 *167).*”.

22 **SEC. 5912. REPORTS ON ARCTIC RESEARCH, BUDGET, AND**
23 **SPENDING.**

24 “(a) *CROSSCUT REPORT ON ARCTIC RESEARCH PRO-*
25 *GRAMS.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Director of
3 the Office of Science and Technology Policy, in co-
4 ordination with the Director of the Office of Manage-
5 ment and Budget, shall submit a detailed report to
6 Congress regarding all existing Federal programs re-
7 lating to Arctic research and research-related activi-
8 ties, including observation, modeling, monitoring, and
9 prediction, and research infrastructure. The report
10 shall include—

11 (A) the goals of each such program;

12 (B) the funding levels for each such pro-
13 gram for each of the 5 immediately preceding
14 fiscal years;

15 (C) the anticipated funding levels for each
16 such program for each of the 5 following fiscal
17 years; and

18 (D) the total funding appropriated for the
19 current fiscal year for such programs.

20 (2) *DISTRIBUTION.*—Not later than 30 days after
21 submitting the report to Congress pursuant to sub-
22 section (a), the Director of the Office of Science and
23 Technology Policy shall make a report available on a
24 public website.

1 **(b) ANNUAL AGENCY BUDGET AND SPENDING RE-**
2 **PORT.—**

3 **(1) ANNUAL AGENCY BUDGETS.—***Each agency*
4 *represented on the Interagency Arctic Research Policy*
5 *Committee shall each include in their agency’s annual*
6 *budget request to Congress a description of their agen-*
7 *cy’s projected Arctic research activities and associated*
8 *budget for the fiscal year covered by the budget re-*
9 *quest.*

10 **(2) REPORT TO CONGRESS.—***Beginning with fis-*
11 *cal year 2025 and annually thereafter until fiscal*
12 *year 2034, not later than 60 days after the Presi-*
13 *dent’s budget request for such fiscal year is submitted*
14 *to Congress, the Office of Science and Technology Pol-*
15 *icy shall submit an annual report to Congress sum-*
16 *marizing each agency’s budget request related to Arc-*
17 *tic research activities per the information submitted*
18 *in accordance with paragraph (1).*

19 **SEC. 5913. NATIONAL RESEARCH AND DEVELOPMENT**
20 **STRATEGY FOR DISTRIBUTED LEDGER TECH-**
21 **NOLOGY.**

22 **(a) DEFINITIONS.—***In this section:*

23 **(1) DIRECTOR.—***Except as otherwise expressly*
24 *provided, the term “Director” means the Director of*
25 *the Office of Science and Technology Policy.*

1 (2) *DISTRIBUTED LEDGER.*—The term “distrib-
2 uted ledger” means a ledger that—

3 (A) is shared across a set of distributed
4 nodes, which are devices or processes, that par-
5 ticipate in a network and store a complete or
6 partial replica of the ledger;

7 (B) is synchronized between the nodes;

8 (C) has data appended to it by following
9 the ledger’s specified consensus mechanism;

10 (D) may be accessible to anyone (public) or
11 restricted to a subset of participants (private);
12 and

13 (E) may require participants to have au-
14 thorization to perform certain actions (engaging)
15 or require no authorization (permissionless).

16 (3) *DISTRIBUTED LEDGER TECHNOLOGY.*—The
17 term “distributed ledger technology” means technology
18 that enables the operation and use of distributed ledg-
19 ers.

20 (4) *INSTITUTION OF HIGHER EDUCATION.*—The
21 term “institution of higher education” has the mean-
22 ing given the term in section 101 of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1001).

1 (5) *RELEVANT CONGRESSIONAL COMMITTEES.*—

2 *The term “relevant congressional committees”*
3 *means—*

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate; and*

6 (B) *the Committee on Science, Space, and*
7 *Technology of the House of Representatives.*

8 (6) *SMART CONTRACT.*—*The term “smart con-*
9 *tract” means a computer program stored in a distrib-*
10 *uted ledger system that is executed when certain*
11 *predefined conditions are satisfied and wherein the*
12 *outcome of any execution of the program may be re-*
13 *corded on the distributed ledger.*

14 (b) *NATIONAL DISTRIBUTED LEDGER TECHNOLOGY*
15 *RESEARCH AND DEVELOPMENT STRATEGY.*—

16 (1) *IN GENERAL.*—*The Director, or a designee of*
17 *the Director, shall, in coordination with the National*
18 *Science and Technology Council, and the heads of*
19 *such other relevant Federal agencies and entities as*
20 *the Director considers appropriate, which may in-*
21 *clude the National Academies, and in consultation*
22 *with such nongovernmental entities as the Director*
23 *considers appropriate, develop a national strategy for*
24 *the research and development of distributed ledger*
25 *technologies and their applications, including appli-*

1 *cations of public and permissionless distributed ledgers.*
2 *In developing the national strategy, the Director*
3 *shall consider the following:*

4 *(A) Current efforts and coordination by*
5 *Federal agencies to invest in the research and de-*
6 *velopment of distributed ledger technologies and*
7 *their applications, including through programs*
8 *like the Small Business Innovation Research*
9 *program, the Small Business Technology Trans-*
10 *fer program, and the National Science Founda-*
11 *tion's Innovation Corps programs.*

12 *(B)(i) The potential benefits and risks of*
13 *applications of distributed ledger technologies*
14 *across different industry sectors, including their*
15 *potential to—*

16 *(I) lower transactions costs and facili-*
17 *tate new types of commercial transactions;*

18 *(II) protect privacy and increase indi-*
19 *viduals' data sovereignty;*

20 *(III) reduce friction to the interoper-*
21 *ability of digital systems;*

22 *(IV) increase the accessibility,*
23 *auditability, security, efficiency, and trans-*
24 *parency of digital services;*

1 (V) increase market competition in the
2 provision of digital services;

3 (VI) enable dynamic contracting and
4 contract execution through smart contracts;

5 (VII) enable participants to collaborate
6 in trustless and disintermediated environ-
7 ments;

8 (VIII) enable the operations and gov-
9 ernance of distributed organizations;

10 (IX) create new ownership models for
11 digital items; and

12 (X) increase participation of popu-
13 lations historically underrepresented in the
14 technology, business, and financial sectors.

15 (ii) In consideration of the potential risks of
16 applications of distributed ledger technologies
17 under clause (i), the Director shall take into ac-
18 count, where applicable—

19 (I) additional risks that may emerge
20 from distributed ledger technologies, as
21 identified in reports submitted to the Presi-
22 dent pursuant to Executive Order 14067,
23 that may be addressed by research and de-
24 velopment;

1 (II) *software vulnerabilities in distrib-*
2 *uted ledger technologies and smart con-*
3 *tracts;*

4 (III) *limited consumer literacy on en-*
5 *gaging with applications of distributed*
6 *ledger technologies in a secure way;*

7 (IV) *the use of distributed ledger tech-*
8 *nologies in illicit finance and their use in*
9 *combating illicit finance;*

10 (V) *manipulative, deceptive, and*
11 *fraudulent practices that harm consumers*
12 *engaging with applications of distributed*
13 *ledger technologies;*

14 (VI) *the implications of different con-*
15 *sensus mechanisms for digital ledgers and*
16 *governance and accountability mechanisms*
17 *for applications of distributed ledger tech-*
18 *nologies, which may include decentralized*
19 *networks;*

20 (VII) *foreign activities in the develop-*
21 *ment and deployment of distributed ledger*
22 *technologies and their associated tools and*
23 *infrastructure; and*

24 (VIII) *environmental, sustainability,*
25 *and economic impacts of the computational*

1 resources required for distributed ledger
2 technologies.

3 (C) Potential uses for distributed ledger
4 technologies that could improve the operations
5 and delivery of services by Federal agencies, tak-
6 ing into account the potential of digital ledger
7 technologies to—

8 (i) improve the efficiency and effective-
9 ness of privacy-preserving data sharing
10 among Federal agencies and with State,
11 local, territorial, and Tribal governments;

12 (ii) promote government transparency
13 by improving data sharing with the public;

14 (iii) introduce or mitigate risks that
15 may threaten individuals' rights or broad
16 access to Federal services;

17 (iv) automate and modernize processes
18 for assessing and ensuring regulatory com-
19 pliance; and

20 (v) facilitate broad access to financial
21 services for underserved and underbanked
22 populations.

23 (D) Ways to support public and private sec-
24 tor dialogue on areas of research that could en-
25 hance the efficiency, scalability, interoperability,

1 *security, and privacy of applications using dis-*
2 *tributed ledger technologies.*

3 *(E) The need for increased coordination of*
4 *the public and private sectors on the development*
5 *of voluntary standards in order to promote re-*
6 *search and development, including standards re-*
7 *garding security, smart contracts, cryptographic*
8 *protocols, virtual routing and forwarding, inter-*
9 *operability, zero-knowledge proofs, and privacy,*
10 *for distributed ledger technologies and their ap-*
11 *plications.*

12 *(F) Applications of distributed ledger tech-*
13 *nologies that could positively benefit society but*
14 *that receive relatively little private sector invest-*
15 *ment.*

16 *(G) The United States position in global*
17 *leadership and competitiveness across research,*
18 *development, and deployment of distributed ledg-*
19 *er technologies.*

20 (2) *CONSULTATION.*—

21 *(A) IN GENERAL.*—*In carrying out the Di-*
22 *rector’s duties under this subsection, the Director*
23 *shall consult with the following:*

24 *(i) Private industry.*

1 (ii) *Institutions of higher education,*
2 *including minority-serving institutions.*

3 (iii) *Nonprofit organizations, includ-*
4 *ing foundations dedicated to supporting dis-*
5 *tributed ledger technologies and their appli-*
6 *cations.*

7 (iv) *State governments.*

8 (v) *Such other persons as the Director*
9 *considers appropriate.*

10 (B) *REPRESENTATION.—The Director shall*
11 *ensure consultations with the following:*

12 (i) *Rural and urban stakeholders from*
13 *across the Nation.*

14 (ii) *Small, medium, and large busi-*
15 *nesses.*

16 (iii) *Subject matter experts rep-*
17 *resenting multiple industrial sectors.*

18 (iv) *A demographically diverse set of*
19 *stakeholders.*

20 (3) *COORDINATION.—In carrying out this sub-*
21 *section, the Director shall, for purposes of avoiding*
22 *duplication of activities, consult, cooperate, and co-*
23 *ordinate with the programs and policies of other rel-*
24 *evant Federal agencies, including the interagency*
25 *process outlined in section 3 of Executive Order*

1 14067 (87 Fed. Reg. 14143; relating ensuring respon-
2 sible development of digital assets).

3 (4) NATIONAL STRATEGY.—Not later than 1 year
4 after the date of enactment of this Act, the Director
5 shall submit to the relevant congressional committees
6 and the President a national strategy that includes
7 the following:

8 (A) Priorities for the research and develop-
9 ment of distributed ledger technologies and their
10 applications.

11 (B) Plans to support public and private
12 sector investment and partnerships in research
13 and technology development for societally bene-
14 ficial applications of distributed ledger tech-
15 nologies.

16 (C) Plans to mitigate the risks of distrib-
17 uted ledger technologies and their applications.

18 (D) An identification of additional re-
19 sources, administrative action, or legislative ac-
20 tion recommended to assist with the implementa-
21 tion of such strategy.

22 (5) RESEARCH AND DEVELOPMENT FUNDING.—
23 The Director shall, as the Director considers nec-
24 essary, consult with the Director of the Office of Man-
25 agement and Budget and with the heads of such other

1 *elements of the Executive Office of the President as*
2 *the Director considers appropriate, to ensure that the*
3 *recommendations and priorities with respect to re-*
4 *search and development funding, as expressed in the*
5 *national strategy developed under this subsection, are*
6 *incorporated in the development of annual budget re-*
7 *quests for Federal research agencies.*

8 *(c) DISTRIBUTED LEDGER TECHNOLOGY RE-*
9 *SEARCH.—*

10 *(1) IN GENERAL.—Subject to the availability of*
11 *appropriations, the Director of the National Science*
12 *Foundation shall make awards, on a competitive*
13 *basis, to institutions of higher education, including*
14 *minority-serving institutions, or nonprofit organiza-*
15 *tions (or consortia of such institutions or organiza-*
16 *tions) to support research, including interdisciplinary*
17 *research, on distributed ledger technologies, their ap-*
18 *plications, and other issues that impact or are caused*
19 *by distributed ledger technologies, which may include*
20 *research on—*

21 *(A) the implications on trust, transparency,*
22 *privacy, accessibility, accountability, and energy*
23 *consumption of different consensus mechanisms*
24 *and hardware choices, and approaches for ad-*
25 *dressing these implications;*

1 (B) approaches for improving the security,
2 privacy, resiliency, interoperability, perform-
3 ance, and scalability of distributed ledger tech-
4 nologies and their applications, which may in-
5 clude decentralized networks;

6 (C) approaches for identifying and address-
7 ing vulnerabilities and improving the perform-
8 ance and expressive power of smart contracts;

9 (D) the implications of quantum computing
10 on applications of distributed ledger technologies,
11 including long-term protection of sensitive infor-
12 mation (such as medical or digital property),
13 and techniques to address them;

14 (E) game theory, mechanism design, and ec-
15 onomics underpinning and facilitating the oper-
16 ations and governance of decentralized networks
17 enabled by distributed ledger technologies;

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;

1 (H) *use cases for distributed ledger tech-*
2 *nologies across various industry sectors and gov-*
3 *ernment, including applications pertaining to—*

4 (i) *digital identity, including trusted*
5 *identity and identity management;*

6 (ii) *digital property rights;*

7 (iii) *delivery of public services;*

8 (iv) *supply chain transparency;*

9 (v) *medical information management;*

10 (vi) *inclusive financial services;*

11 (vii) *community governance;*

12 (viii) *charitable giving;*

13 (ix) *public goods funding;*

14 (x) *digital credentials;*

15 (xi) *regulatory compliance;*

16 (xii) *infrastructure resilience, includ-*
17 *ing against natural disasters; and*

18 (xiii) *peer-to-peer transactions; and*

19 (I) *the social, behavioral, and economic im-*
20 *plications associated with the growth of applica-*
21 *tions of distributed ledger technologies, including*
22 *decentralization in business, financial, and eco-*
23 *nomie systems.*

24 (2) *ACCELERATING INNOVATION.—The Director*
25 *of the National Science Foundation shall consider*

1 continuing to support startups that are in need of
2 funding, would develop in and contribute to the econ-
3 omy of the United States, leverage distributed ledger
4 technologies, have the potential to positively benefit
5 society, and have the potential for commercial viabil-
6 ity, through programs like the Small Business Inno-
7 vation Research program, the Small Business Tech-
8 nology Transfer program, and, as appropriate, other
9 programs that promote broad and diverse participa-
10 tion.

11 (3) *CONSIDERATION OF NATIONAL DISTRIBUTED*
12 *LEDGER TECHNOLOGY RESEARCH AND DEVELOPMENT*
13 *STRATEGY.*—*In making awards under paragraph (1),*
14 *the Director of the National Science Foundation shall*
15 *take into account the national strategy, as described*
16 *in subsection (b)(4).*

17 (4) *FUNDAMENTAL RESEARCH.*—*The Director of*
18 *the National Science Foundation shall consider con-*
19 *tinuing to make awards supporting fundamental re-*
20 *search in areas related to distributed ledger tech-*
21 *nologies and their applications, such as applied cryp-*
22 *tography and distributed systems.*

23 (d) *DISTRIBUTED LEDGER TECHNOLOGY APPLIED RE-*
24 *SEARCH PROJECT.*—

1 (1) *APPLIED RESEARCH PROJECT.*—Subject to
2 the availability of appropriations, the Director of the
3 National Institute of Standards and Technology, may
4 carry out an applied research project to study and
5 demonstrate the potential benefits and unique capa-
6 bilities of distributed ledger technologies.

7 (2) *ACTIVITIES.*—In carrying out the applied re-
8 search project, the Director of the National Institute
9 of Standards and Technology shall—

10 (A) identify potential applications of dis-
11 tributed ledger technologies, including those that
12 could benefit activities at the Department of
13 Commerce or at other Federal agencies, consid-
14 ering applications that could—

15 (i) improve the privacy and interoper-
16 ability of digital identity and access man-
17 agement solutions;

18 (ii) increase the integrity and trans-
19 parency of supply chains through the secure
20 and limited sharing of relevant supplier in-
21 formation;

22 (iii) facilitate broader participation in
23 distributed ledger technologies of popu-
24 lations historically underrepresented in

1 *technology, business, and financial sectors;*

2 *or*

3 *(iv) be of benefit to the public or pri-*
4 *vate sectors, as determined by the Director*
5 *in consultation with relevant stakeholders;*

6 *(B) solicit and provide the opportunity for*
7 *public comment relevant to potential projects;*

8 *(C) consider, in the selection of a project,*
9 *whether the project addresses a pressing need not*
10 *already addressed by another organization or*
11 *Federal agency;*

12 *(D) establish plans to mitigate potential*
13 *risks, including those outlined in subsection*
14 *(b)(1)(B)(ii), if applicable, of potential projects;*

15 *(E) produce an example solution leveraging*
16 *distributed ledger technologies for 1 of the appli-*
17 *cations identified in subparagraph (A);*

18 *(F) hold a competitive process to select pri-*
19 *vate sector partners, if they are engaged, to sup-*
20 *port the implementation of the example solution;*

21 *(G) consider hosting the project at the Na-*
22 *tional Cybersecurity Center of Excellence; and*

23 *(H) ensure that cybersecurity best practices*
24 *consistent with the Cybersecurity Frame work of*

1 *the National Institute of Standards and Tech-*
2 *nology are demonstrated in the project.*

3 (3) *BRIEFINGS TO CONGRESS.*—*Not later than 1*
4 *year after the date of enactment of this Act, the Direc-*
5 *tor of the National Institute of Standards and Tech-*
6 *nology shall offer a briefing to the relevant congres-*
7 *sional committees on the progress and current find-*
8 *ings from the project under this subsection.*

9 (4) *PUBLIC REPORT.*—*Not later than 12 months*
10 *after the completion of the project under this sub-*
11 *section, the Director of the National Institute of*
12 *Standards and Technology shall make public a report*
13 *on the results and findings from the project.*

14 **SEC. 5914. TECHNICAL CORRECTIONS.**

15 *The Energy Policy Act of 2005 is amended—*

16 (1) *in section 952(a)(2)(A) (42 U.S.C.*
17 *16272(a)(2)(A)), by striking “shall evaluate the tech-*
18 *nical and economic feasibility of the establishment of”*
19 *and inserting “shall evaluate the technical and eco-*
20 *nomical feasibility of establishing and, if feasible, is au-*
21 *thorized to establish”; and*

22 (2) *in section 954(a)(5) (42 U.S.C. 16274(a)(5)),*
23 *by—*

24 (A) *redesignating subparagraph (E) as sub-*
25 *paragraph (F); and*

1 (B) by inserting after subparagraph (D) the
2 following:

3 “(E) *FUEL SERVICES*.—*The Research Reac-*
4 *tor Infrastructure subprogram within the Radio-*
5 *logical Facilities Management program of the*
6 *Department, as authorized by paragraph (6),*
7 *shall be expanded to provide fuel services to re-*
8 *search reactors established by this paragraph.”.*

9 ***Subtitle C—FedRamp***
10 ***Authorization Act***

11 ***SEC. 5921. FEDRAMP AUTHORIZATION ACT.***

12 (a) *SHORT TITLE*.—*This section may be cited as the*
13 *“FedRAMP Authorization Act”.*

14 (b) *AMENDMENT*.—*Chapter 36 of title 44, United*
15 *States Code, is amended by adding at the end the following:*

16 ***“§ 3607. Definitions***

17 “(a) *IN GENERAL*.—*Except as provided under sub-*
18 *section (b), the definitions under sections 3502 and 3552*
19 *apply to this section through section 3616.*

20 “(b) *ADDITIONAL DEFINITIONS*.—*In this section*
21 *through section 3616:*

22 “(1) *ADMINISTRATOR*.—*The term ‘Adminis-*
23 *trator’ means the Administrator of General Services.*

24 “(2) *APPROPRIATE CONGRESSIONAL COMMIT-*
25 *TEES*.—*The term ‘appropriate congressional commit-*

1 *tees’ means the Committee on Homeland Security and*
2 *Governmental Affairs of the Senate and the Com-*
3 *mittee on Oversight and Reform of the House of Rep-*
4 *resentatives.*

5 “(3) *AUTHORIZATION TO OPERATE; FEDERAL IN-*
6 *FORMATION.—The terms ‘authorization to operate’*
7 *and ‘Federal information’ have the meaning given*
8 *those term in Circular A–130 of the Office of Manage-*
9 *ment and Budget entitled ‘Managing Information as*
10 *a Strategic Resource’, or any successor document.*

11 “(4) *CLOUD COMPUTING.—The term ‘cloud com-*
12 *puting’ has the meaning given the term in Special*
13 *Publication 800–145 of the National Institute of*
14 *Standards and Technology, or any successor docu-*
15 *ment.*

16 “(5) *CLOUD SERVICE PROVIDER.—The term*
17 *‘cloud service provider’ means an entity offering cloud*
18 *computing products or services to agencies.*

19 “(6) *FEDRAMP.—The term ‘FedRAMP’ means*
20 *the Federal Risk and Authorization Management Pro-*
21 *gram established under section 3608.*

22 “(7) *FEDRAMP AUTHORIZATION.—The term*
23 *‘FedRAMP authorization’ means a certification that*
24 *a cloud computing product or service has—*

1 “(A) completed a *FedRAMP* authorization
2 process, as determined by the Administrator; or

3 “(B) received a *FedRAMP* provisional au-
4 thorization to operate, as determined by the
5 *FedRAMP* Board.

6 “(8) *FEDRAMP AUTHORIZATION PACKAGE*.—The
7 term ‘*FedRAMP* authorization package’ means the es-
8 sential information that can be used by an agency to
9 determine whether to authorize the operation of an in-
10 formation system or the use of a designated set of
11 common controls for all cloud computing products
12 and services authorized by *FedRAMP*.

13 “(9) *FEDRAMP BOARD*.—The term ‘*FedRAMP*
14 Board’ means the board established under section
15 3610.

16 “(10) *INDEPENDENT ASSESSMENT SERVICE*.—
17 The term ‘independent assessment service’ means a
18 third-party organization accredited by the Adminis-
19 trator to undertake conformity assessments of cloud
20 service providers and the products or services of cloud
21 service providers.

22 “(11) *SECRETARY*.—The term ‘Secretary’ means
23 the Secretary of Homeland Security.

1 **“§ 3608. Federal Risk and Authorization Management**
2 **Program**

3 *“There is established within the General Services Ad-*
4 *ministration the Federal Risk and Authorization Manage-*
5 *ment Program. The Administrator, subject to section 3614,*
6 *shall establish a Government-wide program that provides*
7 *a standardized, reusable approach to security assessment*
8 *and authorization for cloud computing products and serv-*
9 *ices that process unclassified information used by agencies.*

10 **“§ 3609. Roles and responsibilities of the General**
11 **Services Administration**

12 *“(a) ROLES AND RESPONSIBILITIES.—The Adminis-*
13 *trator shall—*

14 *“(1) in consultation with the Secretary, develop,*
15 *coordinate, and implement a process to support agen-*
16 *cy review, reuse, and standardization, where appro-*
17 *priate, of security assessments of cloud computing*
18 *products and services, including, as appropriate,*
19 *oversight of continuous monitoring of cloud com-*
20 *puting products and services, pursuant to guidance*
21 *issued by the Director pursuant to section 3614;*

22 *“(2) establish processes and identify criteria con-*
23 *sistent with guidance issued by the Director under*
24 *section 3614 to make a cloud computing product or*
25 *service eligible for a FedRAMP authorization and*

1 *validate whether a cloud computing product or service*
2 *has a FedRAMP authorization;*

3 *“(3) develop and publish templates, best prac-*
4 *tices, technical assistance, and other materials to sup-*
5 *port the authorization of cloud computing products*
6 *and services and increase the speed, effectiveness, and*
7 *transparency of the authorization process, consistent*
8 *with standards and guidelines established by the Di-*
9 *rector of the National Institute of Standards and*
10 *Technology and relevant statutes;*

11 *“(4) establish and update guidance on the*
12 *boundaries of FedRAMP authorization packages to*
13 *enhance the security and protection of Federal infor-*
14 *mation and promote transparency for agencies and*
15 *users as to which services are included in the scope*
16 *of a FedRAMP authorization;*

17 *“(5) grant FedRAMP authorizations to cloud*
18 *computing products and services consistent with the*
19 *guidance and direction of the FedRAMP Board;*

20 *“(6) establish and maintain a public comment*
21 *process for proposed guidance and other FedRAMP*
22 *directives that may have a direct impact on cloud*
23 *service providers and agencies before the issuance of*
24 *such guidance or other FedRAMP directives;*

1 “(7) coordinate with the FedRAMP Board, the
2 Director of the Cybersecurity and Infrastructure Se-
3 curity Agency, and other entities identified by the Ad-
4 ministrators, with the concurrence of the Director and
5 the Secretary, to establish and regularly update a
6 framework for continuous monitoring under section
7 3553;

8 “(8) provide a secure mechanism for storing and
9 sharing necessary data, including FedRAMP author-
10 ization packages, to enable better reuse of such pack-
11 ages across agencies, including making available any
12 information and data necessary for agencies to fulfill
13 the requirements of section 3613;

14 “(9) provide regular updates to applicant cloud
15 service providers on the status of any cloud com-
16 puting product or service during an assessment proc-
17 ess;

18 “(10) regularly review, in consultation with the
19 FedRAMP Board—

20 “(A) the costs associated with the inde-
21 pendent assessment services described in section
22 3611; and

23 “(B) the information relating to foreign in-
24 terests submitted pursuant to section 3612;

1 “(11) in coordination with the Director, the Sec-
2 retary, and other stakeholders, as appropriate, deter-
3 mine the sufficiency of underlying requirements to
4 identify and assess the provenance of the software in
5 cloud services and products;

6 “(12) support the Federal Secure Cloud Advisory
7 Committee established pursuant to section 3616; and

8 “(13) take such other actions as the Adminis-
9 trator may determine necessary to carry out
10 FedRAMP.

11 “(b) WEBSITE.—

12 “(1) IN GENERAL.—The Administrator shall
13 maintain a public website to serve as the authori-
14 tative repository for FedRAMP, including the timely
15 publication and updates for all relevant information,
16 guidance, determinations, and other materials re-
17 quired under subsection (a).

18 “(2) CRITERIA AND PROCESS FOR FEDRAMP AU-
19 THORIZATION PRIORITIES.—The Administrator shall
20 develop and make publicly available on the website
21 described in paragraph (1) the criteria and process
22 for prioritizing and selecting cloud computing prod-
23 ucts and services that will receive a FedRAMP au-
24 thorization, in consultation with the FedRAMP
25 Board and the Chief Information Officers Council.

1 “(c) *EVALUATION OF AUTOMATION PROCEDURES.*—

2 “(1) *IN GENERAL.*—*The Administrator, in co-*
3 *ordination with the Secretary, shall assess and evalu-*
4 *ate available automation capabilities and procedures*
5 *to improve the efficiency and effectiveness of the*
6 *issuance of FedRAMP authorizations, including con-*
7 *tinuous monitoring of cloud computing products and*
8 *services.*

9 “(2) *MEANS FOR AUTOMATION.*—*Not later than*
10 *1 year after the date of enactment of this section, and*
11 *updated regularly thereafter, the Administrator shall*
12 *establish a means for the automation of security as-*
13 *sessments and reviews.*

14 “(d) *METRICS FOR AUTHORIZATION.*—*The Adminis-*
15 *trator shall establish annual metrics regarding the time and*
16 *quality of the assessments necessary for completion of a*
17 *FedRAMP authorization process in a manner that can be*
18 *consistently tracked over time in conjunction with the peri-*
19 *odic testing and evaluation process pursuant to section*
20 *3554 in a manner that minimizes the agency reporting bur-*
21 *den.*

22 **“§ 3610. FedRAMP Board**

23 “(a) *ESTABLISHMENT.*—*There is established a*
24 *FedRAMP Board to provide input and recommendations*
25 *to the Administrator regarding the requirements and guide-*

1 *lines for, and the prioritization of, security assessments of*
2 *cloud computing products and services.*

3 “(b) *MEMBERSHIP.*—*The FedRAMP Board shall con-*
4 *sist of not more than 7 senior officials or experts from agen-*
5 *cies appointed by the Director, in consultation with the Ad-*
6 *ministrator, from each of the following:*

7 “(1) *The Department of Defense.*

8 “(2) *The Department of Homeland Security.*

9 “(3) *The General Services Administration.*

10 “(4) *Such other agencies as determined by the*
11 *Director, in consultation with the Administrator.*

12 “(c) *QUALIFICATIONS.*—*Members of the FedRAMP*
13 *Board appointed under subsection (b) shall have technical*
14 *expertise in domains relevant to FedRAMP, such as—*

15 “(1) *cloud computing;*

16 “(2) *cybersecurity;*

17 “(3) *privacy;*

18 “(4) *risk management; and*

19 “(5) *other competencies identified by the Director*
20 *to support the secure authorization of cloud services*
21 *and products.*

22 “(d) *DUTIES.*—*The FedRAMP Board shall—*

23 “(1) *in consultation with the Administrator,*
24 *serve as a resource for best practices to accelerate the*
25 *process for obtaining a FedRAMP authorization;*

1 “(2) *establish and regularly update requirements*
2 *and guidelines for security authorizations of cloud*
3 *computing products and services, consistent with*
4 *standards and guidelines established by the Director*
5 *of the National Institute of Standards and Tech-*
6 *nology, to be used in the determination of FedRAMP*
7 *authorizations;*

8 “(3) *monitor and oversee, to the greatest extent*
9 *practicable, the processes and procedures by which*
10 *agencies determine and validate requirements for a*
11 *FedRAMP authorization, including periodic review of*
12 *the agency determinations described in section*
13 *3613(b);*

14 “(4) *ensure consistency and transparency be-*
15 *tween agencies and cloud service providers in a man-*
16 *ner that minimizes confusion and engenders trust;*
17 *and*

18 “(5) *perform such other roles and responsibilities*
19 *as the Director may assign, with concurrence from the*
20 *Administrator.*

21 “(e) *DETERMINATIONS OF DEMAND FOR CLOUD COM-*
22 *PUTING PRODUCTS AND SERVICES.—The FedRAMP Board*
23 *may consult with the Chief Information Officers Council*
24 *to establish a process, which may be made available on the*
25 *website maintained under section 3609(b), for prioritizing*

1 *and accepting the cloud computing products and services*
2 *to be granted a FedRAMP authorization.*

3 **“§ 3611. Independent assessment**

4 *“The Administrator may determine whether*
5 *FedRAMP may use an independent assessment service to*
6 *analyze, validate, and attest to the quality and compliance*
7 *of security assessment materials provided by cloud service*
8 *providers during the course of a determination of whether*
9 *to use a cloud computing product or service.*

10 **“§ 3612. Declaration of foreign interests**

11 *“(a) IN GENERAL.—An independent assessment service*
12 *that performs services described in section 3611 shall annu-*
13 *ally submit to the Administrator information relating to*
14 *any foreign interest, foreign influence, or foreign control of*
15 *the independent assessment service.*

16 *“(b) UPDATES.—Not later than 48 hours after there*
17 *is a change in foreign ownership or control of an inde-*
18 *pendent assessment service that performs services described*
19 *in section 3611, the independent assessment service shall*
20 *submit to the Administrator an update to the information*
21 *submitted under subsection (a).*

22 *“(c) CERTIFICATION.—The Administrator may require*
23 *a representative of an independent assessment service to cer-*
24 *tify the accuracy and completeness of any information sub-*
25 *mitted under this section.*

1 **“§ 3613. Roles and responsibilities of agencies**

2 “(a) *IN GENERAL.*—*In implementing the requirements*
3 *of FedRAMP, the head of each agency shall, consistent with*
4 *guidance issued by the Director pursuant to section 3614—*

5 “(1) *promote the use of cloud computing prod-*
6 *ucts and services that meet FedRAMP security re-*
7 *quirements and other risk-based performance require-*
8 *ments as determined by the Director, in consultation*
9 *with the Secretary;*

10 “(2) *confirm whether there is a FedRAMP au-*
11 *thorization in the secure mechanism provided under*
12 *section 3609(a)(8) before beginning the process of*
13 *granting a FedRAMP authorization for a cloud com-*
14 *puting product or service;*

15 “(3) *to the extent practicable, for any cloud com-*
16 *puting product or service the agency seeks to author-*
17 *ize that has received a FedRAMP authorization, use*
18 *the existing assessments of security controls and mate-*
19 *rials within any FedRAMP authorization package for*
20 *that cloud computing product or service; and*

21 “(4) *provide to the Director data and informa-*
22 *tion required by the Director pursuant to section*
23 *3614 to determine how agencies are meeting metrics*
24 *established by the Administrator.*

25 “(b) *ATTESTATION.*—*Upon completing an assessment*
26 *or authorization activity with respect to a particular cloud*

1 *computing product or service, if an agency determines that*
2 *the information and data the agency has reviewed under*
3 *paragraph (2) or (3) of subsection (a) is wholly or substan-*
4 *tially deficient for the purposes of performing an authoriza-*
5 *tion of the cloud computing product or service, the head*
6 *of the agency shall document as part of the resulting*
7 *FedRAMP authorization package the reasons for this deter-*
8 *mination.*

9 “(c) *SUBMISSION OF AUTHORIZATIONS TO OPERATE*
10 *REQUIRED.—Upon issuance of an agency authorization to*
11 *operate based on a FedRAMP authorization, the head of*
12 *the agency shall provide a copy of its authorization to oper-*
13 *ate letter and any supplementary information required*
14 *pursuant to section 3609(a) to the Administrator.*

15 “(d) *SUBMISSION OF POLICIES REQUIRED.—Not later*
16 *than 180 days after the date on which the Director issues*
17 *guidance in accordance with section 3614(1), the head of*
18 *each agency, acting through the chief information officer of*
19 *the agency, shall submit to the Director all agency policies*
20 *relating to the authorization of cloud computing products*
21 *and services.*

22 “(e) *PRESUMPTION OF ADEQUACY.—*

23 “(1) *IN GENERAL.—The assessment of security*
24 *controls and materials within the authorization pack-*
25 *age for a FedRAMP authorization shall be presumed*

1 *adequate for use in an agency authorization to oper-*
2 *ate cloud computing products and services.*

3 “(2) *INFORMATION SECURITY REQUIREMENTS.—*
4 *The presumption under paragraph (1) does not mod-*
5 *ify or alter—*

6 “(A) *the responsibility of any agency to en-*
7 *sure compliance with subchapter II of chapter 35*
8 *for any cloud computing product or service used*
9 *by the agency; or*

10 “(B) *the authority of the head of any agen-*
11 *cy to make a determination that there is a de-*
12 *monstrable need for additional security require-*
13 *ments beyond the security requirements included*
14 *in a FedRAMP authorization for a particular*
15 *control implementation.*

16 **“§3614. Roles and responsibilities of the Office of**
17 ***Management and Budget***

18 *“The Director shall—*

19 “(1) *in consultation with the Administrator and*
20 *the Secretary, issue guidance that—*

21 “(A) *specifies the categories or characteris-*
22 *tics of cloud computing products and services*
23 *that are within the scope of FedRAMP;*

24 “(B) *includes requirements for agencies to*
25 *obtain a FedRAMP authorization when oper-*

1 *ating a cloud computing product or service de-*
2 *scribed in subparagraph (A) as a Federal infor-*
3 *mation system; and*

4 *“(C) encompasses, to the greatest extent*
5 *practicable, all necessary and appropriate cloud*
6 *computing products and services;*

7 *“(2) issue guidance describing additional respon-*
8 *sibilities of FedRAMP and the FedRAMP Board to*
9 *accelerate the adoption of secure cloud computing*
10 *products and services by the Federal Government;*

11 *“(3) in consultation with the Administrator, es-*
12 *tablish a process to periodically review FedRAMP au-*
13 *thorization packages to support the secure authoriza-*
14 *tion and reuse of secure cloud products and services;*

15 *“(4) oversee the effectiveness of FedRAMP and*
16 *the FedRAMP Board, including the compliance by the*
17 *FedRAMP Board with the duties described in section*
18 *3610(d); and*

19 *“(5) to the greatest extent practicable, encourage*
20 *and promote consistency of the assessment, authoriza-*
21 *tion, adoption, and use of secure cloud computing*
22 *products and services within and across agencies.*

23 **“§ 3615. Reports to Congress; GAO report**

24 *“(a) REPORTS TO CONGRESS.—Not later than 1 year*
25 *after the date of enactment of this section, and annually*

1 *thereafter, the Director shall submit to the appropriate con-*
2 *gressional committees a report that includes the following:*

3 “(1) *During the preceding year, the status, effi-*
4 *ciency, and effectiveness of the General Services Ad-*
5 *ministration under section 3609 and agencies under*
6 *section 3613 and in supporting the speed, effective-*
7 *ness, sharing, reuse, and security of authorizations to*
8 *operate for secure cloud computing products and serv-*
9 *ices.*

10 “(2) *Progress towards meeting the metrics re-*
11 *quired under section 3609(d).*

12 “(3) *Data on FedRAMP authorizations.*

13 “(4) *The average length of time to issue*
14 *FedRAMP authorizations.*

15 “(5) *The number of FedRAMP authorizations*
16 *submitted, issued, and denied for the preceding year.*

17 “(6) *A review of progress made during the pre-*
18 *ceding year in advancing automation techniques to*
19 *securely automate FedRAMP processes and to accel-*
20 *erate reporting under this section.*

21 “(7) *The number and characteristics of author-*
22 *ized cloud computing products and services in use at*
23 *each agency consistent with guidance provided by the*
24 *Director under section 3614.*

1 “(8) *A review of FedRAMP measures to ensure*
2 *the security of data stored or processed by cloud serv-*
3 *ice providers, which may include—*

4 “(A) *geolocation restrictions for provided*
5 *products or services;*

6 “(B) *disclosures of foreign elements of sup-*
7 *ply chains of acquired products or services;*

8 “(C) *continued disclosures of ownership of*
9 *cloud service providers by foreign entities; and*

10 “(D) *encryption for data processed, stored,*
11 *or transmitted by cloud service providers.*

12 “(b) *GAO REPORT.—Not later than 180 days after the*
13 *date of enactment of this section, the Comptroller General*
14 *of the United States shall report to the appropriate congres-*
15 *sional committees an assessment of the following:*

16 “(1) *The costs incurred by agencies and cloud*
17 *service providers relating to the issuance of FedRAMP*
18 *authorizations.*

19 “(2) *The extent to which agencies have processes*
20 *in place to continuously monitor the implementation*
21 *of cloud computing products and services operating as*
22 *Federal information systems.*

23 “(3) *How often and for which categories of prod-*
24 *ucts and services agencies use FedRAMP authoriza-*
25 *tions.*

1 “(4) *The unique costs and potential burdens in-*
2 *curred by cloud computing companies that are small*
3 *business concerns (as defined in section 3(a) of the*
4 *Small Business Act (15 U.S.C. 632(a)) as a part of*
5 *the FedRAMP authorization process.*

6 **“§ 3616. Federal Secure Cloud Advisory Committee**

7 “(a) *ESTABLISHMENT, PURPOSES, AND DUTIES.—*

8 “(1) *ESTABLISHMENT.—There is established a*
9 *Federal Secure Cloud Advisory Committee (referred to*
10 *in this section as the ‘Committee’) to ensure effective*
11 *and ongoing coordination of agency adoption, use,*
12 *authorization, monitoring, acquisition, and security*
13 *of cloud computing products and services to enable*
14 *agency mission and administrative priorities.*

15 “(2) *PURPOSES.—The purposes of the Committee*
16 *are the following:*

17 “(A) *To examine the operations of*
18 *FedRAMP and determine ways that authoriza-*
19 *tion processes can continuously be improved, in-*
20 *cluding the following:*

21 “(i) *Measures to increase agency reuse*
22 *of FedRAMP authorizations.*

23 “(ii) *Proposed actions that can be*
24 *adopted to reduce the burden, confusion,*

1 *and cost associated with FedRAMP author-*
2 *izations for cloud service providers.*

3 “(iii) *Measures to increase the number*
4 *of FedRAMP authorizations for cloud com-*
5 *puting products and services offered by*
6 *small businesses concerns (as defined by sec-*
7 *tion 3(a) of the Small Business Act (15*
8 *U.S.C. 632(a)).*

9 “(iv) *Proposed actions that can be*
10 *adopted to reduce the burden and cost of*
11 *FedRAMP authorizations for agencies.*

12 “(B) *Collect information and feedback on*
13 *agency compliance with and implementation of*
14 *FedRAMP requirements.*

15 “(C) *Serve as a forum that facilitates com-*
16 *munication and collaboration among the*
17 *FedRAMP stakeholder community.*

18 “(3) *DUTIES.—The duties of the Committee in-*
19 *clude providing advice and recommendations to the*
20 *Administrator, the FedRAMP Board, and agencies on*
21 *technical, financial, programmatic, and operational*
22 *matters regarding secure adoption of cloud computing*
23 *products and services.*

24 “(b) *MEMBERS.—*

1 “(1) *COMPOSITION.*—*The Committee shall be*
2 *comprised of not more than 15 members who are*
3 *qualified representatives from the public and private*
4 *sectors, appointed by the Administrator, in consulta-*
5 *tion with the Director, as follows:*

6 “(A) *The Administrator or the Administra-*
7 *tor’s designee, who shall be the Chair of the Com-*
8 *mittee.*

9 “(B) *At least 1 representative each from the*
10 *Cybersecurity and Infrastructure Security Agen-*
11 *cy and the National Institute of Standards and*
12 *Technology.*

13 “(C) *At least 2 officials who serve as the*
14 *Chief Information Security Officer within an*
15 *agency, who shall be required to maintain such*
16 *a position throughout the duration of their serv-*
17 *ice on the Committee.*

18 “(D) *At least 1 official serving as Chief*
19 *Procurement Officer (or equivalent) in an agen-*
20 *cy, who shall be required to maintain such a po-*
21 *sition throughout the duration of their service on*
22 *the Committee.*

23 “(E) *At least 1 individual representing an*
24 *independent assessment service.*

1 “(F) *At least 5 representatives from unique*
2 *businesses that primarily provide cloud com-*
3 *puting services or products, including at least 2*
4 *representatives from a small business concern (as*
5 *defined by section 3(a) of the Small Business Act*
6 *(15 U.S.C. 632(a)).*

7 “(G) *At least 2 other representatives of the*
8 *Federal Government as the Administrator deter-*
9 *mines necessary to provide sufficient balance, in-*
10 *sights, or expertise to the Committee.*

11 “(2) *DEADLINE FOR APPOINTMENT.—Each mem-*
12 *ber of the Committee shall be appointed not later than*
13 *90 days after the date of enactment of this section.*

14 “(3) *PERIOD OF APPOINTMENT; VACANCIES.—*

15 “(A) *IN GENERAL.—Each non-Federal*
16 *member of the Committee shall be appointed for*
17 *a term of 3 years, except that the initial terms*
18 *for members may be staggered 1-, 2-, or 3-year*
19 *terms to establish a rotation in which one-third*
20 *of the members are selected each year. Any such*
21 *member may be appointed for not more than 2*
22 *consecutive terms.*

23 “(B) *VACANCIES.—Any vacancy in the*
24 *Committee shall not affect its powers, but shall*
25 *be filled in the same manner in which the origi-*

1 *nal appointment was made. Any member ap-*
2 *pointed to fill a vacancy occurring before the ex-*
3 *piration of the term for which the member's*
4 *predecessor was appointed shall be appointed*
5 *only for the remainder of that term. A member*
6 *may serve after the expiration of that member's*
7 *term until a successor has taken office.*

8 “(c) *MEETINGS AND RULES OF PROCEDURES.*—

9 “(1) *MEETINGS.*—*The Committee shall hold not*
10 *fewer than 3 meetings in a calendar year, at such*
11 *time and place as determined by the Chair.*

12 “(2) *INITIAL MEETING.*—*Not later than 120 days*
13 *after the date of enactment of this section, the Com-*
14 *mittee shall meet and begin the operations of the*
15 *Committee.*

16 “(3) *RULES OF PROCEDURE.*—*The Committee*
17 *may establish rules for the conduct of the business of*
18 *the Committee if such rules are not inconsistent with*
19 *this section or other applicable law.*

20 “(d) *EMPLOYEE STATUS.*—

21 “(1) *IN GENERAL.*—*A member of the Committee*
22 *(other than a member who is appointed to the Com-*
23 *mittee in connection with another Federal appoint-*
24 *ment) shall not be considered an employee of the Fed-*
25 *eral Government by reason of any service as such a*

1 *member, except for the purposes of section 5703 of*
2 *title 5, relating to travel expenses.*

3 “(2) *PAY NOT PERMITTED.*—*A member of the*
4 *Committee covered by paragraph (1) may not receive*
5 *pay by reason of service on the Committee.*

6 “(e) *APPLICABILITY TO THE FEDERAL ADVISORY COM-*
7 *MITTEE ACT.*—*Section 14 of the Federal Advisory Com-*
8 *mittee Act (5 U.S.C. App.) shall not apply to the Com-*
9 *mittee.*

10 “(f) *DETAIL OF EMPLOYEES.*—*Any Federal Govern-*
11 *ment employee may be detailed to the Committee without*
12 *reimbursement from the Committee, and such detailee shall*
13 *retain the rights, status, and privileges of his or her regular*
14 *employment without interruption.*

15 “(g) *POSTAL SERVICES.*—*The Committee may use the*
16 *United States mails in the same manner and under the*
17 *same conditions as agencies.*

18 “(h) *REPORTS.*—

19 “(1) *INTERIM REPORTS.*—*The Committee may*
20 *submit to the Administrator and Congress interim re-*
21 *ports containing such findings, conclusions, and rec-*
22 *ommendations as have been agreed to by the Com-*
23 *mittee.*

24 “(2) *ANNUAL REPORTS.*—*Not later than 540*
25 *days after the date of enactment of this section, and*

1 *annually thereafter, the Committee shall submit to the*
2 *Administrator and Congress a report containing such*
3 *findings, conclusions, and recommendations as have*
4 *been agreed to by the Committee.”.*

5 *(c) TECHNICAL AND CONFORMING AMENDMENT.—The*
6 *table of sections for chapter 36 of title 44, United States*
7 *Code, is amended by adding at the end the following new*
8 *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.”.*

9 *(d) SUNSET.—*

10 *(1) IN GENERAL.—Effective on the date that is*
11 *5 years after the date of enactment of this Act, chap-*
12 *ter 36 of title 44, United States Code, is amended by*
13 *striking sections 3607 through 3616.*

14 *(2) CONFORMING AMENDMENT.—Effective on the*
15 *date that is 5 years after the date of enactment of this*
16 *Act, the table of sections for chapter 36 of title 44,*
17 *United States Code, is amended by striking the items*
18 *relating to sections 3607 through 3616.*

19 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
20 *or any amendment made by this section shall be construed*

1 *as altering or impairing the authorities of the Director of*
2 *the Office of Management and Budget or the Secretary of*
3 *Homeland Security under subchapter II of chapter 35 of*
4 *title 44, United States Code.*

5 ***Subtitle D—Judicial Security and***
6 ***Privacy***

7 ***SEC. 5931. SHORT TITLE.***

8 *This subtitle may be cited as the “Daniel Anderl Judi-*
9 *cial Security and Privacy Act of 2022”.*

10 ***SEC. 5932. FINDINGS AND PURPOSE.***

11 *(a) FINDINGS.—Congress finds the following:*

12 *(1) Members of the Federal judiciary perform the*
13 *important function of interpreting the Constitution of*
14 *the United States and administering justice in a fair*
15 *and impartial manner.*

16 *(2) In recent years, partially as a result of the*
17 *rise in the use of social media and online access to*
18 *information, members of the Federal judiciary have*
19 *been exposed to an increased number of personal*
20 *threats in connection to their role. The ease of access*
21 *to free or inexpensive sources of covered information*
22 *has considerably lowered the effort required for mali-*
23 *cious actors to discover where individuals live and*
24 *where they spend leisure hours and to find informa-*
25 *tion about their family members. Such threats have*

1 *included calling a judge a traitor with references to*
2 *mass shootings and serial killings, a murder attempt*
3 *on a justice of the Supreme Court of the United*
4 *States, calling for an “angry mob” to gather outside*
5 *a home of a judge and, in reference to a judge on the*
6 *court of appeals of the United States, stating how*
7 *easy it would be to “get them”.*

8 *(3) Between 2015 and 2019, threats and other*
9 *inappropriate communications against Federal judges*
10 *and other judiciary personnel increased from 926 in*
11 *2015 to approximately 4,449 in 2019.*

12 *(4) Over the past decade, several members of the*
13 *Federal judiciary have experienced acts of violence*
14 *against themselves or a family member in connection*
15 *to their Federal judiciary role, including the murder*
16 *in 2005 of the family of Joan Lefkow, a judge for the*
17 *United States District Court for the Northern District*
18 *of Illinois.*

19 *(5) On Sunday July 19, 2020, an assailant went*
20 *to the home of Esther Salas, a judge for the United*
21 *States District Court for the District of New Jersey,*
22 *impersonating a package delivery driver, opening fire*
23 *upon arrival, and killing Daniel Anderl, the 20-year-*
24 *old only son of Judge Salas, and seriously wounding*
25 *Mark Anderl, her husband.*

1 (6) *In the aftermath of the recent tragedy that*
2 *occurred to Judge Salas and in response to the con-*
3 *tinuous rise of threats against members of the Federal*
4 *judiciary, there is an immediate need for enhanced*
5 *security procedures and increased availability of tools*
6 *to protect Federal judges and their families.*

7 (b) *PURPOSE.*—*The purpose of this subtitle is to im-*
8 *prove the safety and security of Federal judges, including*
9 *senior, recalled, or retired Federal judges, and their imme-*
10 *diate family members to ensure Federal judges are able to*
11 *administer justice fairly without fear of personal reprisal*
12 *from individuals affected by the decisions they make in the*
13 *course of carrying out their public duties.*

14 **SEC. 5933. DEFINITIONS.**

15 *In this subtitle:*

16 (1) *AT-RISK INDIVIDUAL.*—*The term “at-risk in-*
17 *dividual” means—*

18 (A) *a Federal judge;*

19 (B) *a senior, recalled, or retired Federal*
20 *judge;*

21 (C) *any individual who is the spouse, par-*
22 *ent, sibling, or child of an individual described*
23 *in subparagraph (A) or (B);*

1 (D) any individual to whom an individual
2 described in subparagraph (A) or (B) stands in
3 *loco parentis*; or

4 (E) any other individual living in the
5 household of an individual described in subpara-
6 graph (A) or (B).

7 (2) COVERED INFORMATION.—The term “covered
8 information”—

9 (A) means—

10 (i) a home address, including primary
11 residence or secondary residences;

12 (ii) a home or personal mobile tele-
13 phone number;

14 (iii) a personal email address;

15 (iv) a social security number or driv-
16 er’s license number;

17 (v) a bank account or credit or debit
18 card information;

19 (vi) a license plate number or other
20 unique identifiers of a vehicle owned, leased,
21 or regularly used by an at-risk individual;

22 (vii) the identification of children of
23 an at-risk individual under the age of 18;

24 (viii) the full date of birth;

1 *(ix) information regarding current or*
2 *future school or day care attendance, in-*
3 *cluding the name or address of the school or*
4 *day care, schedules of attendance, or routes*
5 *taken to or from the school or day care by*
6 *an at-risk individual; or*

7 *(x) information regarding the employ-*
8 *ment location of an at-risk individual, in-*
9 *cluding the name or address of the em-*
10 *ployer, employment schedules, or routes*
11 *taken to or from the employer by an at-risk*
12 *individual; and*

13 *(B) does not include information regarding*
14 *employment with a Government agency.*

15 (3) *DATA BROKER.—*

16 *(A) IN GENERAL.—The term “data broker”*
17 *means an entity that collects and sells or licenses*
18 *to third parties the personal information of an*
19 *individual with whom the entity does not have*
20 *a direct relationship..*

21 *(B) EXCLUSION.—The term “data broker”*
22 *does not include a commercial entity engaged in*
23 *the following activities:*

24 *(i) Engaging in reporting, news-gath-*
25 *ering, speaking, or other activities intended*

1 to inform the public on matters of public
2 interest or public concern.

3 (ii) Providing 411 directory assistance
4 or directory information services, including
5 name, address, and telephone number, on
6 behalf of or as a function of a telecommuni-
7 cations carrier.

8 (iii) Using personal information inter-
9 nally, providing access to businesses under
10 common ownership or affiliated by cor-
11 porate control, or selling or providing data
12 for a transaction or service requested by or
13 concerning the individual whose personal
14 information is being transferred.

15 (iv) Providing publicly available infor-
16 mation via real-time or near-real-time alert
17 services for health or safety purposes.

18 (v) A consumer reporting agency sub-
19 ject to the Fair Credit Reporting Act (15
20 U.S.C. 1681 et seq.).

21 (vi) A financial institution subject to
22 the Gramm-Leach-Bliley Act (Public Law
23 106–102) and regulations implementing
24 that title.

1 (vii) *A covered entity for purposes of*
2 *the privacy regulations promulgated under*
3 *section 264(c) of the Health Insurance Port-*
4 *ability and Accountability Act of 1996 (42*
5 *U.S.C. 1320d-2 note).*

6 (viii) *The collection and sale or licens-*
7 *ing of covered information incidental to*
8 *conducting the activities described in*
9 *clauses (i) through (vii).*

10 (4) *FEDERAL JUDGE.*—*The term “Federal judge”*
11 *means—*

12 (A) *a justice of the United States or a judge*
13 *of the United States, as those terms are defined*
14 *in section 451 of title 28, United States Code;*

15 (B) *a bankruptcy judge appointed under*
16 *section 152 of title 28, United States Code;*

17 (C) *a United States magistrate judge ap-*
18 *pointed under section 631 of title 28, United*
19 *States Code;*

20 (D) *a judge confirmed by the United States*
21 *Senate and empowered by statute in any com-*
22 *monwealth, territory, or possession to perform*
23 *the duties of a Federal judge;*

1 (E) a judge of the United States Court of
2 Federal Claims appointed under section 171 of
3 title 28, United States Code;

4 (F) a judge of the United States Court of
5 Appeals for Veterans Claims appointed under
6 section 7253 of title 38, United States Code;

7 (G) a judge of the United States Court of
8 Appeals for the Armed Forces appointed under
9 section 942 of title 10, United States Code;

10 (H) a judge of the United States Tax Court
11 appointed under section 7443 of the Internal
12 Revenue Code of 1986; and

13 (I) a special trial judge of the United States
14 Tax Court appointed under section 7443A of the
15 Internal Revenue Code of 1986.

16 (5) *GOVERNMENT AGENCY.*—The term “Govern-
17 ment agency” includes—

18 (A) an Executive agency, as defined in sec-
19 tion 105 of title 5, United States Code; and

20 (B) any agency in the judicial branch or
21 legislative branch.

22 (6) *IMMEDIATE FAMILY MEMBER.*—The term
23 “immediate family member” means—

24 (A) any individual who is the spouse, par-
25 ent, sibling, or child of an at-risk individual;

1 (B) *any individual to whom an at-risk in-*
2 *dividual stands in loco parentis; or*

3 (C) *any other individual living in the*
4 *household of an at-risk individual.*

5 (7) *INTERACTIVE COMPUTER SERVICE.—The*
6 *term “interactive computer service” has the meaning*
7 *given the term in section 230 of the Communications*
8 *Act of 1934 (47 U.S.C. 230).*

9 (8) *TRANSFER.—The term “transfer” means to*
10 *sell, license, trade, or exchange for consideration the*
11 *covered information of an at-risk individual or imme-*
12 *diate family member.*

13 **SEC. 5934. PROTECTING COVERED INFORMATION IN PUB-**
14 **LIC RECORDS.**

15 (a) *GOVERNMENT AGENCIES.—*

16 (1) *IN GENERAL.—Each at-risk individual*
17 *may—*

18 (A) *file written notice of the status of the*
19 *individual as an at-risk individual, for them-*
20 *selves and immediate family members, with each*
21 *Government agency that includes information*
22 *necessary to ensure compliance with this section;*
23 *and*

24 (B) *request that each Government agency*
25 *described in subparagraph (A) mark as private*

1 *their covered information and that of their im-*
2 *mediate family members.*

3 (2) *NO PUBLIC POSTING.*—*Government agencies*
4 *shall not publicly post or display publicly available*
5 *content that includes covered information of an at-*
6 *risk individual or immediate family member. Govern-*
7 *ment agencies, upon receipt of a written request*
8 *under paragraph (1)(A), shall remove the covered in-*
9 *formation of the at-risk individual or immediate fam-*
10 *ily member from publicly available content not later*
11 *than 72 hours after such receipt.*

12 (3) *EXCEPTIONS.*—*Nothing in this section shall*
13 *prohibit a Government agency from providing access*
14 *to records containing the covered information of a*
15 *Federal judge to a third party if the third party—*

16 (A) *possesses a signed release from the Fed-*
17 *eral judge or a court order;*

18 (B) *is subject to the requirements of title V*
19 *of the Gramm-Leach-Bliley Act (15 U.S.C. 6801*
20 *et seq.); or*

21 (C) *executes a confidentiality agreement*
22 *with the Government agency.*

23 (b) *DELEGATION OF AUTHORITY.*—

24 (1) *IN GENERAL.*—*An at-risk individual may di-*
25 *rectly, or through an agent designated by the at-risk*

1 *individual, make any notice or request required or*
2 *authorized by this section on behalf of the at-risk in-*
3 *dividual. The notice or request shall be in writing*
4 *and contain information necessary to ensure compli-*
5 *ance with this section, including information ex-*
6 *pressly referencing the prohibition on the posting or*
7 *transfer of covered information, information regard-*
8 *ing redress and penalties for violations provided in*
9 *subsection (f), and contact information to allow the*
10 *recipient to verify the accuracy of any notice or re-*
11 *quest and answer questions by the recipient of the no-*
12 *tice or request.*

13 (2) *AUTHORIZATION OF GOVERNMENT AGENCIES*
14 *TO MAKE REQUESTS.—*

15 (A) *ADMINISTRATIVE OFFICE OF THE*
16 *UNITED STATES COURTS.—Upon written request*
17 *of an at-risk individual described in subpara-*
18 *graphs (A) through (E) of section 5933(4), the*
19 *Director of the Administrative Office of the*
20 *United States Courts is authorized to make any*
21 *notice or request required or authorized by this*
22 *section on behalf of the at-risk individual. The*
23 *notice or request shall include information nec-*
24 *essary to ensure compliance with this section, as*
25 *determined by the Administrative Office of the*

1 *United States Courts. The Director may delegate*
2 *this authority under section 602(d) of title 28,*
3 *United States Code. Any notice or request made*
4 *under this subsection shall be deemed to have*
5 *been made by the at-risk individual and comply*
6 *with the notice and request requirements of this*
7 *section.*

8 (B) *UNITED STATES COURT OF APPEALS*
9 *FOR VETERANS CLAIMS.—Upon written request*
10 *of an at-risk individual described in section*
11 *5933(4)(F), the chief judge of the United States*
12 *Court of Appeals for Veterans Claims is author-*
13 *ized to make any notice or request required or*
14 *authorized by this section on behalf of the at-risk*
15 *individual. Any notice or request made under*
16 *this subsection shall be deemed to have been*
17 *made by the at-risk individual and comply with*
18 *the notice and request requirements of this sec-*
19 *tion.*

20 (C) *UNITED STATES COURT OF APPEALS*
21 *FOR THE ARMED FORCES.—Upon written request*
22 *of an at-risk individual described in section*
23 *5933(4)(G), the chief judge of the United States*
24 *Court of Appeals for the Armed Forces is author-*
25 *ized to make any notice or request required or*

1 *authorized by this section on behalf of the at-risk*
2 *individual. Any notice or request made under*
3 *this subsection shall be deemed to have been*
4 *made by the at-risk individual and comply with*
5 *the notice and request requirements of this sec-*
6 *tion.*

7 (D) *UNITED STATES TAX COURT.*—Upon
8 *written request of an at-risk individual described*
9 *in subparagraph (H) or (I) of section 5933(4),*
10 *the chief judge of the United States Tax Court is*
11 *authorized to make any notice or request re-*
12 *quired or authorized by this section on behalf of*
13 *the at-risk individual. Any notice or request*
14 *made under this subsection shall be deemed to*
15 *have been made by the at-risk individual and*
16 *comply with the notice and request requirements*
17 *of this section.*

18 (c) *STATE AND LOCAL GOVERNMENTS.*—

19 (1) *GRANT PROGRAM TO PREVENT DISCLOSURE*
20 *OF PERSONAL INFORMATION OF AT-RISK INDIVIDUALS*
21 *OR IMMEDIATE FAMILY MEMBERS.*—

22 (A) *AUTHORIZATION.*—*The Attorney Gen-*
23 *eral may make grants to prevent the release of*
24 *covered information of at-risk individuals and*
25 *immediate family members (in this subsection*

1 referred to as “judges’ covered information”) to
2 the detriment of such individuals or their imme-
3 diate family members to an entity that—

4 (i) is—

5 (I) a State or unit of local govern-
6 ment, as defined in section 901 of title
7 I of the Omnibus Crime Control and
8 Safe Streets Act of 1968 (34 U.S.C.
9 10251); or

10 (II) an agency of a State or unit
11 of local government; and

12 (ii) operates a State or local database
13 or registry that contains covered informa-
14 tion.

15 (B) APPLICATION.—An entity seeking a
16 grant under this subsection shall submit to the
17 Attorney General an application at such time, in
18 such manner, and containing such information
19 as the Attorney General may reasonably require.

20 (2) SCOPE OF GRANTS.—Grants made under this
21 subsection may be used to create or expand programs
22 designed to protect judges’ covered information, in-
23 cluding through—

24 (A) the creation of programs to redact or re-
25 move judges’ covered information, upon the re-

1 *quest of an at-risk individual, from public*
2 *records in State agencies, including hiring a*
3 *third party to redact or remove judges' covered*
4 *information from public records;*

5 *(B) the expansion of existing programs that*
6 *the State may have enacted in an effort to pro-*
7 *tect judges' covered information;*

8 *(C) the development or improvement of pro-*
9 *ocols, procedures, and policies to prevent the re-*
10 *lease of judges' covered information;*

11 *(D) the defrayment of costs of modifying or*
12 *improving existing databases and registries to*
13 *ensure that judges' covered information is cov-*
14 *ered from release; and*

15 *(E) the development of confidential opt out*
16 *systems that will enable at-risk individuals to*
17 *make a single request to keep judges' covered in-*
18 *formation out of multiple databases or registries.*

19 (3) *REPORT.—*

20 *(A) IN GENERAL.—Not later than 1 year*
21 *after the date of enactment of this Act, and bien-*
22 *ennially thereafter, the Comptroller General of the*
23 *United States, shall submit to the Committee on*
24 *the Judiciary of the Senate and the Committee*

1 *on the Judiciary of the House of Representatives*
2 *an annual report that includes—*

3 *(i) a detailed amount spent by States*
4 *and local governments on protecting judges’*
5 *covered information;*

6 *(ii) where the judges’ covered informa-*
7 *tion was found; and*

8 *(iii) the collection of any new types of*
9 *personal data found to be used to identify*
10 *judges who have received threats, including*
11 *prior home addresses, employers, and insti-*
12 *tutional affiliations such as nonprofit*
13 *boards.*

14 *(B) STATES AND LOCAL GOVERNMENTS.—*
15 *States and local governments that receive funds*
16 *under this subsection shall submit to the Comp-*
17 *troller General of the United States a report on*
18 *data described in clauses (i) and (ii) of subpara-*
19 *graph (A) to be included in the report required*
20 *under that subparagraph.*

21 *(d) DATA BROKERS AND OTHER BUSINESSES.—*

22 *(1) PROHIBITIONS.—*

23 *(A) DATA BROKERS.—It shall be unlawful*
24 *for a data broker to knowingly sell, license, trade*
25 *for consideration, transfer, or purchase covered*

1 *information of an at-risk individual or imme-*
2 *diate family members.*

3 *(B) OTHER PERSONS AND BUSINESSES.—*

4 *(i) IN GENERAL.—Except as provided*
5 *in clause (ii), no person, business, or asso-*
6 *ciation shall publicly post or publicly dis-*
7 *play on the internet covered information of*
8 *an at-risk individual or immediate family*
9 *member if the at-risk individual has made*
10 *a written request to that person, business,*
11 *or association not to disclose or acquire the*
12 *covered information of the at-risk indi-*
13 *vidual or immediate family member.*

14 *(ii) EXCEPTIONS.—Clause (i) shall not*
15 *apply to—*

16 *(I) the display on the internet of*
17 *the covered information of an at-risk*
18 *individual or immediate family mem-*
19 *ber if the information is relevant to*
20 *and displayed as part of a news story,*
21 *commentary, editorial, or other speech*
22 *on a matter of public concern;*

23 *(II) covered information that the*
24 *at-risk individual voluntarily pub-*

1 lishes on the internet after the date of
2 enactment of this Act; or

3 (III) covered information lawfully
4 received from a Federal Government
5 source (or from an employee or agent
6 of the Federal Government).

7 (2) *REQUIRED CONDUCT.*—

8 (A) *IN GENERAL.*—After receiving a written
9 request under paragraph (1)(B), the person,
10 business, or association shall—

11 (i) remove within 72 hours the covered
12 information identified in the written re-
13 quest from the internet and ensure that the
14 information is not made available on any
15 website or subsidiary website controlled by
16 that person, business, or association and
17 identify any other instances of the identified
18 information that should also be removed;
19 and

20 (ii) assist the sender to locate the cov-
21 ered information of the at-risk individual or
22 immediate family member posted on any
23 website or subsidiary website controlled by
24 that person, business, or association.

25 (B) *TRANSFER.*—

1 (i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), after receiving a written re-*
3 *quest under paragraph (1)(B), the person,*
4 *business, or association shall not transfer*
5 *the covered information of the at-risk indi-*
6 *vidual or immediate family member to any*
7 *other person, business, or association*
8 *through any medium.*

9 (ii) *EXCEPTIONS.*—*Clause (i) shall not*
10 *apply to—*

11 (I) *the transfer of the covered in-*
12 *formation of the at-risk individual or*
13 *immediate family member if the infor-*
14 *mation is relevant to and displayed as*
15 *part of a news story, commentary, edi-*
16 *torial, or other speech on a matter of*
17 *public concern;*

18 (II) *covered information that the*
19 *at-risk individual or immediate family*
20 *member voluntarily publishes on the*
21 *internet after the date of enactment of*
22 *this Act; or*

23 (III) *a transfer made at the re-*
24 *quest of the at-risk individual or that*
25 *is necessary to effectuate a request to*

1 *the person, business, or association*
2 *from the at-risk individual.*

3 (e) *DATA SECURITY.*—

4 (1) *RECIPIENTS.*—*Any interactive computer*
5 *service shall implement and maintain reasonable se-*
6 *curity procedures and practices to protect any infor-*
7 *mation collected or received to comply with the re-*
8 *quirements of this subtitle from unauthorized use, dis-*
9 *closure, access, destruction, or modification.*

10 (2) *GOVERNMENT CUSTODIANS.*—*The Adminis-*
11 *trative Office of the United States Courts and the ad-*
12 *ministrators of the courts described in this subtitle*
13 *shall implement and maintain reasonable security*
14 *procedures and practices to protect any information*
15 *they collect, receive, or transmit pursuant to the pro-*
16 *visions of this subtitle.*

17 (f) *REDRESS AND PENALTIES.*—

18 (1) *IN GENERAL.*—*If the covered information of*
19 *an at-risk individual described in subparagraphs (A)*
20 *through (E) of section 5933(4) or their immediate*
21 *family is made public as a result of a violation of*
22 *this subtitle, the Director of the Administrative Office*
23 *of the United States Courts, or the designee of the Di-*
24 *rector, may file an action seeking injunctive or de-*

1 *claratory relief in any court of competent jurisdic-*
2 *tion, through the Department of Justice.*

3 (2) *AUTHORITY.*—*The respective chief judge for*
4 *judges described in subparagraphs (B), (C), and (D)*
5 *of section 5934(b)(2) shall have the same authority as*
6 *the Director under this paragraph for at-risk individ-*
7 *uals in their courts or their immediate family mem-*
8 *bers.*

9 (3) *PENALTIES AND DAMAGES.*—*If a person,*
10 *business, or association knowingly violates an order*
11 *granting injunctive or declarative relief under para-*
12 *graph (1), the court issuing such order may—*

13 (A) *if the person, business, or association is*
14 *a government agency—*

15 (i) *impose a fine not greater than*
16 *\$4,000; and*

17 (ii) *award to the at-risk individual or*
18 *their immediate family, as applicable, court*
19 *costs and reasonable attorney's fees; and*

20 (B) *if the person, business, or association is*
21 *not a government agency, award to the at-risk*
22 *individual or their immediate family, as appli-*
23 *cable—*

1 (i) an amount equal to the actual dam-
2 ages sustained by the at-risk individual or
3 their immediate family; and

4 (ii) court costs and reasonable attor-
5 ney's fees.

6 **SEC. 5935. TRAINING AND EDUCATION.**

7 Amounts appropriated to the Federal judiciary for fis-
8 cal year 2022, and each fiscal year thereafter, may be used
9 for biannual judicial security training for active, senior,
10 or recalled Federal judges described in subparagraph (A),
11 (B), (C), (D), or (E) of section 5933(4) and their immediate
12 family members, including—

13 (1) best practices for using social media and
14 other forms of online engagement and for maintain-
15 ing online privacy;

16 (2) home security program and maintenance;

17 (3) understanding removal programs and re-
18 quirements for covered information; and

19 (4) any other judicial security training that the
20 United States Marshals Services and the Administra-
21 tive Office of the United States Courts determines is
22 relevant.

23 **SEC. 5936. VULNERABILITY MANAGEMENT CAPABILITY.**

24 (a) AUTHORIZATION.—

1 (1) *VULNERABILITY MANAGEMENT CAPABILITY.*—
2 *The Federal judiciary is authorized to perform all*
3 *necessary functions consistent with the provisions of*
4 *this subtitle and to support existing threat manage-*
5 *ment capabilities within the United States Marshals*
6 *Service and other relevant Federal law enforcement*
7 *and security agencies for active, senior, recalled, and*
8 *retired Federal judges described in subparagraphs*
9 *(A), (B), (C), (D), and (E) of section 5933(4), includ-*
10 *ing—*

11 (A) *monitoring the protection of at-risk in-*
12 *dividuals and judiciary assets;*

13 (B) *managing the monitoring of websites*
14 *for covered information of at-risk individuals*
15 *and immediate family members and remove or*
16 *limit the publication of such information;*

17 (C) *receiving, reviewing, and analyzing*
18 *complaints by at-risk individuals of threats,*
19 *whether direct or indirect, and report such*
20 *threats to law enforcement partners; and*

21 (D) *providing training described in section*
22 *5935.*

23 (2) *VULNERABILITY MANAGEMENT FOR CERTAIN*
24 *ARTICLE I COURTS.*—*The functions and support au-*

1 *thorized in paragraph (1) shall be authorized as fol-*
2 *lows:*

3 *(A) The chief judge of the United States*
4 *Court of Appeals for Veterans Claims is author-*
5 *ized to perform such functions and support for*
6 *the Federal judges described in section*
7 *5933(4)(F).*

8 *(B) The United States Court of Appeals for*
9 *the Armed Forces is authorized to perform such*
10 *functions and support for the Federal judges de-*
11 *scribed in section 5933(4)(G).*

12 *(C) The United States Tax Court is author-*
13 *ized to perform such functions and support for*
14 *the Federal judges described in subparagraphs*
15 *(H) and (I) of section 5933(4).*

16 *(3) TECHNICAL AND CONFORMING AMEND-*
17 *MENT.—Section 604(a) of title 28, United States Code*
18 *is amended—*

19 *(A) in paragraph (23), by striking “and”*
20 *at the end;*

21 *(B) in paragraph (24) by striking “him”*
22 *and inserting “the Director”;*

23 *(C) by redesignating paragraph (24) as*
24 *paragraph (25); and*

1 (D) by inserting after paragraph (23) the
2 following:

3 “(24) Establish and administer a vulnerability
4 management program in the judicial branch; and”.

5 (b) *EXPANSION OF CAPABILITIES OF OFFICE OF PRO-*
6 *TECTIVE INTELLIGENCE.—*

7 (1) *IN GENERAL.—*The United States Marshals
8 Service is authorized to expand the current capabili-
9 ties of the Office of Protective Intelligence of the Judi-
10 cial Security Division to increase the workforce of the
11 Office of Protective Intelligence to include additional
12 intelligence analysts, United States deputy marshals,
13 and any other relevant personnel to ensure that the
14 Office of Protective Intelligence is ready and able to
15 perform all necessary functions, consistent with the
16 provisions of this subtitle, in order to anticipate and
17 deter threats to the Federal judiciary, including—

18 (A) assigning personnel to State and major
19 urban area fusion and intelligence centers for the
20 specific purpose of identifying potential threats
21 against the Federal judiciary and coordinating
22 responses to such potential threats;

23 (B) expanding the use of investigative ana-
24 lysts, physical security specialists, and intel-
25 ligence analysts at the 94 judicial districts and

1 *territories to enhance the management of local*
2 *and distant threats and investigations; and*

3 *(C) increasing the number of United States*
4 *Marshal Service personnel for the protection of*
5 *the Federal judicial function and assigned to*
6 *protective operations and details for the Federal*
7 *judiciary.*

8 (2) *INFORMATION SHARING.—If any of the ac-*
9 *tivities of the United States Marshals Service uncover*
10 *information related to threats to individuals other*
11 *than Federal judges, the United States Marshals Serv-*
12 *ice shall, to the maximum extent practicable, share*
13 *such information with the appropriate Federal, State,*
14 *and local law enforcement agencies.*

15 (c) *REPORT.—*

16 (1) *IN GENERAL.—Not later than 1 year after*
17 *the date of enactment of this Act, the Department of*
18 *Justice, in consultation with the Administrative Of-*
19 *fice of the United States Courts, the United States*
20 *Court of Appeals for Veterans Claims, the United*
21 *States Court of Appeals for the Armed Forces, and the*
22 *United States Tax Court, shall submit to the Com-*
23 *mittee on the Judiciary of the Senate and the Com-*
24 *mittee on the Judiciary of the House of Representa-*

1 *tives a report on the security of Federal judges arising from Federal prosecutions and civil litigation.*

2
3 (2) *DESCRIPTION.—The report required under*
4 *paragraph (1) shall describe—*

5 (A) *the number and nature of threats and*
6 *assaults against at-risk individuals handling*
7 *prosecutions and other matters described in*
8 *paragraph (1) and the reporting requirements*
9 *and methods;*

10 (B) *the security measures that are in place*
11 *to protect at-risk individuals handling prosecu-*
12 *tions described in paragraph (1), including*
13 *threat assessments, response procedures, the*
14 *availability of security systems and other de-*
15 *vices, firearms licensing such as deputations,*
16 *and other measures designed to protect the at-*
17 *risk individuals and their immediate family*
18 *members; and*

19 (C) *for each requirement, measure, or policy*
20 *described in subparagraphs (A) and (B), when*
21 *the requirement, measure, or policy was devel-*
22 *oped and who was responsible for developing and*
23 *implementing the requirement, measure, or pol-*
24 *icy.*

1 (3) *PUBLIC POSTING.*—*The report described in*
2 *paragraph (1) shall, in whole or in part, be exempt*
3 *from public disclosure if the Attorney General deter-*
4 *mines that such public disclosure could endanger an*
5 *at-risk individual.*

6 **SEC. 5937. RULES OF CONSTRUCTION.**

7 (a) *IN GENERAL.*—*Nothing in this subtitle shall be*
8 *construed—*

9 (1) *to prohibit, restrain, or limit—*

10 (A) *the lawful investigation or reporting by*
11 *the press of any unlawful activity or misconduct*
12 *alleged to have been committed by an at-risk in-*
13 *dividual or their immediate family member; or*

14 (B) *the reporting on an at-risk individual*
15 *or their immediate family member regarding*
16 *matters of public concern;*

17 (2) *to impair access to decisions and opinions*
18 *from a Federal judge in the course of carrying out*
19 *their public functions;*

20 (3) *to limit the publication or transfer of covered*
21 *information with the written consent of the at-risk in-*
22 *dividual or their immediate family member; or*

23 (4) *to prohibit information sharing by a data*
24 *broker to a Federal, State, Tribal, or local govern-*
25 *ment, or any unit thereof.*

1 **(b) PROTECTION OF COVERED INFORMATION.**—*This*
2 *subtitle shall be broadly construed to favor the protection*
3 *of the covered information of at-risk individuals and their*
4 *immediate family members.*

5 **SEC. 5938. SEVERABILITY.**

6 *If any provision of this subtitle, an amendment made*
7 *by this subtitle, or the application of such provision or*
8 *amendment to any person or circumstance is held to be un-*
9 *constitutional, the remainder of this subtitle and the*
10 *amendments made by this subtitle, and the application of*
11 *the remaining provisions of this subtitle and amendments*
12 *to any person or circumstance shall not be affected.*

13 **SEC. 5939. EFFECTIVE DATE.**

14 **(a) IN GENERAL.**—*Except as provided in subsection*
15 *(b), this subtitle shall take effect on the date of enactment*
16 *of this Act.*

17 **(b) EXCEPTION.**—*Subsections (c)(1), (d), and (e) of*
18 *section 5934 shall take effect on the date that is 120 days*
19 *after the date of enactment of this Act.*

Subtitle E—Other Matters

1 **SEC. 5941. SECRETARY OF AGRICULTURE REPORT ON IM-**
2 **PROVING SUPPLY CHAIN SHORTFALLS AND**
3 **INFRASTRUCTURE NEEDS AT WHOLESALE**
4 **PRODUCE MARKETS.**
5

6 (a) *IN GENERAL.*—Not later than one year after the
7 date of the enactment of this Act, the Secretary of Agri-
8 culture shall submit to the appropriate congressional com-
9 mittees a report on—

10 (1) *the 5 largest wholesale produce markets by*
11 *annual sales and volume over the preceding 4 cal-*
12 *endar years; and*

13 (2) *a representative sample of 8 wholesale*
14 *produce markets that are not among the largest*
15 *wholesale produce markets.*

16 (b) *CONTENTS.*—The report under subsection (a) shall
17 contain the following:

18 (1) *An analysis of the supply chain shortfalls in*
19 *each wholesale produce market identified under sub-*
20 *section (a), which shall include an analysis of the fol-*
21 *lowing:*

22 (A) *State of repair of infrastructure, includ-*
23 *ing roads, food storage units, and refueling sta-*
24 *tions.*

1 (B) *Disaster preparedness, including with*
2 *respect to cyber attacks, weather events, and ter-*
3 *rorist attacks.*

4 (C) *Disaster recovery systems, including co-*
5 *ordination with State and Federal agencies.*

6 (2) *A description of any actions the Secretary*
7 *recommends be taken as a result of the analysis under*
8 *paragraph (1).*

9 (3) *Recommendations, as appropriate, for whole-*
10 *sale produce market owners and operators, and State*
11 *and local entities to improve the supply chain short-*
12 *falls identified under paragraph (1).*

13 (4) *Proposals, as appropriate, for legislative ac-*
14 *tions and funding needed to improve the supply chain*
15 *shortfalls.*

16 (c) *CONSULTATION.*—*In completing the report under*
17 *subsection (a), the Secretary of Agriculture shall consult*
18 *with the Secretary of Transportation, the Secretary of*
19 *Homeland Security, wholesale produce market owners and*
20 *operators, State and local entities, and other agencies or*
21 *stakeholders, as determined appropriate by the Secretary.*

22 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—
23 *For the purposes of this section, the term “appropriate con-*
24 *gressional committees” means the Committee on Agri-*
25 *culture, the Committee on Homeland Security, and the*

1 *Committee on Transportation and Infrastructure of the*
2 *House of Representatives and the Committee on Commerce,*
3 *Science, and Technology, the Committee on Homeland Se-*
4 *curity and Governmental Affairs, and the Committee on*
5 *Agriculture, Nutrition, and Forestry of the Senate.*

6 **SEC. 5942. EXTENSION OF DEADLINE FOR TRANSFER OF**
7 **PARCELS OF LAND IN NEW MEXICO.**

8 *Section 3120 of the Ike Skelton National Defense Au-*
9 *thorization Act for Fiscal Year 2011 (42 U.S.C. 2391 note)*
10 *is amended by striking “2022” each place that it appears*
11 *and inserting “2032”.*

12 **SEC. 5943. ENDING GLOBAL WILDLIFE POACHING AND**
13 **TRAFFICKING.**

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

16 *(1) the United States Government should con-*
17 *tinue to work with international partners, including*
18 *nations, nongovernmental organizations, and the pri-*
19 *vate sector, to identify long-standing and emerging*
20 *areas of concern in wildlife poaching and trafficking*
21 *related to global supply and demand; and*

22 *(2) the activities and required reporting of the*
23 *Presidential Task Force on Wildlife Trafficking, as*
24 *established by Executive Order 13648 (78 Fed. Reg.*
25 *40621) and modified by sections 201 and 301 of the*

1 *Eliminate, Neutralize, and Disrupt Wildlife Traf-*
2 *ficking Act of 2016 (16 U.S.C. 7621 and 7631),*
3 *should be reauthorized to minimize the disruption of*
4 *the work of such Task Force.*

5 (b) *DEFINITIONS.*—*Section 2 of the Eliminate, Neu-*
6 *tralize, and Disrupt Wildlife Trafficking Act of 2016 (16*
7 *U.S.C. 7601) is amended—*

8 (1) *in paragraph (3), by inserting “involving*
9 *local communities” after “approach to conservation”;*

10 (2) *by amending paragraph (4) to read as fol-*
11 *lows:*

12 “(4) *COUNTRY OF CONCERN.*—*The term ‘country*
13 *of concern’ means a foreign country specially des-*
14 *ignated by the Secretary of State pursuant to section*
15 *201(b) as a major source of wildlife trafficking prod-*
16 *ucts or their derivatives, a major transit point of*
17 *wildlife trafficking products or their derivatives, or a*
18 *major consumer of wildlife trafficking products, in*
19 *which—*

20 “(A) *the government has actively engaged*
21 *in, or knowingly profited from, the trafficking of*
22 *protected species; or*

23 “(B) *the government facilitates such traf-*
24 *ficking through conduct that may include a per-*
25 *sistent failure to make serious and sustained ef-*

1 *forts to prevent and prosecute such trafficking.”;*
2 *and*
3 *(3) in paragraph (11), by striking “section 201”*
4 *and inserting “section 301”.*

5 *(c) FRAMEWORK FOR INTERAGENCY RESPONSE AND*
6 *REPORTING.—*

7 *(1) REAUTHORIZATION OF REPORT ON MAJOR*
8 *WILDLIFE TRAFFICKING COUNTRIES.—Section 201 of*
9 *the Eliminate, Neutralize, and Disrupt Wildlife Traf-*
10 *ficking Act of 2016 (16 U.S.C. 7621) is amended—*

11 *(A) in subsection (a), by striking “annually*
12 *thereafter” and inserting “biennially thereafter*
13 *by June 1 of each year in which a report is re-*
14 *quired”;*

15 *(B) in subsection (b), by striking “shall*
16 *identify” and all that follows through the end of*
17 *the subsection and inserting “shall also list each*
18 *country determined by the Secretary of State to*
19 *be a country of concern within the meaning of*
20 *this Act”; and*

21 *(C) by striking subsection (c) and inserting*
22 *the following:*

23 *“(c) PROCEDURE FOR REMOVING COUNTRIES FROM*
24 *LIST.—Concurrently with the first report required under*
25 *this section and submitted after the date of the enactment*

1 of this subsection, the Secretary of State, in consultation
2 with the Secretary of the Interior and the Secretary of Com-
3 merce, shall publish in the Federal Register a procedure for
4 removing from the list described in subsection (b) any coun-
5 try that no longer meets the definition of country of concern
6 under section 2(4).

7 “(d) *SUNSET*.—This section shall cease to have force
8 or effect on September 30, 2028.”

9 (2) *PRESIDENTIAL TASK FORCE ON WILDLIFE*
10 *TRAFFICKING RESPONSIBILITIES*.—Section 301(a) of
11 the *Eliminate, Neutralize, and Disrupt Wildlife Traf-*
12 *ficking Act of 2016* (16 U.S.C. 7631(a)) is 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 fol-
18 lowing:

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 orga-
24 nizations (including technology companies and
25 the transportation and logistics sectors); and

1 “(B) to enable local governments to develop
2 and use such technologies;

3 “(6) consider programs and initiatives that ad-
4 dress the expansion of the illegal wildlife trade to dig-
5 ital platforms, including the use of digital currency
6 and payment platforms for transactions by collabo-
7 rating with the private sector, academia, and non-
8 governmental organizations, including social media,
9 e-commerce, and search engine companies, as appro-
10 priate;

11 “(7)(A) implement interventions to address the
12 drivers of poaching, trafficking, and demand for ille-
13 gal wildlife and wildlife products in focus countries
14 and countries of concern;

15 “(B) set benchmarks for measuring the effective-
16 ness of such interventions; and

17 “(C) consider alignment and coordination with
18 indicators developed by the Task Force;

19 “(8) consider additional opportunities to in-
20 crease coordination between law enforcement and fi-
21 nancial institutions to identify trafficking activity;
22 and”.

23 (3) *PRESIDENTIAL TASK FORCE ON WILDLIFE*
24 *TRAFFICKING STRATEGIC REVIEW*.—Section 301 of the
25 *Eliminate, Neutralize, and Disrupt Wildlife Traf-*

1 *ficking Act of 2016 (16 U.S.C. 7631), as amended by*
2 *paragraph (2), is further amended—*

3 *(A) in subsection (d)—*

4 *(i) in the matter preceding paragraph*
5 *(1), by striking “annually” and inserting*
6 *“biennially”;*

7 *(ii) in paragraph (4), by striking*
8 *“and” at the end;*

9 *(iii) in paragraph (5), by striking the*
10 *period at the end and inserting “; and”;*
11 *and*

12 *(iv) by adding at the end the following:*

13 *“(6) an analysis of the indicators developed by*
14 *the Task Force, and recommended by the Government*
15 *Accountability Office, to track and measure inputs,*
16 *outputs, law enforcement outcomes, and the market*
17 *for wildlife products for each focus country listed in*
18 *the report, including baseline measures, as appro-*
19 *priate, for each indicator in each focus country to de-*
20 *termine the effectiveness and appropriateness of such*
21 *indicators to assess progress and whether additional*
22 *or separate indicators, or adjustments to indicators,*
23 *may be necessary for focus countries.”; and*

1 (B) in subsection (e), by striking “5 years
2 after” and all that follows and inserting “on
3 September 30, 2028”.

4 **SEC. 5944. COST-SHARING REQUIREMENTS APPLICABLE TO**
5 **CERTAIN BUREAU OF RECLAMATION DAMS**
6 **AND DIKES.**

7 Section 4309 of the America’s Water Infrastructure
8 Act of 2018 (43 U.S.C. 377b note; Public Law 115–270)
9 is amended—

10 (1) in the section heading, by inserting “**DAMS**
11 **AND**” before “**DIKES**”;

12 (2) in subsection (a), by striking “effective begin-
13 ning on the date of enactment of this section, the Fed-
14 eral share of the operations and maintenance costs of
15 a dike described in subsection (b)” and inserting “ef-
16 fective during the one-year period beginning on the
17 date of the enactment of the James M. Inhofe Na-
18 tional Defense Authorization Act for Fiscal Year
19 2023, the Federal share of the dam safety modifica-
20 tions costs of a dam or dike described in subsection
21 (b), including repairing or replacing a gate or ancil-
22 lary gate components,”; and

23 (3) in subsection (b)—

24 (A) in the subsection heading, by inserting
25 “**DAMS AND** ” before “**DIKES**”;

1 (B) in the matter preceding paragraph (1),
2 by inserting “dam or” before “dike” each place
3 it appears; and

4 (C) in paragraph (2), by striking “Decem-
5 ber 31, 1945” and inserting “December 31,
6 1948”.

7 **SEC. 5945. TRANSFER OF NATIONAL OCEANIC AND ATMOS-**
8 **SPHERIC ADMINISTRATION PROPERTY IN NOR-**
9 **FOLK, VIRGINIA.**

10 Section 1 of Public Law 110–393 is amended to read
11 as follows:

12 **“SECTION 1. TRANSFER OF NATIONAL OCEANIC AND AT-**
13 **MOSPHERIC ADMINISTRATION PROPERTY IN**
14 **NORFOLK, VIRGINIA.**

15 “(a) *IN GENERAL.*—The Secretary shall convey all
16 right, title, and interest of the United States in and to the
17 Norfolk Property to the City, to be used by the City for
18 the purposes of flood management and control, such that—

19 “(1) the property described in subsection
20 (k)(3)(A) shall be conveyed to the City not later than
21 90 days after the date of the enactment of this section;
22 and

23 “(2) the property described in subsection
24 (k)(3)(B) shall be conveyed to the City not later than
25 the earlier of—

1 “(A) the date on which the Secretary has
2 transferred all of the employees of the Adminis-
3 tration from the facilities at the Norfolk Prop-
4 erty; or

5 “(B) 8 years after the date of the enactment
6 of this section.

7 “(b) CONSIDERATION.—

8 “(1) IN GENERAL.—As consideration for the con-
9 veyance of the Norfolk Property, the City shall pay to
10 the United States an amount equal to not less than
11 the fair market value of the Norfolk Property, as de-
12 termined by the Secretary, based on the appraisal de-
13 scribed in subsection (g), which may consist of cash
14 payment, in-kind consideration as described in para-
15 graph (3), or a combination thereof.

16 “(2) SUFFICIENCY OF CONSIDERATION.—

17 “(A) IN GENERAL.—Consideration paid to
18 the Secretary under paragraph (1) must be suffi-
19 cient, as determined by the Secretary, to provide
20 replacement space for and relocation of any per-
21 sonnel, furniture, fixtures, equipment, and per-
22 sonal property of any kind belonging to the Ad-
23 ministration and located upon the Norfolk Prop-
24 erty.

1 “(B) *COMPLETION PRIOR TO CONVEY-*
2 *ANCE.—Any cash consideration must be paid in*
3 *full and any in-kind consideration must be com-*
4 *plete, useable, and delivered to the satisfaction of*
5 *the Secretary at or prior to the time of the con-*
6 *veyance of the Norfolk Property.*

7 “(3) *IN-KIND CONSIDERATION.—In-kind consid-*
8 *eration paid by the City under paragraph (1) may*
9 *include the acquisition, construction, provision, im-*
10 *provement, maintenance, repair, or restoration (in-*
11 *cluding environmental restoration), or combination*
12 *thereof, of any facilities or infrastructure with prox-*
13 *imity to the Norfolk Property that the Secretary con-*
14 *siders acceptable.*

15 “(4) *TREATMENT OF CASH CONSIDERATION RE-*
16 *CEIVED.—Any cash consideration received by the*
17 *United States under paragraph (1) shall be deposited*
18 *in the special account in the Treasury under subpara-*
19 *graph (A) of section 572(b)(5) of title 40, United*
20 *States Code, and shall be available in accordance*
21 *with subparagraph (B)(ii) of such section.*

22 “(c) *COSTS OF CONVEYANCE.—All reasonable and nec-*
23 *essary costs, including real estate transaction and environ-*
24 *mental documentation costs, associated with the conveyance*
25 *of the Norfolk Property to the City under this section may*

1 *be shared equitably by the Secretary and the City, as deter-*
2 *mined by the Secretary, including by the City providing*
3 *in-kind contributions for any or all of such costs.*

4 “(d) *PROCEEDS.*—*Any proceeds from a conveyance of*
5 *the Norfolk Property under this section shall—*

6 “(1) *be credited as discretionary offsetting collec-*
7 *tions to the currently applicable appropriations ac-*
8 *counts, or funds of the Administration; or*

9 “(2) *cover costs associated with the conveyance of*
10 *the Norfolk Property and related relocation efforts,*
11 *and shall be made available for such purposes only to*
12 *the extent and in the amounts provided in advance*
13 *in appropriations Acts.*

14 “(e) *SURVEY.*—*The exact acreage and legal description*
15 *of the Norfolk Property shall be determined by a survey or*
16 *surveys satisfactory to the Secretary.*

17 “(f) *CONDITION; QUITCLAIM DEED.*—*The Norfolk*
18 *Property shall be conveyed—*

19 “(1) *in an ‘as is, where is’ condition; and*

20 “(2) *via a quitclaim deed.*

21 “(g) *FAIR MARKET VALUE.*—

22 “(1) *IN GENERAL.*—*The fair market value of the*
23 *Norfolk Property shall be—*

24 “(A) *determined by an appraisal that—*

1 “(i) is conducted by an independent
2 appraiser selected by the Secretary; and

3 “(ii) meets the requirements of para-
4 graph (2); and

5 “(B) adjusted, at the discretion of the Sec-
6 retary, based on the factors described in para-
7 graph (3).

8 “(2) *APPRAISAL REQUIREMENTS.*—An appraisal
9 conducted under paragraph (1)(A) shall be conducted
10 in accordance with nationally recognized appraisal
11 standards, including the Uniform Standards of Pro-
12 fessional Appraisal Practice.

13 “(3) *FACTORS.*—The factors described in this
14 paragraph are—

15 “(A) matters of equity and fairness;

16 “(B) actions taken by the City regarding
17 the Norfolk Property, including—

18 “(i) comprehensive waterfront plan-
19 ning, site development, and other redevelop-
20 ment activities supported by the City in
21 proximity to the Norfolk Property in fur-
22 therance of the flood management and con-
23 trol efforts of the City;

1 “(ii) *in-kind contributions made to fa-*
2 *facilitate and support use of the Norfolk Prop-*
3 *erty by governmental agencies; and*

4 “(iii) *maintenance expenses, capital*
5 *improvements, or emergency expenditures*
6 *necessary to ensure public safety and access*
7 *to and from the Norfolk Property; and*

8 “(C) *such other factors as the Secretary de-*
9 *termines appropriate.*

10 “(h) *COMPLIANCE WITH COMPREHENSIVE ENVIRON-*
11 *MENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT*
12 *OF 1980.—In carrying out this section, the Secretary shall*
13 *comply with section 120(h) of the Comprehensive Environ-*
14 *mental Response, Compensation, and Liability Act of 1980*
15 *(42 U.S.C. 9620(h)).*

16 “(i) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
17 *retary may require such additional terms and conditions*
18 *in connection with the conveyance of the Norfolk Property*
19 *as the Secretary determines appropriate to protect the in-*
20 *terests of the United States.*

21 “(j) *TERMINATION.—Notwithstanding any other provi-*
22 *sion of law, the Secretary, acting through the Under Sec-*
23 *retary and Administrator of the Administration, is author-*
24 *ized to enter into a land lease with Mobile County, Alabama*
25 *for a period of not less than 40 years, on such terms and*

1 *conditions as the Administration deems appropriate, for*
2 *purposes of construction of a Gulf of Mexico Disaster Re-*
3 *sponse Center facility, provided that the lease is at no cost*
4 *to the government. The Administration may enter into*
5 *agreements with State, local, or county governments for*
6 *purposes of joint use, operations, and occupancy of such fa-*
7 *cility.*

8 “(k) *DEFINITIONS.—In this section:*

9 “(1) *ADMINISTRATION.—The term ‘Administra-*
10 *tion’ means the National Oceanic and Atmospheric*
11 *Administration.*

12 “(2) *CITY.—The term ‘City’ means the City of*
13 *Norfolk, Virginia.*

14 “(3) *NORFOLK PROPERTY.—The term ‘Norfolk*
15 *Property’ means—*

16 “(A) *the real property under the adminis-*
17 *trative jurisdiction of the Administration, in-*
18 *cluding land and improvements thereon, located*
19 *at 538 Front Street, Norfolk, Virginia, consisting*
20 *of approximately 3.78 acres; and*

21 “(B) *the real property under the adminis-*
22 *trative jurisdiction of the Administration, in-*
23 *cluding land and improvements thereon, located*
24 *at 439 W. York Street, Norfolk, Virginia, con-*
25 *sisting of approximately 2.5231 acres.*

1 “(4) *SECRETARY.*—*The term ‘Secretary’ means*
2 *the Secretary of Commerce.’*”.

3 **SEC. 5946. OTHER MATTERS.**

4 (a) *BRENNAN REEF.*—

5 (1) *DESIGNATION.*—*The reef described in para-*
6 *graph (2) shall be known and designated as “Bren-*
7 *nan Reef” in honor of the late Rear Admiral Richard*
8 *T. Brennan of the National Oceanic and Atmospheric*
9 *Administration.*

10 (2) *REEF DESCRIBED.*—*The reef referred to in*
11 *paragraph (1) is—*

12 (A) *between the San Miguel and Santa*
13 *Rosa Islands on the north side of the San Miguel*
14 *Passage in the Channel Island National Marine*
15 *Sanctuary; and*

16 (B) *centered at 34 degrees, 03.12 minutes*
17 *North and 120 degrees, 15.95 minutes West.*

18 (3) *REFERENCES.*—*Any reference in a law, map,*
19 *regulation, document, paper, or other record of the*
20 *United States to the reef described in paragraph (2)*
21 *shall be deemed to be a reference to Brennan Reef.*

22 (b) *PROHIBITION ON SALE OF SHARK FINS.*—

23 (1) *PROHIBITION.*—*Except as provided in para-*
24 *graph (3), no person shall possess, acquire, receive,*

1 *transport, offer for sale, sell, or purchase a shark fin*
2 *or a product containing a shark fin.*

3 (2) *PENALTY.*—*A violation of paragraph (1)*
4 *shall be treated as an act prohibited by section 307*
5 *of the Magnuson-Stevens Fishery Conservation and*
6 *Management Act (16 U.S.C. 1857) and shall be pe-*
7 *nalized pursuant to section 308 of that Act (16 U.S.C.*
8 *1858).*

9 (3) *EXCEPTIONS.*—*A person may possess a shark*
10 *fin that was taken lawfully pursuant to a Federal,*
11 *State, or territorial license or permit to take or land*
12 *sharks if the shark fin was separated after the first*
13 *point of landing in a manner consistent with the li-*
14 *cence or permit and is—*

15 (A) *destroyed or disposed of immediately*
16 *upon separation from the carcass;*

17 (B) *used for noncommercial subsistence pur-*
18 *poses in accordance with Federal, State, or terri-*
19 *torial law; or*

20 (C) *used solely for display or research pur-*
21 *poses by a museum, college, or university pursu-*
22 *ant to a Federal, State, or territorial permit to*
23 *conduct noncommercial scientific research.*

24 (4) *DOGFISH EXEMPTION.*—

1 (A) *IN GENERAL.*—*It shall not be a viola-*
2 *tion of paragraph (1) for a person to possess, ac-*
3 *quire, receive, transport, offer for sale, sell, or*
4 *purchase a shark fin of a smooth dogfish*
5 *(*Mustelus canis*) or a spiny dogfish (*Squalus**
6 **acanthias*).*

7 (B) *REPORT.*—

8 (i) *IN GENERAL.*—*Not later than Jan-*
9 *uary 1, 2027, the Secretary of Commerce*
10 *shall review the exemption provided by sub-*
11 *paragraph (A) and submit to Congress a re-*
12 *port regarding such exemption that includes*
13 *a recommendation to continue or terminate*
14 *the exemption.*

15 (ii) *FACTORS.*—*In carrying out clause*
16 *(i), the Secretary of Commerce shall analyze*
17 *factors including—*

18 (I) *the impact of continuation*
19 *and termination of the exemption on*
20 *the economic viability of dogfish fish-*
21 *eries;*

22 (II) *the impact of continuation*
23 *and termination of the exemption on*
24 *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 enforced*
8 *by the Secretary of Commerce, who may use by agree-*
9 *ment, with or without reimbursement, the personnel,*
10 *services, equipment, and facilities of another Federal*
11 *agency or of a State agency or Indian Tribe for the*
12 *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 sub-*
20 *section, or the application thereof to any person or*
21 *circumstance, is held invalid, the validity of the re-*
22 *mainder 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, the*
2 *term “shark fin” means the unprocessed, dried, or*
3 *otherwise processed detached fin or tail of a shark.*

4 **SEC. 5947. ENHANCING TRANSPARENCY ON INTER-**
5 **NATIONAL AGREEMENTS AND NON-BINDING**
6 **INSTRUMENTS.**

7 (a) *SECTION 112B OF TITLE 1, UNITED STATES*
8 *CODE.*—

9 (1) *IN GENERAL.*—*Section 112b of title 1, United*
10 *States Code, is amended to read as follows:*

11 **“§ 112b. United States international agreements and**
12 **non-binding instruments; transparency**
13 **provisions**

14 “(a)(1) *Not less frequently than once each month, the*
15 *Secretary shall provide in writing to the Majority Leader*
16 *of the Senate, the Minority Leader of the Senate, the Speak-*
17 *er of the House of Representatives, the Minority Leader of*
18 *the House of Representatives, and the appropriate congress-*
19 *sional committees the following:*

20 “(A)(i) *A list of all international agreements*
21 *and qualifying non-binding instruments signed, con-*
22 *cluded, or otherwise finalized during the prior month.*

23 “(ii) *The text of all international agreements*
24 *and qualifying non-binding instruments described in*
25 *clause (i).*

1 “(iii) A detailed description of the legal author-
2 ity that, in the view of the Secretary, provides author-
3 ization for each international agreement and that, in
4 the view of the appropriate department or agency,
5 provides authorization for each qualifying non-bind-
6 ing instrument provided under clause (ii) to become
7 operative. If multiple authorities are relied upon in
8 relation to an international agreement, the Secretary
9 shall cite all such authorities, and if multiple au-
10 thorities are relied upon in relation to a qualifying
11 non-binding instrument, the appropriate department
12 or agency shall cite all such authorities. All citations
13 to the Constitution of the United States, a treaty, or
14 a statute shall include the specific article or section
15 and subsection reference whenever available and, if
16 not available, shall be as specific as possible. If the
17 authority relied upon is or includes article II of the
18 Constitution of the United States, the Secretary or
19 appropriate department or agency shall explain the
20 basis for that reliance.

21 “(B)(i) A list of all international agreements
22 that entered into force and qualifying non-binding in-
23 struments that became operative for the United States
24 or an agency of the United States during the prior
25 month.

1 “(ii) *The text of all international agreements*
2 *and qualifying non-binding instruments described in*
3 *clause (i) if such text differs from the text of the*
4 *agreement or instrument previously provided pursu-*
5 *ant to subparagraph (A)(ii).*

6 “(iii) *A statement describing any new or amend-*
7 *ed statutory or regulatory authority anticipated to be*
8 *required to fully implement each proposed inter-*
9 *national agreement and qualifying non-binding in-*
10 *strument included in the list described in clause (i).*

11 “(2) *The information and text required by paragraph*
12 *(1) shall be submitted in unclassified form, but may include*
13 *a classified annex.*

14 “(b)(1) *Not later than 120 days after the date on which*
15 *an international agreement enters into force, the Secretary*
16 *shall make the text of the agreement, and the information*
17 *described in subparagraphs (A)(iii) and (B)(iii) of sub-*
18 *section (a)(1) relating to the agreement, available to the*
19 *public on the website of the Department of State.*

20 “(2) *Not less frequently than once every 120 days, the*
21 *Secretary shall make the text of each qualifying non-bind-*
22 *ing instrument that became operative during the preceding*
23 *120 days, and the information described in subparagraphs*
24 *(A)(iii) and (B)(iii) of subsection (a)(1) relating to each*

1 *such instrument, available to the public on the website of*
2 *the Department of State.*

3 “(3) *The requirements under paragraphs (1) and (2)*
4 *shall not apply to the following categories of international*
5 *agreements or qualifying non-binding instruments, or to in-*
6 *formation described in subparagraphs (A)(iii) and (B)(iii)*
7 *of subsection (a)(1) relating to such agreements or quali-*
8 *fying non-binding instruments:*

9 “(A) *International agreements and qualifying*
10 *non-binding instruments that contain information*
11 *that has been given a national security classification*
12 *pursuant to Executive Order 13526 (50 U.S.C. 3161*
13 *note; relating to classified national security informa-*
14 *tion) or any predecessor or successor order, or that*
15 *contain any information that is otherwise exempt*
16 *from public disclosure pursuant to United States law.*

17 “(B) *International agreements and qualifying*
18 *non-binding instruments that address military oper-*
19 *ations, military exercises, acquisition and cross serv-*
20 *icing, logistics support, military personnel exchange*
21 *or education programs, or the provision of health care*
22 *to military personnel on a reciprocal basis.*

23 “(C) *International agreements and qualifying*
24 *non-binding instruments that establish the terms of*
25 *grant or other similar assistance, including in-kind*

1 *assistance, financed with foreign assistance funds*
2 *pursuant to the Foreign Assistance Act of 1961 (22*
3 *U.S.C. 2151 et seq.) or the Food for Peace Act (7*
4 *U.S.C. 1691 et seq.).*

5 *“(D) International agreements and qualifying*
6 *non-binding instruments, such as project annexes and*
7 *other similar instruments, for which the principal*
8 *function is to establish technical details for the imple-*
9 *mentation of a specific project undertaken pursuant*
10 *to another agreement or qualifying non-binding in-*
11 *strument that has been published in accordance with*
12 *paragraph (1) or (2).*

13 *“(E) International agreements and qualifying*
14 *non-binding instruments that have been separately*
15 *published by a depositary or other similar adminis-*
16 *trative body, except that the Secretary shall make the*
17 *information described in subparagraphs (A)(iii) and*
18 *(B)(iii) of subsection (a)(1), relating to such agree-*
19 *ments or qualifying non-binding instruments, avail-*
20 *able to the public on the website of the Department*
21 *of State within the timeframes required by paragraph*
22 *(1) or (2).*

23 *“(c) For any international agreement or qualifying*
24 *non-binding instrument for which an implementing agree-*
25 *ment or arrangement, or any document of similar purpose*

1 *or function to the aforementioned regardless of the title of*
2 *the document, is not otherwise required to be submitted to*
3 *the Majority Leader of the Senate, the Minority Leader of*
4 *the Senate, the Speaker of the House of Representatives, the*
5 *Minority Leader of the House of Representatives, and the*
6 *appropriate congressional committees under subparagraphs*
7 *(A)(ii) or (B)(ii) of subsection (a)(1), not later than 30*
8 *days after the date on which the Secretary receives a written*
9 *communication from the Chair or Ranking Member of ei-*
10 *ther of the appropriate congressional committees requesting*
11 *the text of any such implementing agreements or arrange-*
12 *ments, whether binding or non-binding, the Secretary shall*
13 *submit such implementing agreements or arrangements to*
14 *the Majority Leader of the Senate, the Minority Leader of*
15 *the Senate, the Speaker of the House of Representatives, the*
16 *Minority Leader of the House of Representatives, and the*
17 *appropriate congressional committees.*

18 “(d) *Any department or agency of the United States*
19 *Government that enters into any international agreement*
20 *or qualifying non-binding instrument on behalf of itself or*
21 *the United States shall—*

22 “(1) *provide to the Secretary the text of each*
23 *international agreement not later than 15 days after*
24 *the date on which such agreement is signed or other-*
25 *wise concluded;*

1 “(2) provide to the Secretary the text of each
2 *qualifying non-binding instrument not later than 15*
3 *days after the date on which such instrument is con-*
4 *cluded or otherwise becomes finalized;*

5 “(3) provide to the Secretary a detailed descrip-
6 *tion of the legal authority that provides authorization*
7 *for each qualifying non-binding instrument to become*
8 *operative not later than 15 days after such instru-*
9 *ment is signed or otherwise becomes finalized; and*

10 “(4) on an ongoing basis, provide any imple-
11 *menting material to the Secretary for transmittal to*
12 *the Majority Leader of the Senate, the Minority Lead-*
13 *er of the Senate, the Speaker of the House of Rep-*
14 *resentatives, the Minority Leader of the House of Rep-*
15 *resentatives, and the appropriate congressional com-*
16 *mittees as needed to satisfy the requirements described*
17 *in subsection (c).*

18 “(e)(1) *Each department or agency of the United*
19 *States Government that enters into any international*
20 *agreement or qualifying non-binding instrument on behalf*
21 *of itself or the United States shall designate a Chief Inter-*
22 *national Agreements Officer, who shall—*

23 “(A) *be selected from among employees of such*
24 *department or agency;*

1 “(B) *serve concurrently as the Chief Inter-*
2 *national Agreements Officer; and*

3 “(C) *subject to the authority of the head of such*
4 *department or agency, have department- or agency-*
5 *wide responsibility for efficient and appropriate com-*
6 *pliance with this section.*

7 “(2) *There shall be a Chief International Agreements*
8 *Officer who serves at the Department of State with the title*
9 *of International Agreements Compliance Officer.*

10 “(f) *The substance of oral international agreements*
11 *shall be reduced to writing for the purpose of meeting the*
12 *requirements of subsections (a) and (b).*

13 “(g) *Notwithstanding any other provision of law, an*
14 *international agreement may not be signed or otherwise*
15 *concluded on behalf of the United States without prior con-*
16 *sultation with the Secretary. Such consultation may encom-*
17 *pass a class of agreements rather than a particular agree-*
18 *ment.*

19 “(h)(1) *Not later than 3 years after the date of the*
20 *enactment of this section, and not less frequently than once*
21 *every 3 years thereafter during the 9-year period beginning*
22 *on the date of the enactment of this section, the Comptroller*
23 *General of the United States shall conduct an audit of the*
24 *compliance of the Secretary with the requirements of this*
25 *section.*

1 “(2) *In any instance in which a failure by the Sec-*
2 *retary to comply with such requirements is determined by*
3 *the Comptroller General to have been due to the failure or*
4 *refusal of another agency to provide information or mate-*
5 *rial to the Department of State, or the failure to do so in*
6 *a timely manner, the Comptroller General shall engage such*
7 *other agency to determine—*

8 “(A) *the cause and scope of such failure or re-*
9 *fusals;*

10 “(B) *the specific office or offices responsible for*
11 *such failure or refusal; and*

12 “(C) *recommendations for measures to ensure*
13 *compliance with statutory requirements.*

14 “(3) *The Comptroller General shall submit to the Ma-*
15 *jority Leader of the Senate, the Minority Leader of the Sen-*
16 *ate, the Speaker of the House of Representatives, the Minor-*
17 *ity Leader of the House of Representatives, and the appro-*
18 *priate congressional committees in writing the results of*
19 *each audit required by paragraph (1).*

20 “(4) *The Comptroller General and the Secretary shall*
21 *make the results of each audit required by paragraph (1)*
22 *publicly available on the websites of the Government Ac-*
23 *countability Office and the Department of State, respec-*
24 *tively.*

1 “(i) *The President shall, through the Secretary, pro-*
2 *mulgate such rules and regulations as may be necessary to*
3 *carry out this section.*

4 “(j) *It is the sense of Congress that the executive branch*
5 *should not prescribe or otherwise commit to or include spe-*
6 *cific legislative text in a treaty, executive agreement, or*
7 *non-binding instrument unless Congress has authorized*
8 *such action.*

9 “(k) *In this section:*

10 “(1) *The term ‘appropriate congressional com-*
11 *mittees’ means—*

12 “(A) *the Committee on Foreign Relations of*
13 *the Senate; and*

14 “(B) *the Committee on Foreign Affairs of*
15 *the House of Representatives.*

16 “(2) *The term ‘appropriate department or agen-*
17 *cy’ means the department or agency of the United*
18 *States Government that negotiates and enters into a*
19 *qualifying non-binding instrument on behalf of itself*
20 *or the United States.*

21 “(3) *The term ‘intelligence community’ has the*
22 *meaning given that term in section 3(4) of the Na-*
23 *tional Security Act of 1947 (50 U.S.C. 3003(4)).*

24 “(4) *The term ‘international agreement’ in-*
25 *cludes—*

1 “(A) any treaty that requires the advice
2 and consent of the Senate, pursuant to article II
3 of the Constitution of the United States; and

4 “(B) any other international agreement to
5 which the United States is a party and that is
6 not subject to the advice and consent of the Sen-
7 ate.

8 “(5) The term ‘qualifying non-binding instru-
9 ment’—

10 “(A) except as provided in subparagraph
11 (B), means a non-binding instrument that—

12 “(i) is or will be under negotiation, is
13 signed or otherwise becomes operative, or is
14 implemented with one or more foreign gov-
15 ernments, international organizations, or
16 foreign entities, including non-state actors;
17 and

18 “(ii)(I) could reasonably be expected to
19 have a significant impact on the foreign
20 policy of the United States; or

21 “(II) is the subject of a written com-
22 munication from the Chair or Ranking
23 Member of either of the appropriate congres-
24 sional committees to the Secretary; and

1 “(B) does not include any non-binding in-
2 strument that is signed or otherwise becomes op-
3 erative or is implemented pursuant to the au-
4 thorities relied upon by the Department of De-
5 fense, the Armed Forces of the United States, or
6 any element of the intelligence community.

7 “(6) The term ‘Secretary’ means the Secretary of
8 State.

9 “(7)(A) The term ‘text’ with respect to an inter-
10 national agreement or qualifying non-binding instru-
11 ment includes—

12 “(i) any annex, appendix, codicil, side
13 agreement, side letter, or any document of simi-
14 lar purpose or function to the aforementioned,
15 regardless of the title of the document, that is en-
16 tered into contemporaneously and in conjunction
17 with the international agreement or qualifying
18 non-binding instrument; and

19 “(ii) any implementing agreement or ar-
20 rangement, or any document of similar purpose
21 or function to the aforementioned regardless of
22 the title of the document, that is entered into
23 contemporaneously and in conjunction with the
24 international agreement or qualifying non-bind-
25 ing instrument.

1 “(B) *As used in subparagraph (A), the term*
2 *‘contemporaneously and in conjunction with’—*

3 “(i) *shall be construed liberally; and*

4 “(ii) *may not be interpreted to require any*
5 *action to have occurred simultaneously or on the*
6 *same day.*

7 “(l) *Nothing in this section may be construed—*

8 “(1) *to authorize the withholding from disclosure*
9 *to the public of any record if such disclosure is re-*
10 *quired by law; or*

11 “(2) *to require the provision of any imple-*
12 *menting agreement or arrangement, or any document*
13 *of similar purpose or function regardless of its title,*
14 *which was entered into by the Department of Defense,*
15 *the Armed Forces of the United States, or any element*
16 *of the intelligence community or any implementing*
17 *material originating with the aforementioned agen-*
18 *cies, if such implementing agreement, arrangement,*
19 *document, or material was not required to be pro-*
20 *vided to the Majority Leader of the Senate, the Minor-*
21 *ity Leader of the Senate, the Speaker of the House of*
22 *Representatives, the Minority Leader of the House of*
23 *Representatives, or the appropriate congressional*
24 *committees prior to the date of the enactment of the*

1 *James M. Inhofe National Defense Authorization Act*
2 *for Fiscal Year 2023.”*

3 (2) *CLERICAL AMENDMENT.—The table of sec-*
4 *tions at the beginning of chapter 2 of title 1, United*
5 *States Code, is amended by striking the item relating*
6 *to section 112b and inserting the following:*

“112b. United States international agreements and non-binding instruments;
transparency provisions.”

7 (3) *TECHNICAL AND CONFORMING AMENDMENT*
8 *RELATING TO AUTHORITIES OF THE SECRETARY OF*
9 *STATE.—Section 317(h)(2) of the Homeland Security*
10 *Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by*
11 *striking “Section 112b(c)” and inserting “Section*
12 *112b(g)”*.

13 (4) *MECHANISM FOR REPORTING.—Not later*
14 *than 270 days after the date of the enactment of this*
15 *Act, the Secretary of State shall establish a mecha-*
16 *nism for personnel of the Department of State who be-*
17 *come aware or who have reason to believe that the re-*
18 *quirements under section 112b of title 1, United*
19 *States Code, as amended by paragraph (1), have not*
20 *been fulfilled with respect to an international agree-*
21 *ment or qualifying non-binding instrument (as such*
22 *terms are defined in such section) to report such in-*
23 *stances to the Secretary.*

1 (5) *RULES AND REGULATIONS.*—Not later than
2 180 days after the date of the enactment of this Act,
3 the President, through the Secretary of State, shall
4 promulgate such rules and regulations as may be nec-
5 essary to carry out section 112b of title 1, United
6 States Code, as amended by paragraph (1).

7 (6) *CONSULTATION AND BRIEFING REQUIRE-*
8 *MENT.*—

9 (A) *CONSULTATION.*—The Secretary of
10 State shall consult with the Committee on For-
11 eign Relations of the Senate and the Committee
12 on Foreign Affairs of the House of Representa-
13 tives on matters related to the implementation of
14 this section and the amendments made by this
15 section before and after the effective date de-
16 scribed in subsection (c).

17 (B) *BRIEFING.*—Not later than 90 days
18 after the date of the enactment of this Act, and
19 once every 90 days thereafter for 1 year, the Sec-
20 retary shall brief the Committee on Foreign Re-
21 lations of the Senate, the Committee on Appro-
22 priations of the Senate, the Committee on For-
23 eign Affairs of the House of Representatives, and
24 the Committee on Appropriations of the House of
25 Representatives regarding the status of efforts to

1 *implement this section and the amendments*
2 *made by this section.*

3 (7) *AUTHORIZATION OF APPROPRIATIONS.—*

4 *There is authorized to be appropriated to the Depart-*
5 *ment of State \$1,000,000 for each of the fiscal years*
6 *2023 through 2027 for purposes of implementing the*
7 *requirements of section 112b of title 1, United States*
8 *Code, as amended by paragraph (1).*

9 (b) *SECTION 112A OF TITLE 1, UNITED STATES*
10 *CODE.—Section 112a of title 1, United States Code, is*
11 *amended—*

12 (1) *by striking subsections (b), (c), and (d); and*

13 (2) *by inserting after subsection (a) the fol-*
14 *lowing:*

15 “(b) *Copies of international agreements and qualifying*
16 *non-binding instruments in the possession of the Depart-*
17 *ment of State, but not published, other than the agreements*
18 *described in section 112b(b)(3)(A), shall be made available*
19 *by the Department of State upon request.”.*

20 (c) *EFFECTIVE DATE OF AMENDMENTS.—The amend-*
21 *ments made by this section shall take effect on the date that*
22 *is 270 days after the date of the enactment of this Act.*

1 **SEC. 5948. UKRAINE INVASION WAR CRIMES DETERRENCE**
2 **AND ACCOUNTABILITY ACT.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Ukraine Invasion War Crimes Deterrence and Account-*
5 *ability Act”.*

6 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
7 *that—*

8 (1) *in its premeditated, unprovoked, unjustified,*
9 *and unlawful full-scale invasion of Ukraine that com-*
10 *menced on February 24, 2022, the military of the*
11 *Government of the Russian Federation under the di-*
12 *rection of President Vladimir Putin has committed*
13 *war crimes that include but are not limited to—*

14 (A) *the deliberate targeting of civilians and*
15 *injuring or killing of noncombatants;*

16 (B) *the deliberate targeting and attacking of*
17 *hospitals, schools, and other non-military build-*
18 *ings dedicated to religion, art, science, or chari-*
19 *table purposes, such as the bombing of a theater*
20 *in Mariupol that served as a shelter for non-*
21 *combatants and had the word “children” written*
22 *clearly in the Russian language outside;*

23 (C) *the indiscriminate bombardment of*
24 *undefended dwellings and buildings;*

25 (D) *the wanton destruction of property not*
26 *justified by military necessity;*

1 (E) unlawful civilian deportations;

2 (F) the taking of hostages; and

3 (G) rape, or sexual assault or abuse;

4 (2) the use of chemical weapons by the Govern-
5 ment of the Russian Federation in Ukraine would
6 constitute a war crime, and engaging in any military
7 preparations to use chemical weapons or to develop,
8 produce, stockpile, or retain chemical weapons is pro-
9 hibited by the Chemical Weapons Convention, to
10 which the Russian Federation is a signatory;

11 (3) Vladimir Putin has a long record of commit-
12 ting acts of aggression, systematic abuses of human
13 rights, and acts that constitute war crimes or other
14 atrocities both at home and abroad, and the brutality
15 and scale of these actions, including in the Russian
16 Federation republic of Chechnya, Georgia, Syria, and
17 Ukraine, demonstrate the extent to which his regime
18 is willing to flout international norms and values in
19 the pursuit of its objectives;

20 (4) Vladimir Putin has previously sanctioned the
21 use of chemical weapons at home and abroad, includ-
22 ing in the poisonings of Russian spy turned double
23 agent Sergei Skripal and his daughter Yulia and
24 leading Russian opposition figure Aleksey Navalny,

1 *and aided and abetted the use of chemical weapons by*
2 *President Bashar al-Assad in Syria; and*

3 *(5) in 2014, the Government of the Russian Fed-*
4 *eration initiated its unprovoked war of aggression*
5 *against Ukraine which resulted in its illegal occupa-*
6 *tion of Crimea, the unrecognized declaration of inde-*
7 *pendence by the so-called “Donetsk People’s Republic”*
8 *and “Luhansk People’s Republic” by Russia-backed*
9 *proxies, and numerous human rights violations and*
10 *deaths of civilians in Ukraine.*

11 *(c) STATEMENT OF POLICY.—It is the policy of the*
12 *United States—*

13 *(1) to collect, analyze, and preserve evidence and*
14 *information related to war crimes and other atrocities*
15 *committed during the full-scale Russian invasion of*
16 *Ukraine that began on February 24, 2022, for use in*
17 *appropriate domestic, foreign, and international*
18 *courts and tribunals prosecuting those responsible for*
19 *such crimes consistent with applicable law, including*
20 *with the American Service Members’ Protection Act of*
21 *2002 (22 U.S.C. 7421 et seq.);*

22 *(2) to help deter the commission of war crimes*
23 *and other atrocities in Ukraine by publicizing to the*
24 *maximum possible extent, including among Russian*
25 *and other foreign military commanders and troops in*

1 *Ukraine, efforts to identify and prosecute those re-*
2 *sponsible for the commission of war crimes during the*
3 *full-scale Russian invasion of Ukraine that began on*
4 *February 24, 2022; and*

5 *(3) to continue efforts to identify, deter, and pur-*
6 *sue accountability for war crimes and other atrocities*
7 *committed around the world and by other perpetra-*
8 *tors, and to leverage international cooperation and*
9 *best practices in this regard with respect to the cur-*
10 *rent situation in Ukraine.*

11 *(d) REPORT ON UNITED STATES EFFORTS.—Not later*
12 *than 90 days after the date of the enactment of this Act,*
13 *and consistent with the protection of intelligence sources*
14 *and methods, the President shall submit to the appropriate*
15 *congressional committees a report, which may include a*
16 *classified annex, describing in detail the following:*

17 *(1) United States Government efforts to collect,*
18 *analyze, and preserve evidence and information re-*
19 *lated to war crimes and other atrocities committed*
20 *during the full-scale Russian invasion of Ukraine*
21 *since February 24, 2022, including a description of—*

22 *(A) the respective roles of various agencies,*
23 *departments, and offices, and the interagency*
24 *mechanism established for the coordination of*
25 *such efforts;*

1 (B) the types of information and evidence
2 that are being collected, analyzed, and preserved
3 to help identify those responsible for the commis-
4 sion of war crimes or other atrocities during the
5 full-scale Russian invasion of Ukraine in 2022;
6 and

7 (C) steps taken to coordinate with, and sup-
8 port the work of, allies, partners, international
9 institutions and organizations, and nongovern-
10 mental organizations in such efforts.

11 (2) Media, public diplomacy, and information
12 operations to make Russian military commanders,
13 troops, political leaders and the Russian people aware
14 of efforts to identify and prosecute those responsible
15 for the commission of war crimes or other atrocities
16 during the full-scale Russian invasion of Ukraine in
17 2022, and of the types of acts that may be prosecut-
18 able.

19 (3) The process for a domestic, foreign, or inter-
20 national court or tribunal to request and obtain from
21 the United States Government information related to
22 war crimes or other atrocities committed during the
23 full-scale Russian invasion of Ukraine in 2022.

24 (e) *DEFINITIONS.*—In this section:

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Foreign Affairs, the*
5 *Committee on the Judiciary, the Committee on*
6 *Armed Services, and the Permanent Select Com-*
7 *mittee on Intelligence of the House of Represent-*
8 *atives; and*

9 (B) *the Committee on Foreign Relations,*
10 *the Committee on the Judiciary, the Committee*
11 *on Armed Services, and the Select Committee on*
12 *Intelligence of the Senate.*

13 (2) *ATROCITIES.*—*The term “atrocities” has the*
14 *meaning given that term in section 6(2) of the Elie*
15 *Wiesel Genocide and Atrocities Prevention Act of*
16 *2018 (Public Law 115–441; 22 U.S.C. 2656 note).*

17 (3) *WAR CRIME.*—*The term “war crime” has the*
18 *meaning given that term in section 2441(c) of title*
19 *18, United States Code.*

20 **SEC. 5949. PROHIBITION ON CERTAIN SEMICONDUCTOR**
21 **PRODUCTS AND SERVICES.**

22 (a) *PROHIBITION ON USE OR PROCUREMENT.*—

23 (1) *IN GENERAL.*—*The head of an executive*
24 *agency may not—*

1 (A) *procure or obtain, or extend or renew a*
2 *contract to procure or obtain, any electronic*
3 *parts, products, or services that include covered*
4 *semiconductor products or services; or*

5 (B) *enter into a contract (or extend or*
6 *renew a contract) with an entity to procure or*
7 *obtain electronic parts or products that use any*
8 *electronic parts or products that include covered*
9 *semiconductor products or services.*

10 (2) *RULE OF CONSTRUCTION.—*

11 (A) *IN GENERAL.—Nothing in paragraph*
12 *(1) shall be construed—*

13 (i) *to require any covered semicon-*
14 *ductor products or services resident in*
15 *equipment, systems, or services as of the day*
16 *before the applicable effective date specified*
17 *in subsection (c) to be removed or replaced;*

18 (ii) *to prohibit or limit the utilization*
19 *of such covered semiconductor products or*
20 *services throughout the lifecycle of such ex-*
21 *isting equipment;*

22 (iii) *to require the recipient of a Fed-*
23 *eral contract, grant, loan, or loan guarantee*
24 *to replace covered semiconductor products*
25 *or services resident in equipment, systems,*

1 *or services before the effective date specified*
2 *in subsection (c); or*

3 *(iv) to require the Federal Commu-*
4 *nications Commission to designate covered*
5 *semiconductor products or services to its*
6 *Covered Communications Equipment or*
7 *Services List maintained under section 2 of*
8 *the Secured and Trusted Communications*
9 *Networks Act of 2019 (47 U.S.C. 1603).*

10 *(B) CONTRACTING PROHIBITION.—Nothing*
11 *in paragraph (1)(B) shall be construed to cover*
12 *products or services that include covered semi-*
13 *conductor products or services in a system that*
14 *is not a critical system.*

15 *(b) WAIVER AUTHORITY.—*

16 *(1) SECRETARY OF DEFENSE.—The Secretary of*
17 *Defense may provide a waiver on a date later than*
18 *the effective date described in subsection (c) if the Sec-*
19 *retary determines the waiver is in the critical na-*
20 *tional security interests of the United States.*

21 *(2) DIRECTOR OF NATIONAL INTELLIGENCE.—*
22 *The Director of National Intelligence may provide a*
23 *waiver on a date later than the effective date de-*
24 *scribed in subsection (c) if the Director determines the*

1 *waiver is in the critical national security interests of*
2 *the United States.*

3 (3) *SECRETARY OF COMMERCE.—The Secretary*
4 *of Commerce, in consultation with the Director of Na-*
5 *tional Intelligence or the Secretary of Defense, may*
6 *provide a waiver on a date later than the effective*
7 *date described in subsection (c) if the Secretary deter-*
8 *mines the waiver is in the critical national security*
9 *interests of the United States.*

10 (4) *SECRETARY OF HOMELAND SECURITY.—The*
11 *Secretary of Homeland Security, in consultation with*
12 *the Director of National Intelligence or the Secretary*
13 *of Defense, may provide a waiver on a date later than*
14 *the effective date described in subsection (c) if the Sec-*
15 *retary determines the waiver is in the critical na-*
16 *tional security interests of the United States.*

17 (5) *SECRETARY OF ENERGY.—The Secretary of*
18 *Energy, in consultation with the Director of National*
19 *Intelligence or the Secretary of Defense, may provide*
20 *a waiver on a date later than the effective date de-*
21 *scribed in subsection (c) if the Secretary determines*
22 *the waiver is in the critical national security interests*
23 *of the United States.*

24 (6) *EXECUTIVE AGENCIES.—The head of an exec-*
25 *utive agency may waive, for a renewable period of not*

1 *more than two years per waiver, the prohibitions*
2 *under subsection (a) if—*

3 *(A) the head of the agency, in consultation*
4 *with the Secretary of Commerce, determines that*
5 *no compliant product or service is available to*
6 *be procured as, and when, needed at United*
7 *States market prices or a price that is not con-*
8 *sidered prohibitively expensive; and*

9 *(B) the head of the agency, in consultation*
10 *with the Secretary of Defense or the Director of*
11 *National Intelligence, determines that such waiv-*
12 *er could not reasonably be expected to com-*
13 *promise the critical national security interests of*
14 *the United States.*

15 *(7) REPORT TO CONGRESS.—Not later than 30*
16 *days after granting a waiver under this subsection,*
17 *the head of the executive agency granting such waiver*
18 *shall submit to the appropriate committees of Con-*
19 *gress and leadership a report with a notification of*
20 *such waiver, including a justification for the waiver.*

21 *(c) EFFECTIVE DATES AND REGULATIONS.—*

22 *(1) EFFECTIVE DATE.—The prohibitions under*
23 *subsection (a) shall take effect five years after the date*
24 *of the enactment of this Act.*

1 (2) *REGULATIONS.*—Not later than three years
2 after the date of the enactment of this Act, the Federal
3 Acquisition Regulatory Council shall prescribe regula-
4 tions implementing the prohibitions under subsection
5 (a), including a requirement for prime contractors to
6 incorporate the substance of such prohibitions and ap-
7 plicable implementing contract clauses into contracts
8 for the supply of electronic parts or products.

9 (d) *OFFICE OF MANAGEMENT AND BUDGET REPORT*
10 *AND BRIEFING.*—Not later than 270 days after the effective
11 date described in subsection (c)(1), the Director of the Office
12 of Management and Budget, in coordination with the Direc-
13 tor of National Intelligence and the National Cyber Direc-
14 tor, shall provide to the appropriate committees of Congress
15 and leadership a report and briefing on—

16 (1) the implementation of the prohibitions under
17 subsection (a), including any challenges in the imple-
18 mentation; and

19 (2) the effectiveness and utility of the waiver au-
20 thority under subsection (b).

21 (e) *ANALYSIS, ASSESSMENT, AND STRATEGY.*—Not
22 later than 180 days after the date of the enactment of this
23 Act, the Secretary of Commerce, in coordination with the
24 Secretary of Defense, the Secretary of Homeland Security,
25 the Director of National Intelligence, and the Secretary of

1 *Energy and, to the greatest extent practicable, leveraging*
2 *relevant previous analyses and assessments, shall—*

3 *(1) conduct an analysis of semiconductor design*
4 *and production capacity domestically and by allied*
5 *or partner countries required to meet the needs of the*
6 *Federal Government, including analyses regarding—*

7 *(A) semiconductors critical to national secu-*
8 *rity, as determined by the Secretary of Com-*
9 *merce, in consultation with the Secretary of De-*
10 *fense and the Director of National Intelligence,*
11 *in accordance with section 9902(a)(6)(A)(i) of*
12 *the William M. (Mac) Thornberry National De-*
13 *fense Authorization Act for Fiscal Year 2021*
14 *(Public Law 116–283); and*

15 *(B) semiconductors classified as legacy*
16 *semiconductors pursuant to section*
17 *9902(a)(6)(A)(i) of William M. (Mac) Thorn-*
18 *berry National Defense Authorization Act for*
19 *Fiscal Year 2021 (Public Law 116–283);*

20 *(2) assess the risk posed by the presence of cov-*
21 *ered semiconductor products or services in Federal*
22 *systems;*

23 *(3) assess the risk posed by the presence of cov-*
24 *ered semiconductor products or services in the supply*

1 *chains of Federal contractors and subcontractors, in-*
2 *cluding for non-Federal systems;*

3 *(4) develop a strategy to—*

4 *(A) improve the availability of domestic*
5 *semiconductor design and production capacity*
6 *required to meet the requirements of the Federal*
7 *Government;*

8 *(B) support semiconductor product and*
9 *service suppliers seeking to contract with domes-*
10 *tic, allied, or partner semiconductor producers*
11 *and to improve supply chain traceability, in-*
12 *cluding to meet the prohibitions under subsection*
13 *(a); and*

14 *(C) either certify the feasibility of imple-*
15 *menting such prohibitions or exercising waiver*
16 *authorities under subsection (b), to ensure unin-*
17 *terrupted Federal Government access to required*
18 *semiconductor products and services; and*

19 *(5) provide the results of the analysis, assess-*
20 *ment, and strategy developed under paragraphs (1)*
21 *through (4) to the Federal Acquisition Security Coun-*
22 *cil.*

23 *(f) GOVERNMENTWIDE TRACEABILITY AND DIVER-*
24 *SIFICATION INITIATIVE.—*

1 (1) *IN GENERAL.*—Not later than two years after
2 the date of the enactment of this Act, the Secretary of
3 Commerce, in coordination with the Secretary of
4 Homeland Security, the Secretary of Defense, the Di-
5 rector of National Intelligence, the Director of the Of-
6 fice of Management and Budget, and the Director of
7 the Office of Science and Technology Policy, and in
8 consultation with industry, shall establish a micro-
9 electronics traceability and diversification initiative
10 to coordinate analysis of and response to the Federal
11 Government microelectronics supply chain
12 vulnerabilities.

13 (2) *ELEMENTS.*—The initiative established under
14 paragraph (1) shall include the following elements:

15 (A) *Sharing best practices, refining micro-*
16 *electronics standards, such as those established*
17 *pursuant to section 224 of the National Defense*
18 *Authorization Act for Fiscal Year 2020 (Public*
19 *Law 116–92), and developing recommendations*
20 *to identify and mitigate, through diversification*
21 *efforts, microelectronics supply chain concerns.*

22 (B) *Developing an assessment framework to*
23 *inform Federal decisions on sourcing microelec-*
24 *tronics, considering—*

1 (i) *chain of custody and traceability,*
2 *including origin and location of design,*
3 *manufacturing, distribution, shipping, and*
4 *quantities;*

5 (ii) *confidentiality, including protec-*
6 *tion, verification, and validation of intellec-*
7 *tual property included in microelectronics;*

8 (iii) *integrity, including—*

9 (I) *security weaknesses and*
10 *vulnerabilities that include potential*
11 *supply chain attacks;*

12 (II) *risk analysis and consequence*
13 *to system;*

14 (III) *risk of intentional or unin-*
15 *tentional modification or tampering;*
16 *and*

17 (IV) *risk of insider threats, in-*
18 *cluding integrity of people and proc-*
19 *esses involved in the design and manu-*
20 *facturing of microelectronics; and*

21 (iv) *availability, including—*

22 (I) *potential supply chain disrup-*
23 *tions, including due to natural disas-*
24 *ters or geopolitical events;*

1 (II) prioritization of parts de-
2 signed and manufactured in the
3 United States and in allied or partner
4 countries to support and sustain the
5 defense and technology industrial base;

6 (III) risk associated with sourcing
7 parts from suppliers outside of the
8 United States and allied and partner
9 countries, including long-term impacts
10 on availability of microelectronics pro-
11 duced domestically or in allied or part-
12 ner countries; and

13 (IV) obsolescence management and
14 counterfeit avoidance and detection.

15 (C) Developing a process for provenance
16 and traceability from design to disposal of
17 microelectronics components and intellectual
18 property contained therein implementable across
19 the Federal acquisition system to improve re-
20 porting, data analysis, and tracking.

21 (D) Developing and implementing policies
22 and plans to support the following:

23 (i) Development of domestic design and
24 manufacturing capabilities to replace cov-
25 ered semiconductor products or services.

1 (ii) *Utilization of the assessment*
2 *framework developed under subparagraph*
3 *(B).*

4 (iii) *Implementation of the strategy re-*
5 *quired under subsection (e)(4) as applicable.*

6 (iv) *Identification of and integration*
7 *with existing information reporting and*
8 *data visualization systems in the Federal*
9 *Government, including modification to such*
10 *systems to track the information.*

11 (v) *A requirement to document micro-*
12 *electronics used in systems and subsystems,*
13 *including origin and location of design and*
14 *manufacturing, technologies used, and*
15 *quantities procured.*

16 (vi) *Elimination from Federal Govern-*
17 *ment supply chains of microelectronics from*
18 *entities included on the Consolidated*
19 *Screening List maintained by the Inter-*
20 *national Trade Administration of the De-*
21 *partment of Commerce.*

22 (3) *COORDINATION REQUIRED.—In carrying out*
23 *this subsection, the Secretary of Commerce shall co-*
24 *ordinate, as necessary, with the following entities:*

1 (A) *The National Science and Technology*
2 *Council Subcommittee on Microelectronics Lead-*
3 *ership.*

4 (B) *The Department of Commerce semicon-*
5 *ductor industrial advisory committee established*
6 *under subsection 9906(b) of the William M.*
7 *(Mac) Thornberry National Defense Authoriza-*
8 *tion Act for Fiscal Year 2021 (Public Law 116-*
9 *283).*

10 (C) *The White House Coordinator for*
11 *CHIPS Implementation.*

12 (D) *The Federal Acquisition Security Coun-*
13 *cil (FASC).*

14 (E) *The Government-Industry Working*
15 *Group on Microelectronics.*

16 (F) *The Joint Defense Manufacturing Tech-*
17 *nology Panel (JDMTP).*

18 (G) *Standards development organizations.*

19 (g) *FEDERAL ACQUISITION SECURITY COUNCIL.—Not*
20 *later than two years after the date of the enactment of this*
21 *Act, the Federal Acquisition Security Council, in consulta-*
22 *tion with the Secretary of Commerce, the Secretary of De-*
23 *fense, the Secretary of Homeland Security, the Director of*
24 *National Intelligence, and the Secretary of Energy, and*
25 *after engagement with the private sector and other non-*

1 *governmental stakeholders in accordance with section 1323*
2 *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 sec-*
15 *tion;*

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 commercial*
21 *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 Acqui-*
2 *sition Regulatory Council and the heads of executive*
3 *agencies for any needed regulations to mitigate sup-*
4 *ply chain risks.*

5 (h) *APPLICABILITY AND RESPONSIBILITIES OF COV-*
6 *ERED ENTITIES AND CONTRACTORS.—The regulations pre-*
7 *scribed 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 parts*
13 *or products;*

14 (B) *detecting and avoiding the use or inclu-*
15 *sion of such covered semiconductor products or*
16 *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 serv-*
25 *ices subject to the contracting prohibition under sub-*

1 *section (a) as to whether such supplied parts, prod-*
2 *ucts, or services include covered semiconductors prod-*
3 *ucts or services;*

4 *(3) provide that a covered entity that fails to*
5 *disclose the inclusion to direct customers of a covered*
6 *semiconductor product or service in electronic parts,*
7 *products, or services procured or obtained by an exec-*
8 *utive agency in contravention of subsection (a) shall*
9 *be responsible for any rework or corrective action that*
10 *may be required to remedy the use or inclusion of*
11 *such covered semiconductor product or service;*

12 *(4) provide that the costs of covered semicon-*
13 *ductor products or services, suspect semiconductor*
14 *products, and any rework or corrective action that*
15 *may be required to remedy the use or inclusion of*
16 *such products are not allowable costs for Federal con-*
17 *tracts;*

18 *(5) provide that—*

19 *(A) any covered entity or Federal contractor*
20 *or subcontractor who becomes aware, or has rea-*
21 *son to suspect, that any end item, component, or*
22 *part of a critical system purchased by the Fed-*
23 *eral Government, or purchased by a Federal con-*
24 *tractor or subcontractor for delivery to the Fed-*
25 *eral Government for any critical system, that*

1 *contains covered semiconductor products or serv-*
2 *ices shall notify appropriate Federal authorities*
3 *in writing within 60 days; and*

4 *(B) the Federal authorities shall report such*
5 *information to the appropriate committees of*
6 *Congress and leadership within 120 days;*

7 *(6) provide that Federal bidders and contrac-*
8 *tors—*

9 *(A) may reasonably rely on the certifi-*
10 *cations of compliance from covered entities and*
11 *subcontractors who supply electronic parts, prod-*
12 *ucts, or services when providing proposals to the*
13 *Federal Government; and*

14 *(B) are not required to conduct independent*
15 *third party audits or other formal reviews re-*
16 *lated to such certifications;*

17 *(7) provide that a Federal contractor or subcon-*
18 *tractor that provides a notification under paragraph*
19 *(5) that does not regard electronic parts or products*
20 *manufactured or assembled by such Federal con-*
21 *tractor or subcontractor shall not be subject to civil li-*
22 *ability nor determined to not be a presently respon-*
23 *sible contractor on the basis of such notification; and*

24 *(8) provide that a Federal contractor or subcon-*
25 *tractor that provides a notification under paragraph*

1 *(5) that regards electronic parts or products manufac-*
2 *tured or assembled by such Federal contractor or sub-*
3 *contractor shall not be subject to civil liability nor de-*
4 *termined to not be a presently responsible contractor*
5 *on the basis of such notification if the Federal con-*
6 *tractor or subcontractor makes a comprehensive and*
7 *documentable effort to identify and remove covered*
8 *semiconductor products or services from the Federal*
9 *supply.*

10 *(i) REPORTS.—*

11 *(1) SECRETARY OF COMMERCE.—Not later than*
12 *60 days after completing the assessment required*
13 *under subsection (e), the Secretary of Commerce shall*
14 *submit to the appropriate committees of Congress and*
15 *leadership—*

16 *(A) a report of the findings and rec-*
17 *ommendations of the analyses, assessment, and*
18 *strategy developed under such subsection; and*

19 *(B) a report on development of the micro-*
20 *electronics traceability and diversification ini-*
21 *tiative under subsection (f)(1).*

22 *(2) FEDERAL ACQUISITION SECURITY COUNCIL.—*
23 *Not later than one year after the date of the enact-*
24 *ment of this Act, and annually thereafter for ten*
25 *years, the Federal Acquisition Security Council shall*

1 *include in the annual report submitted under section*
2 *1325 of title 41, United States Code, a description*
3 *of—*

4 *(A) the development of recommendations*
5 *under subsection (g), including the consider-*
6 *ations described in paragraph (1) of such sub-*
7 *section; and*

8 *(B) as applicable, the impact of any rec-*
9 *ommendations or regulations implemented.*

10 *(j) DEFINITIONS.—In this section:*

11 *(1) APPROPRIATE COMMITTEES OF CONGRESS*
12 *AND LEADERSHIP.—The term “appropriate commit-*
13 *tees of Congress and leadership” means—*

14 *(A) the Committee on Armed Services, the*
15 *Committee on Commerce, Science, and Transpor-*
16 *tation, the Committee on Homeland Security*
17 *and Governmental Affairs, the Committee on*
18 *Energy and Natural Resources, the Committee*
19 *on Foreign Relations, the Committee on Bank-*
20 *ing, Housing, and Urban Affairs, the Select*
21 *Committee on Intelligence, and the majority and*
22 *minority leaders of the Senate; and*

23 *(B) the Committee on Armed Services, the*
24 *Committee on Energy and Commerce, the Com-*
25 *mittee on Science, Space, and Technology, the*

1 *Committee on Oversight and Reform, the Com-*
2 *mittee on Foreign Affairs, the Committee on*
3 *Homeland Security, the Permanent Select Com-*
4 *mittee on Intelligence, and the Speaker, the ma-*
5 *jority leader, and the minority leader of the of*
6 *the House of Representatives.*

7 (2) *COVERED ENTITY.*—*The term “covered enti-*
8 *ty” means an entity that—*

9 (A) *develops, domestically or abroad, a de-*
10 *sign of a semiconductor that is the direct product*
11 *of United States origin technology or software;*
12 *and*

13 (B) *purchases covered semiconductor prod-*
14 *ucts or services from an entity described in sub-*
15 *paragraph (A) or (C) of paragraph (3).*

16 (3) *COVERED SEMICONDUCTOR PRODUCT OR*
17 *SERVICES.*—*The term “covered semiconductor product*
18 *or services” means any of the following:*

19 (A) *A semiconductor, a semiconductor prod-*
20 *uct, a product that incorporates a semiconductor*
21 *product, or a service that utilizes such a product,*
22 *that is designed, produced or provided by, Semi-*
23 *conductor Manufacturing International Corpora-*
24 *tion (SMIC) (or any subsidiary, affiliate, or suc-*
25 *cessor of such entity).*

1 (B) *A semiconductor, a semiconductor prod-*
2 *uct, a product that incorporates a semiconductor*
3 *product, or a service that utilizes such a product,*
4 *that is designed, produced, or provided by*
5 *ChangXin Memory Technologies (CXMT) or*
6 *Yangtze Memory Technologies Corp (YMTC) (or*
7 *any subsidiary, affiliate, or successor of such en-*
8 *tities).*

9 (C) *A semiconductor, semiconductor prod-*
10 *uct, or semiconductor service produced or pro-*
11 *vided by an entity that the Secretary of Defense*
12 *or the Secretary of Commerce, in consultation*
13 *with the Director of the National Intelligence or*
14 *the Director of the Federal Bureau of Investiga-*
15 *tion, determines to be an entity owned or con-*
16 *trolled by, or otherwise connected to, the govern-*
17 *ment of a foreign country of concern, provided*
18 *that the determination with respect to such enti-*
19 *ty is published in the Federal Register.*

20 (4) *CRITICAL SYSTEM.—The term “critical sys-*
21 *tem”—*

22 (A) *has the meaning given the term “na-*
23 *tional security system” in section 11103(a)(1) of*
24 *title 40, United States Code;*

1 (B) shall include additional systems identi-
2 fied by the Federal Acquisition Security Council;

3 (C) shall include additional systems identi-
4 fied by the Department of Defense, consistent
5 with guidance provided under section 224 of the
6 National Defense Authorization Act for Fiscal
7 Year 2020 (Public Law 116–92); and

8 (D) shall not include a system to be used for
9 routine administrative and business applications
10 (including payroll, finance, logistics, and per-
11 sonnel management applications).

12 (5) *FOREIGN COUNTRY OF CONCERN.*—The term
13 “foreign country of concern” has the meaning given
14 the term in paragraph (7) of section 9901 of the Wil-
15 liam M. (Mac) Thornberry National Defense Author-
16 ization Act for Fiscal Year 2021 (15 U.S.C. 4651), as
17 added by section 103(a)(4) of the CHIPS Act of 2022
18 (division A of Public Law 117–167).

19 (k) *EXTENSION OF FEDERAL ACQUISITION SECURITY*
20 *SUPPLY CHAIN ACT OF 2018.*—

21 (1) *SUBCHAPTER III OF CHAPTER 13 OF TITLE*
22 *41, UNITED STATES CODE.*—Section 1328 of title 41,
23 *United States Code, is amended by striking “the date*
24 *that is 5 years after the date of the enactment of the*

1 *Federal Acquisition Supply Chain Security Act of*
2 *2018” and inserting “December 31, 2033”.*

3 (2) *SECTION 4713 OF TITLE 41, UNITED STATES*
4 *CODE.—Section 4713(j) of title 41, United States*
5 *Code, is amended by striking “the date that is 5 years*
6 *after the date of the enactment of the Federal Acquisi-*
7 *tion Supply Chain Security Act of 2018” and insert-*
8 *ing “December 31, 2033”.*

9 (l) *AUTHORIZATION OF APPROPRIATIONS FOR FED-*
10 *ERAL ACQUISITION SECURITY COUNCIL.—*

11 (1) *IN GENERAL.—There is authorized to be ap-*
12 *propriated \$3,000,000 for each of fiscal years 2023*
13 *through 2033 for the Office of Management and Budg-*
14 *et to support the activities of the Federal Acquisition*
15 *Security Council.*

16 (2) *TRANSFER AUTHORITY.—The Director of the*
17 *Office of Management and Budget may transfer funds*
18 *authorized to be appropriated under paragraph (1) to*
19 *other Federal agencies for the performance of work for*
20 *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 mate-
 rials.*

*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 intel-
 ligence community in positions highly vulnerable to cyber at-
 tack.*

- 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 ICWEX.
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 commit-*

5 *tees” has the meaning given such term in section 3*

6 *of the National Security Act of 1947 (50 U.S.C.*

7 *3003).*

1 (2) *INTELLIGENCE COMMUNITY.*—*The term “in-*
2 *telligence community” has the meaning given such*
3 *term in such section.*

4 **SEC. 6003. EXPLANATORY STATEMENT.**

5 *The explanatory statement regarding this division,*
6 *printed in the House section of the Congressional Record*
7 *by the Chairman of the Permanent Select Committee on In-*
8 *telligence of the House of Representatives and in the Senate*
9 *section of the Congressional Record by the Chairman of the*
10 *Select Committee on Intelligence of the Senate, shall have*
11 *the same effect with respect to the implementation of this*
12 *division as if it were a joint explanatory statement of a*
13 *committee of conference.*

14 **TITLE LXI—INTELLIGENCE**
15 **ACTIVITIES**

16 **SEC. 6101. AUTHORIZATION OF APPROPRIATIONS.**

17 *Funds are hereby authorized to be appropriated for fis-*
18 *cal year 2023 for the conduct of the intelligence and intel-*
19 *ligence-related activities of the Federal Government.*

20 **SEC. 6102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

21 (a) *SPECIFICATIONS OF AMOUNTS.*—*The amounts au-*
22 *thorized to be appropriated under section 6101 for the con-*
23 *duct of the intelligence activities of the Federal Government*
24 *are those specified in the classified Schedule of Authoriza-*
25 *tions prepared to accompany this division.*

1 **(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-**
2 **THORIZATIONS.**—

3 **(1) AVAILABILITY.**—*The classified Schedule of*
4 *Authorizations referred to in subsection (a) shall be*
5 *made available to the Committee on Appropriations*
6 *of the Senate, the Committee on Appropriations of the*
7 *House of Representatives, and to the President.*

8 **(2) DISTRIBUTION BY THE PRESIDENT.**—*Subject*
9 *to paragraph (3), the President shall provide for suit-*
10 *able distribution of the classified Schedule of Author-*
11 *izations referred to in subsection (a), or of appro-*
12 *priate portions of such Schedule, within the executive*
13 *branch of the Federal Government.*

14 **(3) LIMITS ON DISCLOSURE.**—*The President*
15 *shall not publicly disclose the classified Schedule of*
16 *Authorizations or any portion of such Schedule ex-*
17 *cept—*

18 **(A)** *as provided in section 601(a) of the Im-*
19 *plementing Recommendations of the 9/11 Com-*
20 *mission Act of 2007 (50 U.S.C. 3306(a));*

21 **(B)** *to the extent necessary to implement the*
22 *budget; or*

23 **(C)** *as otherwise required by law.*

1 **SEC. 6103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
2 **COUNT.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
4 *authorized to be appropriated for the Intelligence Commu-*
5 *nity Management Account of the Director of National Intel-*
6 *ligence for fiscal year 2023 the sum of \$664,445,000.*

7 (b) *CLASSIFIED AUTHORIZATION OF APPROPRIA-*
8 *TIONS.*—*In addition to amounts authorized to be appro-*
9 *priated for the Intelligence Community Management Ac-*
10 *count by subsection (a), there are authorized to be appro-*
11 *priated for the Intelligence Community Management Ac-*
12 *count for fiscal year 2023 such additional amounts as are*
13 *specified in the classified Schedule of Authorizations re-*
14 *ferred to in section 6102(a).*

15 **SEC. 6104. RESTRICTION ON CONDUCT OF INTELLIGENCE**
16 **ACTIVITIES.**

17 *The authorization of appropriations by this division*
18 *shall not be deemed to constitute authority for the conduct*
19 *of any intelligence activity which is not otherwise author-*
20 *ized by the Constitution or the laws of the United States.*

21 **SEC. 6105. INCREASE IN EMPLOYEE COMPENSATION AND**
22 **BENEFITS AUTHORIZED BY LAW.**

23 *Appropriations authorized by this division for salary,*
24 *pay, retirement, and other benefits for Federal employees*
25 *may be increased by such additional or supplemental*

1 *amounts as may be necessary for increases in such com-*
 2 *ensation or benefits authorized by law.*

3 **TITLE LXII—CENTRAL INTEL-**
 4 **LIGENCE AGENCY RETIRE-**
 5 **MENT AND DISABILITY SYS-**
 6 **TEM**

7 **SEC. 6201. AUTHORIZATION OF APPROPRIATIONS.**

8 *There is authorized to be appropriated for the Central*
 9 *Intelligence Agency Retirement and Disability Fund*
 10 *\$514,000,000 for fiscal year 2023.*

11 **TITLE LXIII—GENERAL INTEL-**
 12 **LIGENCE COMMUNITY MAT-**
 13 **TERS**

14 **SEC. 6301. MODIFICATION OF REQUIREMENTS FOR CER-**
 15 **TAIN EMPLOYMENT ACTIVITIES BY FORMER**
 16 **INTELLIGENCE OFFICERS AND EMPLOYEES.**

17 *(a) IN GENERAL.—Subsections (a) and (b) of section*
 18 *304 of the National Security Act of 1947 (50 U.S.C. 3073a)*
 19 *are amended to read as follows:*

20 *“(a) POST-EMPLOYMENT RESTRICTIONS.—*

21 *“(1) COVERED POST-SERVICE POSITION.—*

22 *“(A) PERMANENT RESTRICTION.—Except as*
 23 *provided by paragraph (2)(A)(i), an employee of*
 24 *an element of the intelligence community who oc-*
 25 *cupies a covered intelligence position may not*

1 *occupy a covered post-service position for a des-*
2 *ignated prohibited foreign country following the*
3 *date on which the employee ceases to occupy a*
4 *covered intelligence position.*

5 “(B) *TEMPORARY RESTRICTION.*—*Except as*
6 *provided by paragraph (2)(A)(ii), an employee*
7 *of an element of the intelligence community who*
8 *occupies a covered intelligence position may not*
9 *occupy a covered post-service position during the*
10 *30-month period following the date on which the*
11 *employee ceases to occupy a covered intelligence*
12 *position.*

13 “(2) *WAIVER.*—

14 “(A) *AUTHORITY TO GRANT TEMPORARY*
15 *WAIVER.*—

16 “(i) *WAIVERS OF PERMANENT RE-*
17 *STRICTION.*—*On a case-by-case basis, the*
18 *Director of National Intelligence may tem-*
19 *porarily waive the restriction in paragraph*
20 *(1)(A) with respect to an employee or*
21 *former employee who is subject to that re-*
22 *striction only after—*

23 “(I) *the employee or former em-*
24 *ployee submits to the Director a writ-*
25 *ten application for such waiver in such*

1 *form and manner as the Director de-*
2 *termines appropriate;*

3 *“(II) the Director determines that*
4 *not granting such waiver would result*
5 *in a grave detrimental impact to cur-*
6 *rent or future intelligence operations of*
7 *the United States; and*

8 *“(III) the Director provides the*
9 *congressional intelligence committees*
10 *with a detailed justification stating*
11 *why not granting such waiver would*
12 *result in a grave detrimental impact to*
13 *current or future intelligence oper-*
14 *ations of the United States.*

15 *“(ii) WAIVERS OF TEMPORARY RE-*
16 *STRICTION.—On a case-by-case basis, the*
17 *Director may temporarily waive the restric-*
18 *tion in paragraph (1)(B) with respect to an*
19 *employee or former employee who is subject*
20 *to that restriction only after—*

21 *“(I) the employee or former em-*
22 *ployee submits to the Director a writ-*
23 *ten application for such waiver in such*
24 *form and manner as the Director de-*
25 *termines appropriate; and*

1 “(II) *the Director determines that*
2 *such waiver is necessary to advance the*
3 *national security interests of the*
4 *United States.*

5 “(B) *PERIOD OF WAIVER.*—*A waiver issued*
6 *under subparagraph (A) shall apply for a period*
7 *not exceeding 5 years. The Director may renew*
8 *such a waiver.*

9 “(C) *REVOCATION.*—*The Director may re-*
10 *voke a waiver issued under subparagraph (A) to*
11 *an employee or former employee, effective on the*
12 *date that is 60 days after the date on which the*
13 *Director provides the employee or former em-*
14 *ployee written notice of such revocation.*

15 “(D) *TOLLING.*—*The 30-month restriction*
16 *in paragraph (1)(B) shall be tolled for an em-*
17 *ployee or former employee during the period be-*
18 *ginning on the date on which a waiver is issued*
19 *under subparagraph (A) and ending on the date*
20 *on which the waiver expires or on the effective*
21 *date of a revocation under subparagraph (C), as*
22 *the case may be.*

23 “(E) *NOTIFICATION.*—*Not later than 30*
24 *days after the date on which the Director issues*
25 *a waiver under subparagraph (A) or a revoca-*

1 *tion of a waiver under subparagraph (C), the*
2 *Director shall submit to the congressional intel-*
3 *ligence committees written notification of the*
4 *waiver or revocation, as the case may be. Such*
5 *notification shall include the following:*

6 *“(i) With respect to a waiver issued to*
7 *an employee or former employee—*

8 *“(I) the details of the application,*
9 *including the covered intelligence posi-*
10 *tion held or formerly held by the em-*
11 *ployee or former employee;*

12 *“(II) the nature of the activities of*
13 *the employee or former employee after*
14 *ceasing to occupy a covered intelligence*
15 *position;*

16 *“(III) a description of the na-*
17 *tional security interests that will be*
18 *advanced by reason of issuing such*
19 *waiver; and*

20 *“(IV) the specific reasons why the*
21 *Director determines that issuing such*
22 *waiver will advance such interests.*

23 *“(ii) With respect to a revocation of a*
24 *waiver issued to an employee or former em-*
25 *ployee—*

1 “(I) the details of the waiver, in-
2 cluding any renewals of such waiver,
3 and the dates of such waiver and re-
4 newals; and

5 “(II) the specific reasons why the
6 Director determined that such revoca-
7 tion is warranted.

8 “(b) COVERED POST-SERVICE EMPLOYMENT REPORT-
9 ING.—

10 “(1) REQUIREMENT.—During the period de-
11 scribed in paragraph (2), an employee who ceases to
12 occupy a covered intelligence position shall—

13 “(A) report covered post-service employment
14 to the head of the element of the intelligence com-
15 munity that employed such employee in such
16 covered intelligence position upon accepting such
17 covered post-service employment; and

18 “(B) annually (or more frequently if the
19 head of such element considers it appropriate)
20 report covered post-service employment to the
21 head of such element.

22 “(2) PERIOD DESCRIBED.—The period described
23 in this paragraph is the period beginning on the date
24 on which an employee ceases to occupy a covered in-
25 telligence position.

1 “(3) *REGULATIONS.*—*The head of each element of*
2 *the intelligence community shall issue regulations re-*
3 *quiring, as a condition of employment, each employee*
4 *of such element occupying a covered intelligence posi-*
5 *tion to sign a written agreement requiring the regular*
6 *reporting of covered post-service employment to the*
7 *head of such element pursuant to paragraph (1).”.*

8 **(b) DEFINITION OF DESIGNATED PROHIBITED FOR-**
9 **EIGN COUNTRY.**—*Subsection (g) of such section is amend-*
10 *ed—*

11 (1) *by redesignating paragraphs (4) through (6)*
12 *as paragraphs (5) through (7), respectively; and*

13 (2) *by inserting after paragraph (3) the fol-*
14 *lowing:*

15 “(4) *DESIGNATED PROHIBITED FOREIGN COUN-*
16 *TRY.*—*The term ‘designated prohibited foreign coun-*
17 *try’ means the following:*

18 “(A) *The People’s Republic of China.*

19 “(B) *The Russian Federation.*

20 “(C) *The Democratic People’s Republic of*
21 *Korea.*

22 “(D) *The Islamic Republic of Iran.*

23 “(E) *The Republic of Cuba.*

24 “(F) *The Syrian Arab Republic.”.*

25 **(c) ADDITIONAL WRITTEN NOTICE.**—

1 (1) *IN GENERAL.*—Subsection (d) of such section
2 is amended by adding at the end the following:

3 “(3) *WRITTEN NOTICE ABOUT RESTRICTIONS.*—
4 The head of each element of the intelligence commu-
5 nity shall provide written notice of the restrictions
6 under subsection (a) to any person who may be sub-
7 ject to such restrictions on or after the date of enact-
8 ment of the Intelligence Authorization Act for Fiscal
9 Year 2023—

10 “(A) when the head of the element deter-
11 mines that such person may become subject to
12 such covered intelligence position restrictions;
13 and

14 “(B) before the person ceases to occupy a
15 covered intelligence position.”.

16 (2) *CONFORMING AMENDMENT.*—Paragraph (2)
17 of such subsection is amended in the paragraph head-
18 ing by adding “*ABOUT REPORTING REQUIREMENTS*”
19 after “*WRITTEN NOTICE*”.

20 (d) *REVISED REGULATIONS.*—

21 (1) *DEFINITION OF COVERED INTELLIGENCE PO-*
22 *SITION.*—In this subsection, the term “covered intel-
23 ligence position” has the meaning given such term by
24 such section 304.

1 (2) *SUBMISSION.*—Not later than 30 days after
2 the date of the enactment of this Act, the head of each
3 element of the intelligence community shall submit to
4 the congressional intelligence committees new or up-
5 dated regulations issued to carry out such section 304,
6 as amended by subsections (a), (b), and (c) of this sec-
7 tion.

8 (3) *REQUIREMENTS.*—The regulations issued
9 under paragraph (1) shall—

10 (A) include provisions that advise personnel
11 of the intelligence community of the appropriate
12 manner in which such personnel may opt out of
13 positions that—

14 (i) have been designated as covered in-
15 telligence positions before the effective date
16 established in subsection (e) of this section;
17 or

18 (ii) may be designated as covered intel-
19 ligence provisions before such designation
20 becomes final; and

21 (B) establish a period of not fewer than 30
22 days and not more than 60 days after receipt of
23 the written notice required under paragraph (3)
24 of subsection (d) of such section 304, as added by
25 subsection (c)(1) of this section, within which

1 *such personnel may opt out of a covered intel-*
2 *ligence position and the accompanying obliga-*
3 *tions imposed by subsection (a)(1)(A) of such*
4 *section 304, as amended by subsection (a) of this*
5 *section.*

6 (4) *CERTIFICATION.*—*Not later than 180 days*
7 *after the date of the enactment of this Act, the Direc-*
8 *tor of National Intelligence shall submit to the con-*
9 *gressional intelligence committees—*

10 (A) *a written certification for each head of*
11 *an element of the intelligence community who*
12 *has issued new or updated regulations pursuant*
13 *to paragraph (2); and*

14 (B) *for each head of an element of the intel-*
15 *ligence community who has not issued such new*
16 *or updated regulations, an explanation for the*
17 *failure to issue such new or updated regulations.*

18 (e) *EFFECTIVE DATE OF PERMANENT RESTRIC-*
19 *TIONS.*—*Subsection (a)(1)(A) of such section 304, as*
20 *amended by subsection (a) of this section, shall apply only*
21 *to persons who occupy a covered intelligence position on*
22 *or after the date that is 45 days after the date on which*
23 *new or updated regulations are issued under subsection*
24 *(d)(2) of this section.*

1 (f) *REPEAL.*—Section 402 of the Intelligence Author-
2 ization Act for Fiscal Year 1997 (Public Law 104–293) is
3 hereby repealed.

4 **SEC. 6302. COUNTERINTELLIGENCE AND NATIONAL SECU-**
5 **RITY PROTECTIONS FOR INTELLIGENCE COM-**
6 **MUNITY GRANT FUNDING.**

7 (a) *IN GENERAL.*—Title I of the National Security Act
8 of 1947 (50 U.S.C. 3021 et seq.) is amended by adding at
9 the end the following:

10 **“SEC. 121. COUNTERINTELLIGENCE AND NATIONAL SECU-**
11 **RITY PROTECTIONS FOR INTELLIGENCE COM-**
12 **MUNITY GRANT FUNDING.**

13 “(a) *DISCLOSURE AS CONDITION FOR RECEIPT OF*
14 *GRANT.*—The head of an element of the intelligence commu-
15 nity may not award a grant to a person or entity unless
16 the person or entity has certified to the head of the element
17 that the person or entity has disclosed to the head of the
18 element any material financial or material in-kind support
19 that the person or entity knows, or should have known, de-
20 rives from the People’s Republic of China, the Russian Fed-
21 eration, the Islamic Republic of Iran, the Democratic Peo-
22 ple’s Republic of Korea, or the Republic of Cuba, during
23 the 5-year period ending on the date of the person or enti-
24 ty’s application for the grant.

1 “(b) *PROCESS FOR REVIEW OF GRANT APPLICANTS*
2 *PRIOR TO AWARD.*—

3 “(1) *IN GENERAL.*—*The head of an element of*
4 *the intelligence community may not award a grant to*
5 *a person or entity who submitted a certification*
6 *under subsection (a) until such certification is re-*
7 *ceived by the head of an element of the intelligence*
8 *community and submitted to the Director of National*
9 *Intelligence pursuant to the process set forth in para-*
10 *graph (2).*

11 “(2) *PROCESS.*—

12 “(A) *IN GENERAL.*—*The Director of Na-*
13 *tional Intelligence, in coordination with such*
14 *heads of elements of the intelligence community*
15 *as the Director considers appropriate, shall es-*
16 *tablish a process to review the awarding of a*
17 *grant to an applicant who submitted a certifi-*
18 *cation under subsection (a).*

19 “(B) *ELEMENTS.*—*The process established*
20 *under subparagraph (A) shall include the fol-*
21 *lowing:*

22 “(i) *The immediate transmission of a*
23 *copy of each applicant’s certification made*
24 *under subsection (a) to the Director of Na-*
25 *tional Intelligence.*

1 “(ii) *The review of the certification*
2 *and any accompanying disclosures sub-*
3 *mitted under subsection (a) as soon as prac-*
4 *ticable.*

5 “(iii) *Authorization for the heads of*
6 *the elements of the intelligence community*
7 *to take such actions as may be necessary,*
8 *including denial or revocation of a grant, to*
9 *ensure a grant does not pose an unaccept-*
10 *able risk of—*

11 “(I) *misappropriation of United*
12 *States intellectual property, research*
13 *and development, and innovation ef-*
14 *forts; or*

15 “(II) *other counterintelligence*
16 *threats.*

17 “(c) *ANNUAL REPORT REQUIRED.—Not later than 1*
18 *year after the date of the enactment of the Intelligence Au-*
19 *thorization Act for Fiscal Year 2023 and not less frequently*
20 *than once each year thereafter, the Director of National In-*
21 *telligence shall submit to the congressional intelligence com-*
22 *mittees an annual report identifying the following for the*
23 *1-year period covered by the report:*

24 “(1) *The number of applications for grants re-*
25 *ceived by each element of the intelligence community.*

1 “(2) *The number of such applications that were*
2 *reviewed using the process established under sub-*
3 *section (b)(2), disaggregated by element of the intel-*
4 *ligence community.*”

5 “(3) *The number of such applications that were*
6 *denied and the number of grants that were revoked,*
7 *pursuant to the process established under subsection*
8 *(b)(2), disaggregated by element of the intelligence*
9 *community.”.*

10 **(b) APPLICABILITY.**—*Subsections (a) and (b) of section*
11 *121 of such Act, as added by subsection (a), shall apply*
12 *only with respect to grants awarded by an element of the*
13 *intelligence community after the date of the enactment of*
14 *this Act.*

15 **(c) CLERICAL AMENDMENT.**—*The table of contents pre-*
16 *ceding section 2 of such Act is amended by inserting after*
17 *the item relating to section 120 the following:*

*“Sec. 121. Counterintelligence and national security protections for intelligence
community grant funding.”.*

18 **SEC. 6303. EXTENSION OF CENTRAL INTELLIGENCE AGEN-**
19 **CY LAW ENFORCEMENT JURISDICTION TO FA-**
20 **CILITIES OF OFFICE OF DIRECTOR OF NA-**
21 **TIONAL INTELLIGENCE.**

22 **(a) IN GENERAL.**—*Section 15(a) of the Central Intel-*
23 *ligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amend-*
24 *ed—*

1 (1) *in paragraph (1)—*

2 (A) *in subparagraph (C), by striking “;*
3 *and” and inserting a semicolon;*

4 (B) *by redesignating subparagraph (D) as*
5 *subparagraph (E);*

6 (C) *by inserting after subparagraph (C) the*
7 *following:*

8 “*(D) within an installation owned, or contracted*
9 *to be occupied for a period of one year or longer, by*
10 *the Office of the Director of National Intelligence;*
11 *and”;* *and*

12 (D) *in subparagraph (E), as redesignated*
13 *by subparagraph (B), by inserting “or (D)” after*
14 *“in subparagraph (C)”;*

15 (2) *in paragraph (2), by striking “or (D)” and*
16 *inserting “or (E)”;* *and*

17 (3) *in paragraph (4), by striking “in subpara-*
18 *graph (A) or (C)” and inserting “in subparagraph*
19 *(A), (C), or (D)”.*

20 (b) *CONFORMING AMENDMENT.—Section 5(a)(4) of*
21 *such Act (50 U.S.C. 3506(a)(4)) is amended by inserting*
22 *“and Office of the Director of National Intelligence” after*
23 *“protection of Agency”.*

1 **SEC. 6304. ANNUAL REPORTS ON STATUS OF RECOMMENDA-**
2 **TIONS OF COMPTROLLER GENERAL OF THE**
3 **UNITED STATES FOR THE DIRECTOR OF NA-**
4 **TIONAL INTELLIGENCE.**

5 (a) *DEFINITION OF OPEN RECOMMENDATIONS.*—*In*
6 *this section, the term “open recommendations” refers to rec-*
7 *ommendations of the Comptroller General of the United*
8 *States that the Comptroller General has not yet designated*
9 *as closed.*

10 (b) *ANNUAL LISTS BY COMPTROLLER GENERAL OF*
11 *THE UNITED STATES.*—*Not later than September 30, 2023,*
12 *and each September 30 thereafter through 2028, the Comp-*
13 *troller General of the United States shall submit to the con-*
14 *gressional intelligence committees and the Director of Na-*
15 *tional Intelligence a list of all open recommendations made*
16 *to the Director, disaggregated by report number and rec-*
17 *ommendation number.*

18 (c) *ANNUAL REPORTS BY DIRECTOR OF NATIONAL IN-*
19 *TELLIGENCE.*—*Not later than 120 days after the date on*
20 *which the Director receives a list under subsection (b), the*
21 *Director shall submit to the congressional intelligence com-*
22 *mittees, the Committee on Appropriations of the Senate,*
23 *and the Committee on Appropriations of the House of Rep-*
24 *resentatives a report on the actions taken by the Director*
25 *and actions the Director intends to take, alone or in coordi-*
26 *nation with the heads of other Federal agencies, in response*

1 *to each open recommendation identified in the list, includ-*
2 *ing open recommendations the Director determines are*
3 *closed and recommendations the Director determines do not*
4 *require further action, as well as the basis for such deter-*
5 *minations.*

6 **SEC. 6305. TIMELY SUBMISSION OF CLASSIFIED INTEL-**
7 **LIGENCE BUDGET JUSTIFICATION MATE-**
8 **RIALS.**

9 *Title V of the National Security Act of 1947 (50 U.S.C.*
10 *3091 et seq.) is amended by inserting after section 506I the*
11 *following new section (and conforming the table of contents*
12 *at the beginning of such Act accordingly):*

13 **“SEC. 506J. CLASSIFIED INTELLIGENCE BUDGET JUS-**
14 **TIFICATION MATERIALS.**

15 *“(a) DEFINITIONS.—In this section:*

16 *“(1) BUDGET.—The term ‘budget’ has the mean-*
17 *ing given the term ‘budget of the President’ in section*
18 *506A.*

19 *“(2) CLASSIFIED INTELLIGENCE BUDGET JUS-*
20 *TIFICATION MATERIALS.—The term ‘classified intel-*
21 *ligence budget justification materials’ means, with re-*
22 *spect to a fiscal year, the materials submitted to Con-*
23 *gress by the Director of National Intelligence in sup-*
24 *port of the budget for that fiscal year that are classi-*
25 *fied or otherwise protected from public disclosure.*

1 “(b) *TIMELY SUBMISSION.*—Not later than 5 days
2 after the date on which the President submits to Congress
3 the budget for each fiscal year pursuant to section 1105(a)
4 of title 31, United States Code, the Director of National
5 Intelligence shall submit to the congressional intelligence
6 committees the classified intelligence budget justification
7 materials for the element for that budget.”.

8 **SEC. 6306. COPYRIGHT PROTECTION FOR CIVILIAN FAC-**
9 **ULTY OF THE NATIONAL INTELLIGENCE UNI-**
10 **VERSITY.**

11 Section 105 of title 17, United States Code, is amend-
12 ed—

13 (1) by redesignating the second subsection (c) as
14 subsection (d);

15 (2) by striking subsection (c) and inserting the
16 following:

17 “(c) *USE BY FEDERAL GOVERNMENT.*—

18 “(1) *SECRETARY OF DEFENSE AUTHORITY.*—

19 With respect to a covered author who produces a cov-
20 ered work in the course of employment at a covered
21 institution described in subparagraphs (A) through
22 (L) of subsection (d)(2), the Secretary of Defense may
23 direct the covered author to provide the Federal Gov-
24 ernment with an irrevocable, royalty-free, worldwide,
25 nonexclusive license to reproduce, distribute, perform,

1 *or display such covered work for purposes of the*
2 *United States Government.*

3 “(2) *DIRECTOR OF NATIONAL INTELLIGENCE AU-*
4 *THORITY.—With respect to a covered author who pro-*
5 *duces a covered work in the course of employment at*
6 *the covered institution described in subsection*
7 *(d)(2)(M), the Director of National Intelligence may*
8 *direct the covered author to provide the Federal Gov-*
9 *ernment with an irrevocable, royalty-free, world-wide,*
10 *nonexclusive license to reproduce, distribute, perform,*
11 *or display such covered work for purposes of the*
12 *United States Government.”; and*

13 *(3) in paragraph (2) of subsection (d), as so re-*
14 *designated, by adding at the end the following:*

15 *“(M) National Intelligence University.”.*

16 **SEC. 6307. MODIFICATIONS TO FOREIGN MALIGN INFLU-**
17 **ENCE RESPONSE CENTER.**

18 *(a) RENAMING.—*

19 *(1) IN GENERAL.—Section 119C of the National*
20 *Security Act of 1947 (50 U.S.C. 3059) is amended—*

21 *(A) in the section heading, by striking “RE-*
22 **SPONSE”**; and

23 *(B) in subsection (a), by striking “Re-*
24 *sponse”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of con-*
2 *tents in the matter preceding section 2 of such Act is*
3 *amended by striking the item relating to section 119C*
4 *and inserting the following:*

 “*Sec. 119C. Foreign Malign Influence Center.*”.

5 (3) *CONFORMING AMENDMENT.*—*Section*
6 *589E(d)(2) of the William M. (Mac) Thornberry Na-*
7 *tional Defense Authorization Act for Fiscal Year 2021*
8 *(Public Law 116–283; 10 U.S.C. 2001 note prec.) is*
9 *amended by striking “Response”.*

10 (4) *REFERENCE.*—*Any reference in law, regula-*
11 *tion, map, document, paper, or other record of the*
12 *United States to the “Foreign Malign Influence Re-*
13 *sponse Center” shall be deemed to be a reference to the*
14 *Foreign Malign Influence Center.*

15 (b) *DIRECTOR OF NATIONAL INTELLIGENCE AUTHOR-*
16 *ITY TO TERMINATE.*—*Section 119C of such Act (50 U.S.C.*
17 *3059) is further amended—*

18 (1) *by redesignating subsection (e) as subsection*
19 *(f); and*

20 (2) *by inserting after subsection (d) the fol-*
21 *lowing:*

22 “*(e) TERMINATION.*—*After December 31, 2028, the Di-*
23 *rector of National Intelligence may terminate the Center,*
24 *but only if the Director of National Intelligence submits to*
25 *the congressional intelligence committees, the Subcommittee*

1 *on Defense of the Committee on Appropriations of the Sen-*
2 *ate, and the Subcommittee on Defense of the Committee on*
3 *Appropriations of the House of Representatives a deter-*
4 *mination that the termination of the Center is appropriate,*
5 *which includes—*

6 “(1) a detailed description that other offices or
7 entities within the intelligence community—

8 “(A) have the capabilities to perform the
9 functions of the Center; and

10 “(B) will exercise the functions of the Center
11 upon the termination of the Center; and

12 “(2) a detailed description of—

13 “(A) the actions the Director of National
14 Intelligence will take to conduct an orderly
15 wind-down of the activities of the Center; and

16 “(B) the proposed timeline for such ac-
17 tions.”.

18 (c) *REPORT.—*

19 (1) *DEFINITION OF APPROPRIATE COMMITTEES*
20 *OF CONGRESS.—In this subsection, the term “appro-*
21 *priate committees of Congress” means—*

22 (A) *the congressional intelligence commit-*
23 *tees;*

24 (B) *the Committee on Homeland Security*
25 *and Governmental Affairs, the Committee on*

1 *Foreign Relations, the Committee on Armed*
2 *Services, and the Subcommittee on Defense of the*
3 *Committee on Appropriations of the Senate; and*
4 (C) *the Committee on Homeland Security,*
5 *the Committee on Foreign Affairs, the Committee*
6 *on Armed Services, and the Subcommittee on*
7 *Defense of the Committee on Appropriations of*
8 *the House of Representatives.*

9 (2) *IN GENERAL.*—*Not later than December 31,*
10 *2025, the Director of National Intelligence shall sub-*
11 *mit to the appropriate committees of Congress a re-*
12 *port assessing the continued need for operating the*
13 *Foreign Malign Influence Center.*

14 **SEC. 6308. REQUIREMENT TO OFFER CYBER PROTECTION**
15 **SUPPORT FOR PERSONNEL OF INTELLIGENCE**
16 **COMMUNITY IN POSITIONS HIGHLY VULNER-**
17 **ABLE TO CYBER ATTACK.**

18 (a) *IN GENERAL.*—*Section 6308(b) of the Damon Paul*
19 *Nelson and Matthew Young Pollard Intelligence Authoriza-*
20 *tion Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C.*
21 *3334d(b)) is amended—*

22 (1) *in paragraph (1)—*

23 (A) *by striking “may provide” and insert-*
24 *ing “shall offer”;*

1 (B) by inserting “and shall provide such
2 support to any such personnel who request” be-
3 fore the period at the end; and

4 (2) in the subsection heading, by striking “AU-
5 THORITY” and inserting “REQUIREMENT”.

6 (b) *PLAN*.—Not later than 180 days after the date of
7 the enactment of this Act, the Director of National Intel-
8 ligence shall submit to the congressional intelligence com-
9 mittees, the Committee on Appropriations of the Senate,
10 and the Committee on Appropriations of the House of Rep-
11 resentatives an implementation plan for providing the sup-
12 port described section 6308(b) of the Damon Paul Nelson
13 and Matthew Young Pollard Intelligence Authorization Act
14 for Fiscal Years 2018, 2019, and 2020 (50 U.S.C.
15 3334d(b)), as amended by subsection (a), including a de-
16 scription of the training and resources needed to implement
17 the support and the methodology for determining the per-
18 sonnel described in paragraph (2) of such section.

19 **SEC. 6309. ENFORCEMENT OF CYBERSECURITY REQUIRE-**
20 **MENTS FOR NATIONAL SECURITY SYSTEMS.**

21 (a) *DEFINITIONS*.—In this section:

22 (1) *CYBERSECURITY REQUIREMENTS FOR NA-*
23 *TIONAL SECURITY SYSTEMS*.—The term “cybersecurity
24 requirements for national security systems” means the
25 minimum cybersecurity requirements established by

1 *the National Manager, consistent with the direction of*
2 *the President and in consultation with the Director of*
3 *National Intelligence, that applies to all national se-*
4 *curity systems operated by, on the behalf of, or ad-*
5 *ministered by the head of an element of the intel-*
6 *ligence community.*

7 (2) *NATIONAL MANAGER.*—*The term “National*
8 *Manager” means the National Manager for National*
9 *Security Systems designated by the President.*

10 (3) *NATIONAL SECURITY SYSTEMS.*—*The term*
11 *“national security systems” includes—*

12 (A) *national security systems (as defined in*
13 *section 3552(b) of title 44, United States Code);*
14 *and*

15 (B) *information systems described in para-*
16 *graph (2) or (3) of section 3553(e) of such title.*

17 (b) *IMPLEMENTATION DEADLINE.*—*The cybersecurity*
18 *requirements for national security systems shall include ap-*
19 *propriate deadlines by which all elements of the intelligence*
20 *community shall have fully implemented the requirements.*

21 (c) *REEVALUATION AND UPDATES.*—*Not less fre-*
22 *quently than once every 2 years, the National Manager shall*
23 *reevaluate and update the cybersecurity requirements for*
24 *national security systems.*

1 (d) *RESOURCES.*—*Each head of an element of the in-*
2 *telligence community that owns or operates a national secu-*
3 *rity system shall update plans of the element to prioritize*
4 *resources in such a manner as to fully implement the cyber-*
5 *security requirements for national security systems by the*
6 *deadline established pursuant to subsection (b) for the next*
7 *10 fiscal years.*

8 (e) *EXEMPTIONS.*—

9 (1) *IN GENERAL.*—*The head of an element of the*
10 *intelligence community may exempt a national secu-*
11 *rity system owned or operated by the element from*
12 *the cybersecurity requirements for national security*
13 *systems if done so in accordance with the procedures*
14 *established under paragraph (2).*

15 (2) *EXEMPTION PROCEDURES.*—*The National*
16 *Manager shall, consistent with the direction of the*
17 *President, establish procedures that govern—*

18 (A) *the circumstances under which the head*
19 *of an element of the intelligence community may*
20 *exempt a national security system under para-*
21 *graph (1); and*

22 (B) *the process for implementing the exemp-*
23 *tion.*

24 (3) *ANNUAL REPORTS ON EXEMPTIONS.*—

1 (A) *IN GENERAL.*—Each year, the National
2 Manager and the Director of National Intel-
3 ligence shall—

4 (i) submit to the congressional intel-
5 ligence committees an annual report docu-
6 menting all exemptions made under para-
7 graph (1) during the period covered by the
8 report, along with the justifications for the
9 exemptions; and

10 (ii) in the case of an exemption made
11 by the Assistant Secretary of State for Intel-
12 ligence and Research under such paragraph,
13 submit to the Committee on Foreign Rela-
14 tions of the Senate and the Committee on
15 Foreign Affairs of the House of Representa-
16 tives a separate report describing the ex-
17 emption and the justification for it.

18 (B) *MANNER.*—Each report submitted
19 under subparagraph (A) shall be submitted with
20 such classification as the Director considers ap-
21 propriate and with due regard for the protection
22 of sensitive intelligence sources and methods.

1 **SEC. 6310. REVIEW AND BRIEFING ON INTELLIGENCE COM-**
2 **MUNITY ACTIVITIES UNDER EXECUTIVE**
3 **ORDER 12333.**

4 *(a) REVIEW AND BRIEFING REQUIRED.—No later than*
5 *180 days after the date of the enactment of this Act, the*
6 *Director of National Intelligence shall—*

7 *(1) conduct a review to ascertain the feasibility*
8 *and advisability of compiling and making public in-*
9 *formation relating to activities of the intelligence*
10 *community under Executive Order 12333 (50 U.S.C.*
11 *3001 note; relating to United States intelligence ac-*
12 *tivities); and*

13 *(2) provide the congressional intelligence com-*
14 *mittees, the Committee on Appropriations of the Sen-*
15 *ate, and the Committee on Appropriations of the*
16 *House of Representatives with a briefing on the find-*
17 *ings of the Director with respect to the review con-*
18 *ducted under paragraph (1).*

19 *(b) MATTERS ADDRESSED.—The review and briefing*
20 *required by subsection (a) shall address the feasibility and*
21 *advisability of making available to the public information*
22 *relating to the following:*

23 *(1) Data on activities described in subsection*
24 *(a)(1), including the following:*

25 *(A) The amount of United States person in-*
26 *formation collected pursuant to such activities.*

1 (B) *Queries of United States persons pursu-*
2 *ant to such activities.*

3 (C) *Dissemination of United States person*
4 *information pursuant to such activities, includ-*
5 *ing masking and unmasking.*

6 (D) *The use of United States person infor-*
7 *mation in criminal proceedings.*

8 (2) *Quantitative data and qualitative descrip-*
9 *tions of incidents in which the intelligence commu-*
10 *nity violated Executive Order 12333 and associated*
11 *guidelines and procedures.*

12 (c) *CONSIDERATIONS.—In conducting the review*
13 *under subsection (a)(1), the Director shall consider—*

14 (1) *the public transparency associated with the*
15 *use by the intelligence community of the authorities*
16 *provided under the Foreign Intelligence Surveillance*
17 *Act of 1978 (50 U.S.C. 1801 et seq.), including rel-*
18 *evant data and compliance incidents; and*

19 (2) *the application of the transparency model de-*
20 *veloped in connection with such Act to activities con-*
21 *ducted under Executive Order 12333.*

22 (d) *DISAGGREGATION FOR PUBLIC RELEASE.—In con-*
23 *ducting the review under subsection (a)(1), the Director*
24 *shall address whether the relevant data and compliance in-*

1 *idents associated with the different intelligence community*
2 *entities can be disaggregated for public release.*

3 **SEC. 6311. ASSESSING INTELLIGENCE COMMUNITY OPEN-**
4 **SOURCE SUPPORT FOR EXPORT CONTROLS**
5 **AND FOREIGN INVESTMENT SCREENING.**

6 *(a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUP-*
7 *PORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT*
8 *SCREENING.—*

9 *(1) PILOT PROGRAM AUTHORIZED.—The Direc-*
10 *tor of National Intelligence shall designate an element*
11 *of the intelligence community to carry out a pilot*
12 *program to assess the feasibility and advisability of*
13 *providing enhanced intelligence support, including*
14 *intelligence derived from open source, publicly and*
15 *commercially available information—*

16 *(A) to the Department of Commerce to sup-*
17 *port the export control and investment screening*
18 *functions of the Department; and*

19 *(B) to the Department of Homeland Secu-*
20 *rity to support the export control functions of the*
21 *Department.*

22 *(2) AUTHORITY.—In carrying out the pilot pro-*
23 *gram required by paragraph (1), the element des-*
24 *ignated by the Director under such paragraph—*

1 (A) shall establish a process for the provi-
2 sion of information as described in such para-
3 graph; and

4 (B) may—

5 (i) acquire and prepare data, con-
6 sistent with applicable provisions of law
7 and Executive orders;

8 (ii) modernize analytic systems, in-
9 cluding through the acquisition, develop-
10 ment, or application of automated tools;
11 and

12 (iii) establish standards and policies
13 regarding the acquisition, treatment, and
14 sharing of open source, publicly and com-
15 mercially available information.

16 (3) *DURATION.*—The pilot program required by
17 paragraph (1) shall be carried out during a 3-year
18 period.

19 (b) *PLAN AND REPORT REQUIRED.*—

20 (1) *DEFINITION OF APPROPRIATE COMMITTEES*
21 *OF CONGRESS.*—In this subsection, the term “appro-
22 priate committees of Congress” means—

23 (A) the Select Committee on Intelligence, the
24 Committee on Banking, Housing, and Urban Af-
25 fairs, the Committee on Homeland Security and

1 *Governmental Affairs, and the Committee on Ap-*
2 *propriations of the Senate; and*

3 *(B) the Permanent Select Committee on In-*
4 *telligence, the Committee on Foreign Affairs, the*
5 *Committee on Financial Services, the Committee*
6 *on Homeland Security, and the Committee on*
7 *Appropriations of the House of Representatives.*

8 (2) *PLAN.*—

9 *(A) IN GENERAL.*—*Not later than 90 days*
10 *after the date of the enactment of this Act, the*
11 *Director shall, in coordination with the Sec-*
12 *retary of Commerce and the Secretary of Home-*
13 *land Security, submit to the appropriate com-*
14 *mittees of Congress a plan to carry out the pilot*
15 *program required by subsection (a)(1).*

16 *(B) CONTENTS.*—*The plan submitted under*
17 *subparagraph (A) shall include the following:*

18 *(i) A list, developed in consultation*
19 *with the Secretary of Commerce and the*
20 *Secretary of Homeland Security, of the ac-*
21 *tivities of the Department of Commerce and*
22 *the Department of Homeland Security that*
23 *will be supported by the pilot program.*

24 *(ii) A plan for measuring the effective-*
25 *ness of the pilot program and the value of*

1 *open source, publicly and commercially*
2 *available information to the export control*
3 *and investment screening missions.*

4 (3) *REPORT.—*

5 (A) *IN GENERAL.—Not later than 540 days*
6 *after the date on which the Director submits the*
7 *plan under paragraph (2)(A), the Director shall*
8 *submit to the appropriate committees of Congress*
9 *a report on the findings of the Director with re-*
10 *spect to the pilot program.*

11 (B) *CONTENTS.—The report submitted*
12 *under subparagraph (A) shall include the fol-*
13 *lowing:*

14 (i) *An assessment of the feasibility and*
15 *advisability of providing information as de-*
16 *scribed in subsection (a)(1).*

17 (ii) *An assessment of the value of open*
18 *source, publicly and commercially available*
19 *information to the export control and in-*
20 *vestment screening missions, using the*
21 *measures of effectiveness under paragraph*
22 *(2)(B)(ii).*

23 (iii) *Identification of opportunities for*
24 *and barriers to more effective use of open*

1 *source, publicly and commercially available*
2 *information by the intelligence community.*

3 **SEC. 6312. ANNUAL TRAINING REQUIREMENT AND REPORT**
4 **REGARDING ANALYTIC STANDARDS.**

5 (a) *POLICY FOR TRAINING PROGRAM REQUIRED.—*
6 *Consistent with sections 1019 and 1020 of the Intelligence*
7 *Reform and Terrorism Prevention Act of 2004 (50 U.S.C.*
8 *3364 and 3364 note), the Director of National Intelligence*
9 *shall issue a policy that requires each head of an element*
10 *of the intelligence community, that has not already done*
11 *so, to create, before the date that is 180 days after the date*
12 *of the enactment of this Act, an annual training program*
13 *on the standards set forth in Intelligence Community Direc-*
14 *tive 203, Analytic Standards (or successor directive).*

15 (b) *CONDUCT OF TRAINING.—Training required pur-*
16 *suant to the policy required by subsection (a) may be con-*
17 *ducted in conjunction with other required annual training*
18 *programs conducted by the element of the intelligence com-*
19 *munity concerned.*

20 (c) *CERTIFICATION OF COMPLETION OF TRAINING.—*
21 *Each year, each head of an element of the intelligence com-*
22 *munity shall submit to the congressional intelligence com-*
23 *mittees a certification as to whether all of the analysts of*
24 *that element have completed the training required pursuant*
25 *to the policy required by subsection (a) and if the analysts*

1 *have not, an explanation of why the training has not been*
2 *completed.*

3 (d) *REPORTS.—*

4 (1) *ANNUAL REPORT.—In conjunction with each*
5 *briefing provided under section 1019(c) of the Intel-*
6 *ligence Reform and Terrorism Prevention Act of 2004*
7 *(50 U.S.C. 3364(c)), the Director shall submit to the*
8 *congressional intelligence committees, the Committee*
9 *on Appropriations of the Senate, and the Committee*
10 *on Appropriations of the House of Representatives a*
11 *report on the number and themes of compliance inci-*
12 *dents reported to intelligence community analytic*
13 *ombudspersons relating to the standards set forth in*
14 *Intelligence Community Directive 203 (relating to*
15 *analytic standards), or successor directive.*

16 (2) *REPORT ON PERFORMANCE EVALUATION.—*
17 *Not later than 90 days after the date of the enactment*
18 *of this Act, the head of analysis at each element of the*
19 *intelligence community that conducts all-source anal-*
20 *ysis shall submit to the congressional intelligence*
21 *committees, the Committee on Appropriations of the*
22 *Senate, and the Committee on Appropriations of the*
23 *House of Representatives a report describing how*
24 *compliance with the standards set forth in Intel-*
25 *ligence Community Directive 203 (relating to ana-*

1 *lytic standards), or successor directive, is considered*
 2 *in the performance evaluations and consideration for*
 3 *merit pay, bonuses, promotions, and any other per-*
 4 *sonnel actions for analysts within the element.*

5 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
 6 *shall be construed to prohibit the Director from providing*
 7 *training described in this section as a service of common*
 8 *concern.*

9 *(f) SUNSET.—This section shall cease to be effective on*
 10 *the date that is 5 years after the date of the enactment of*
 11 *this Act.*

12 **SEC. 6313. REVIEW OF JOINT INTELLIGENCE COMMUNITY**
 13 **COUNCIL.**

14 *(a) IN GENERAL.—The Director of National Intel-*
 15 *ligence shall conduct a review of the Joint Intelligence Com-*
 16 *munity Council established by section 101A of the National*
 17 *Security Act of 1947 (50 U.S.C. 3022).*

18 *(b) ELEMENTS.—The review conducted under sub-*
 19 *section (a) shall cover the following:*

20 *(1) The number of meetings the Council has held,*
 21 *by year.*

22 *(2) An analysis of the issues the Council has ad-*
 23 *dressed.*

24 *(3) The effect the Council has had on the deci-*
 25 *sionmaking of the Director of National Intelligence.*

1 (4) *Potential revision to the membership or func-*
2 *tions of the Council.*

3 (c) *BRIEFING.*—*Not later than 180 days after the date*
4 *of the enactment of this Act, the Director of National Intel-*
5 *ligence shall provide the congressional intelligence commit-*
6 *tees and the subcommittees on defense of the Committee on*
7 *Appropriations of the Senate and the Committee on Appro-*
8 *priations of the House of Representatives a briefing on the*
9 *review conducted pursuant to subsection (a).*

10 **SEC. 6314. REQUIRED POLICY FOR MINIMUM INSIDER**
11 **THREAT STANDARDS.**

12 (a) *REQUIREMENT.*—*Section 102A(f) of the National*
13 *Security Act of 1947 (50 U.S.C. 3024(f)) is amended—*

14 (1) *by redesignating paragraphs (8) and (9) as*
15 *paragraphs (9) and (10), respectively; and*

16 (2) *by inserting after paragraph (7) the fol-*
17 *lowing new paragraph:*

18 “(8) *The Director of National Intelligence shall ensure*
19 *there is established a policy for minimum insider threat*
20 *standards for the intelligence community and ensure com-*
21 *pliance by the elements of the intelligence community with*
22 *that policy.*”.

23 (b) *COMPLIANCE AND REPORTING.*—*Title III of such*
24 *Act (50 U.S.C. 3071 et seq.) is amended by adding at the*
25 *end the following new section:*

1 **“SEC. 313. INSIDER THREAT POLICY COMPLIANCE AND RE-**
2 **PORTING.**

3 *“The head of each element of the intelligence commu-*
4 *nity shall—*

5 *“(1) implement the policy established in accord-*
6 *ance with section 102A(f)(8); and*

7 *“(2) concurrent with the submission to Congress*
8 *of budget justification materials in support of the*
9 *budget of the President for a fiscal year that is sub-*
10 *mitted to Congress under section 1105(a) of title 31,*
11 *United States Code, submit to Congress a certification*
12 *as to whether the element is in compliance with such*
13 *policy.”.*

14 *(c) CONFORMING AMENDMENT.—Section 102A(x)(3) of*
15 *such Act (50 U.S.C. 3024(x)(3)) is amended by inserting*
16 *“, including the policy under subsection (f)(8),” after “poli-*
17 *cies of the intelligence community”.*

18 *(d) CLERICAL AMENDMENT.—The table of contents*
19 *preceding section 2 of such Act is amended by inserting*
20 *after the item relating to section 312 the following new item:*
“Sec. 313. Insider threat policy compliance and reporting.”.

21 **SEC. 6315. UNFUNDED PRIORITIES OF THE INTELLIGENCE**
22 **COMMUNITY.**

23 *Title V of the National Security Act of 1947 (50 U.S.C.*
24 *3091 et seq.) is amended by adding at the end the following*

1 *new section (and conforming the table of contents at the*
2 *beginning of such Act accordingly):*

3 **“SEC. 514. UNFUNDED PRIORITIES OF THE INTELLIGENCE**
4 **COMMUNITY: ANNUAL REPORT.**

5 *“(a) ANNUAL REPORT.—Not later than 10 days after*
6 *the date on which the budget of the President for a fiscal*
7 *year is submitted to Congress pursuant to section 1105 of*
8 *title 31, United States Code, the head of each element of*
9 *the intelligence community shall submit to the Director of*
10 *National Intelligence, the congressional intelligence commit-*
11 *tees, the Subcommittee on Defense of the Committee on Ap-*
12 *propriations of the Senate, and the Subcommittee on De-*
13 *fense of the Committee on Appropriations of the House of*
14 *Representatives a report on the unfunded priorities of the*
15 *programs under the jurisdiction of such head.*

16 *“(b) ELEMENTS.—*

17 *“(1) IN GENERAL.—Each report under subsection*
18 *(a) shall specify, for each unfunded priority covered*
19 *by such report, the following:*

20 *“(A) A summary description of such pri-*
21 *ority, including the objectives to be achieved if*
22 *such priority is funded (whether in whole or in*
23 *part).*

24 *“(B) Whether such priority will satisfy a*
25 *covert action or support collection against re-*

1 *quirements identified in the National Intel-*
2 *ligence Priorities Framework of the Office of the*
3 *Director of National Intelligence (or any suc-*
4 *cessor mechanism established for the*
5 *prioritization of programs and activities), in-*
6 *cluding a description of such requirements and*
7 *the related prioritization level.*

8 *“(C) The additional amount of funds rec-*
9 *ommended in connection with the objectives*
10 *under subparagraph (A).*

11 *“(D) Budget information with respect to the*
12 *unfunded priority, including—*

13 *“(i) the appropriation account;*

14 *“(ii) the expenditure center; and*

15 *“(iii) the project and, if applicable,*
16 *subproject.*

17 *“(2) PRIORITIZATION OF PRIORITIES.—Each re-*
18 *port shall present the unfunded priorities covered by*
19 *such report in overall order of urgency of priority*
20 *among unfunded priorities.*

21 *“(c) UNFUNDED PRIORITY DEFINED.—In this section,*
22 *the term ‘unfunded priority’, in the case of a fiscal year,*
23 *means a program, activity, or mission requirement of an*
24 *element of the intelligence community that—*

1 “(1) is not funded in the budget of the President
2 for the fiscal year as submitted to Congress pursuant
3 to section 1105 of title 31, United States Code;

4 “(2) is necessary to fulfill a covert action or to
5 satisfy an information requirement associated with
6 the collection, analysis, or dissemination of intel-
7 ligence that has been documented within the National
8 Intelligence Priorities Framework; and

9 “(3) would have been recommended for funding
10 by the head of the element of the intelligence commu-
11 nity if—

12 “(A) additional resources had been available
13 for the budget to fund the program, activity, or
14 mission requirement; or

15 “(B) the program, activity, or mission re-
16 quirement has emerged since the budget was for-
17 mulated.”.

18 **SEC. 6316. SUBMISSION OF COVERED DOCUMENTS AND**
19 **CLASSIFIED ANNEXES.**

20 (a) *REQUIREMENT.*—Title V of the National Security
21 Act of 1947 (50 U.S.C. 3091 et seq.), as amended by section
22 6315, is further amended by adding at the end the following
23 new section (and conforming the table of contents at the
24 beginning of such Act accordingly):

1 **“SEC. 515. SUBMISSION OF COVERED DOCUMENTS AND**
2 **CLASSIFIED ANNEXES.**

3 “(a) *COVERED DOCUMENT DEFINED.*—*In this section,*
4 *the term ‘covered document’ means any executive order,*
5 *memorandum, or policy directive issued by the President,*
6 *including national security Presidential memoranda and*
7 *Presidential policy directives, or such successor memoranda*
8 *and directives.*

9 “(b) *REQUIREMENT.*—*Not later than 7 days after the*
10 *date on which the President issues or amends a covered doc-*
11 *ument, the President, acting through the Director of Na-*
12 *tional Intelligence, shall submit to the congressional intel-*
13 *ligence committees, the Subcommittee on Defense of the*
14 *Committee on Appropriations of the Senate, and the Sub-*
15 *committee on Defense of the Committee on Appropriations*
16 *of the House of Representatives the covered document and*
17 *any classified annex accompanying that document if such*
18 *covered document or annex contains a direction to, estab-*
19 *lishes a requirement for, or includes a restriction on any*
20 *element of the intelligence community.”.*

21 (b) *INITIAL SUBMISSION.*—*Not later than 60 days*
22 *after the date of the enactment of this Act, the Director of*
23 *National Intelligence shall submit to the congressional intel-*
24 *ligence committees, the Subcommittee on Defense of the*
25 *Committee on Appropriations of the Senate, and the Sub-*
26 *committee on Defense of the Committee on Appropriations*

1 *of the House of Representatives each covered document and*
2 *classified annex required under section 515 of the National*
3 *Security Act of 1947, as added by subsection (a), in effect*
4 *as of the date of enactment of this Act.*

5 *(c) REPEAL.—Section 310 of the Intelligence Author-*
6 *ization Act for Fiscal Year 2017 (Public Law 115–31; 50*
7 *U.S.C. 3312) is hereby repealed.*

8 **SEC. 6317. IMPROVEMENTS TO PROGRAM ON RECRUITMENT**
9 **AND TRAINING.**

10 *Section 1022 of the National Security Act of 1947 (50*
11 *U.S.C. 3222) is amended to read as follows:*

12 **“SEC. 1022. PROGRAM ON RECRUITMENT AND TRAINING.**

13 *“(a) PROGRAM.—*

14 *“(1) REQUIREMENT.—The Director of National*
15 *Intelligence, in consultation with the heads of the ele-*
16 *ments of the intelligence community, shall carry out*
17 *a program to ensure that selected individuals are pro-*
18 *vided funds for academic training (including with re-*
19 *spect to both undergraduate and postgraduate edu-*
20 *cation), or to reimburse for academic training pre-*
21 *viously obtained—*

22 *“(A) in capabilities, missions, or skillsets,*
23 *especially in the fields of science, technology,*
24 *math, and engineering, to address workforce re-*
25 *quirements in which the intelligence community*

1 *is deficient or likely to be deficient in the future;*
2 *or*

3 “(B) *for such individuals who have back-*
4 *grounds or experiences that the Director has*
5 *identified as—*

6 “(i) *contributing to capabilities, mis-*
7 *sions, or skillsets in which the intelligence*
8 *community is deficient or likely to be defi-*
9 *cient in future; and*

10 “(ii) *being underrepresented in the in-*
11 *telligence community or likely to be under-*
12 *represented in the future.*

13 “(2) *COMMITMENT.—An individual selected for*
14 *participation in the program shall commit to employ-*
15 *ment with an element of the intelligence community*
16 *for a period that the Director determines is commen-*
17 *surate with the amount of funding provided to the in-*
18 *dividual under the program and under such terms*
19 *and conditions as the Director considers appropriate.*

20 “(3) *DESIGNATION.—The program shall be*
21 *known as the Pat Roberts Intelligence Scholars Pro-*
22 *gram.*

23 “(4) *OUTREACH.—The Director, in consultation*
24 *with the heads of the elements of the intelligence com-*

1 *munity, shall maintain a publicly available internet*
2 *website on the program that describes—*

3 *“(A) the intent of the program;*

4 *“(B) the conditions and requirements for se-*
5 *lection and participation;*

6 *“(C) application instructions;*

7 *“(D) the areas covered by the program pur-*
8 *suant to the review conducted under subsection*
9 *(b)(2); and*

10 *“(E) any other details the Director deter-*
11 *mines appropriate.*

12 *“(b) ELEMENTS.—In carrying out the program under*
13 *subsection (a), the Director shall—*

14 *“(1) establish such requirements relating to the*
15 *academic training of participants as the Director*
16 *considers appropriate to ensure that participants are*
17 *prepared for employment as intelligence professionals;*
18 *and*

19 *“(2) on an annual basis, review the areas that*
20 *will contribute to the capabilities, missions, and*
21 *skillsets in which the intelligence community is defi-*
22 *cient or is likely to be deficient in the future.*

23 *“(c) USE OF FUNDS.—Funds made available for the*
24 *program under subsection (a) shall be used—*

1 “(1) to provide a monthly stipend for each
2 month that a participant is pursuing a course of
3 study;

4 “(2) to pay the partial or full tuition of a par-
5 ticipant for the completion of such course of study;

6 “(3) to reimburse a participant for tuition paid
7 by the participant before becoming an employee of an
8 element of the intelligence community, including with
9 respect to providing payments for student loans used
10 for such tuition;

11 “(4) to pay for books and materials that the par-
12 ticipant requires or required to complete such course
13 of study;

14 “(5) to pay the expenses of the participant for
15 travel requested by an element of the intelligence com-
16 munity in relation to such program; or

17 “(6) for such other purposes the Director con-
18 siders reasonably appropriate to carry out such pro-
19 gram.”.

20 **SEC. 6318. MEASURES TO MITIGATE COUNTERINTEL-**
21 **LIGENCE THREATS FROM PROLIFERATION**
22 **AND USE OF FOREIGN COMMERCIAL**
23 **SPYWARE.**

24 (a) *DEFINITIONS.*—*In this section:*

1 (1) *COVERED DEVICE.*—*The term “covered de-*
2 *vice” means any electronic mobile device including*
3 *smartphones, tablet computing devices, or laptop com-*
4 *puting devices, that is issued by an element of the in-*
5 *telligence community for official use.*

6 (2) *FOREIGN COMMERCIAL SPYWARE; FOREIGN*
7 *COMPANY; SPYWARE.*—*The terms “foreign commercial*
8 *spyware”, “foreign company”, and “spyware” have*
9 *the meanings given those terms in section 1102A of*
10 *the National Security Act of 1947 (50 U.S.C. 3231 et*
11 *seq.), as added by this section.*

12 (b) *STATEMENT OF POLICY.*—*It shall be the policy of*
13 *the United States to act decisively against counterintel-*
14 *ligence threats posed by foreign commercial spyware, as*
15 *well as the individuals who lead entities selling foreign com-*
16 *mercial spyware and who are reasonably believed to be in-*
17 *olved, have been involved, or pose a significant risk to*
18 *being or becoming involved, in activities contrary to the na-*
19 *tional security or foreign policy interests of the United*
20 *States.*

21 (c) *MEASURES TO MITIGATE COUNTERINTELLIGENCE*
22 *THREATS.*—*Title XI of the National Security Act of 1947*
23 *(50 U.S.C. 3231 et seq.) is amended by inserting after sec-*
24 *tion 1102 the following new section (and conforming the*
25 *table of contents at the beginning of such 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 commit-*
8 *tees’ 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 Com-*
13 *mittee on the Judiciary, the Committee on Ap-*
14 *propriations, and the Committee on Homeland*
15 *Security and Governmental Affairs of the Sen-*
16 *ate; and*

17 “(B) *the Permanent Select Committee on*
18 *Intelligence, the Committee on Foreign Affairs,*
19 *the Committee on Armed Services, the Committee*
20 *on Financial Services, the Committee on the Ju-*
21 *diiciary, the Committee on Appropriations, the*
22 *Committee on Homeland Security, and the Com-*
23 *mittee on Oversight and Reform of the House of*
24 *Representatives.*

25 “(2) *COVERED ENTITY.*—*The term ‘covered enti-*
26 *ty’ means any foreign company that either directly or*

1 *indirectly develops, maintains, owns, operates, bro-*
2 *kers, markets, sells, leases, licenses, or otherwise makes*
3 *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 *ign 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 or*
15 *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 *remote access to information stored on or transiting*
20 *through an electronic device connected to the Internet*
21 *and not owned or operated by the unauthorized user,*
22 *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 loca-*
8 *tion of a device or person using the internal sen-*
9 *sors of an electronic device not owned by the un-*
10 *authorized 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, e-*
14 *mails, transcripts of chats, contacts, photos, and*
15 *browsing history; or*

16 “(E) *any additional criteria described in*
17 *publicly available documents published by the*
18 *Director of National Intelligence, such as wheth-*
19 *er the end-to-end system is used outside the con-*
20 *text of a codified lawful intercept system.*

21 “(b) *ANNUAL ASSESSMENTS OF COUNTERINTEL-*
22 *LIGENCE THREATS.—*

23 “(1) *REQUIREMENT.—Not later than 90 days*
24 *after the enactment of the Intelligence Authorization*
25 *Act for Fiscal Year 2023, and annually thereafter, the*

1 *Director of National Intelligence, in coordination*
2 *with the Director of the Central Intelligence Agency,*
3 *the Director of the National Security Agency, and the*
4 *Director of the Federal Bureau of Investigation, shall*
5 *submit to the appropriate congressional committees a*
6 *report with an accompanying classified annex con-*
7 *taining an assessment of the counterintelligence*
8 *threats and other risks to the national security of the*
9 *United States posed by the proliferation of foreign*
10 *commercial spyware. The assessment shall incorporate*
11 *all credible data, including open-source information.*

12 “(2) *ELEMENTS.—Each report under paragraph*
13 *(1) shall include the following, if known:*

14 “(A) *A list of the most significant covered*
15 *entities.*

16 “(B) *A description of the foreign commer-*
17 *cial spyware marketed by the covered entities*
18 *identified under subparagraph (A) and an as-*
19 *essment by the intelligence community of the*
20 *foreign commercial spyware.*

21 “(C) *An assessment of the counterintel-*
22 *ligence risk to the intelligence community or per-*
23 *sonnel of the intelligence community posed by*
24 *foreign commercial spyware.*

1 “(D) For each covered entity identified in
2 subparagraph (A), details of any subsidiaries,
3 resellers, or other agents acting on behalf of the
4 covered entity.

5 “(E) Details of where each covered entity
6 identified under subparagraphs (A) and (D) is
7 domiciled.

8 “(F) A description of how each covered enti-
9 ty identified under subparagraphs (A) and (D)
10 is financed, where the covered entity acquired its
11 capital, and the organizations and individuals
12 having substantial investments or other equities
13 in the covered entity.

14 “(G) An assessment by the intelligence com-
15 munity of any relationship between each covered
16 entity identified in subparagraphs (A) and (D)
17 and any foreign government, including any ex-
18 port controls and processes to which the covered
19 entity is subject.

20 “(H) A list of the foreign customers of each
21 covered entity identified in subparagraphs (A)
22 and (D), including the understanding by the in-
23 telligence community of the organizations and
24 end-users within any foreign government.

1 “(I) With respect to each foreign customer
2 identified under subparagraph (H), an assess-
3 ment by the intelligence community regarding
4 how the foreign customer is using the spyware,
5 including whether the foreign customer has tar-
6 geted personnel of the intelligence community.

7 “(J) With respect to the first report re-
8 quired under paragraph (1), a mitigation plan
9 to reduce the exposure of personnel of the intel-
10 ligence community to foreign commercial
11 spyware.

12 “(K) With respect to each report following
13 the first report required under paragraph (1),
14 details of steps taken by the intelligence commu-
15 nity since the previous report to implement
16 measures to reduce the exposure of personnel of
17 the intelligence community to foreign commercial
18 spyware.

19 “(3) *CLASSIFIED ANNEX.*—In submitting the re-
20 port under subsection (2), the Director shall also in-
21 clude an accompanying but separate classified annex,
22 providing a watchlist of companies selling, leasing, or
23 otherwise providing foreign commercial spyware that
24 the Director determines are engaged in activities that

1 *pose a counterintelligence risk to personnel of the in-*
2 *telligence community.*

3 “(4) *FORM.*—*Each report under paragraph (1)*
4 *shall be submitted in classified form.*

5 “(5) *DISSEMINATION.*—*The Director of National*
6 *Intelligence shall separately distribute each report*
7 *under paragraph (1) and each annex under para-*
8 *graph (3) to the President, the heads of all elements*
9 *of the intelligence community, the Secretary of State,*
10 *the Attorney General, the Secretary of Commerce, the*
11 *Secretary of Homeland Security, the National Cyber*
12 *Director, and the heads of any other departments or*
13 *agencies the Director of National Intelligence deter-*
14 *mines appropriate.*

15 “(c) *AUTHORITY TO PROHIBIT PURCHASE OR USE BY*
16 *INTELLIGENCE COMMUNITY.*—

17 “(1) *FOREIGN COMMERCIAL SPYWARE.*—

18 “(A) *IN GENERAL.*—*The Director of Na-*
19 *tional Intelligence may prohibit any element of*
20 *the intelligence community from procuring, leas-*
21 *ing, or otherwise acquiring on the commercial*
22 *market, or extending or renewing a contract to*
23 *procure, lease, or otherwise acquire, foreign com-*
24 *mercial spyware.*

1 “(B) *CONSIDERATIONS.*—*In determining*
2 *whether and how to exercise the authority under*
3 *subparagraph (A), the Director of National In-*
4 *telligence shall consider—*

5 “(i) *the assessment of the intelligence*
6 *community of the counterintelligence threats*
7 *or other risks to the United States posed by*
8 *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 United*
12 *States Government personnel.*

13 “(iii) *whether the original owner or de-*
14 *veloper retains any of the physical property*
15 *or intellectual property associated with the*
16 *foreign commercial spyware;*

17 “(iv) *whether the original owner or de-*
18 *veloper has verifiably destroyed all copies of*
19 *the data collected by or associated with the*
20 *foreign commercial spyware;*

21 “(v) *whether the personnel of the origi-*
22 *nal owner or developer retain any access to*
23 *data collected by or associated with the for-*
24 *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 the
9 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 purpose
16 with a company that has acquired, in whole or
17 in part, any foreign commercial spyware.

18 “(B) CONSIDERATIONS.—In considering
19 whether and how to exercise the authority under
20 subparagraph (A), the Director of National In-
21 telligence shall consider—

22 “(i) whether the original owner or de-
23 veloper of the foreign commercial spyware
24 retains any of the physical property or in-

1 *tellectual 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 for-*
12 *ign 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 the*
21 *national security of the United States.*

22 *“(3) NOTIFICATIONS OF PROHIBITION.—Not later*
23 *than 30 days after the date on which the Director of*
24 *National Intelligence exercises the authority to issue*
25 *a prohibition under subsection (c), the Director of Na-*

1 *tional Intelligence shall notify the congressional intel-*
2 *ligence committees of such exercise of authority. Such*
3 *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 United*
13 *States posed by the company or product, as as-*
14 *essed by the intelligence community; and*

15 “(D) *an identification of each element of the*
16 *intelligence community to which the prohibition*
17 *has been applied.*

18 “(4) *WAIVER AUTHORITY.—*

19 “(A) *IN GENERAL.—The head of an element*
20 *of the intelligence community may request from*
21 *the Director of National Intelligence the waiver*
22 *of a prohibition made under paragraph (1) or*
23 *(2).*

24 “(B) *DIRECTOR OF NATIONAL INTEL-*
25 *LIGENCE DETERMINATION.—The Director of Na-*

1 *tional Intelligence, upon receiving the waiver re-*
2 *quest in subparagraph (A), may issue a waiver*
3 *for a period not to exceed one year in response*
4 *to the request from the head of an element of the*
5 *intelligence community if such waiver is in the*
6 *national security interest of the United States.*

7 “(C) NOTICE.—Not later than 30 days after
8 approving a waiver request pursuant to sub-
9 paragraph (B), the Director of National Intel-
10 ligence shall submit to the congressional intel-
11 ligence committees, the Subcommittee on Defense
12 of the Committee on Appropriations of the Sen-
13 ate, and the Subcommittee on Defense of the
14 Committee on Appropriations of the House of
15 Representatives a written notification. The noti-
16 fication shall include—

17 “(i) an identification of the head of the
18 element of the intelligence community that
19 requested the waiver;

20 “(ii) the details of the waiver request,
21 including the national security interests of
22 the United States;

23 “(iii) the rationale and basis for the
24 determination that the waiver is in the na-

1 *tional security interests of the United*
2 *States;*

3 *“(iv) the considerations that informed*
4 *the ultimate determination of the Director*
5 *of National Intelligence to issue the waiver;*
6 *and*

7 *“(v) and any other considerations con-*
8 *tributing to the determination, made by the*
9 *Director of National Intelligence.*

10 *“(D) WAIVER TERMINATION.—The Director*
11 *of National Intelligence may revoke a previously*
12 *granted waiver at any time. Upon revocation of*
13 *a waiver, the Director of National Intelligence*
14 *shall submit a written notification to the con-*
15 *gressional intelligence committees, the Sub-*
16 *committee on Defense of the Committee on Ap-*
17 *propriations of the Senate, and the Sub-*
18 *committee on Defense of the Committee on Ap-*
19 *propriations of the House of Representatives not*
20 *later than 30 days after making a revocation de-*
21 *termination.*

22 *“(5) TERMINATION OF PROHIBITION.—The Di-*
23 *rector of National Intelligence may terminate a pro-*
24 *hibition made under paragraph (1) or (2) at any*
25 *time. Upon termination of a prohibition, the Director*

1 *of National Intelligence shall submit a notification of*
2 *the termination to the congressional intelligence com-*
3 *mittees, the Subcommittee on Defense of the Com-*
4 *mittee on Appropriations of the Senate, and the Sub-*
5 *committee on Defense of the Committee on Appropria-*
6 *tions of the House of Representatives not later than*
7 *30 days after terminating a prohibition, detailing the*
8 *basis for the termination, including any United*
9 *States national security interests that may be affected*
10 *by such termination.”.*

11 *(d) PROTECTION OF COVERED DEVICES.—*

12 *(1) REQUIREMENT.—Not later than 120 days*
13 *after the date of the enactment of this Act, the Direc-*
14 *tor of National Intelligence shall—*

15 *(A) issue standards, guidance, best prac-*
16 *tices, and policies for elements of the intelligence*
17 *community to protect covered devices from being*
18 *compromised by foreign commercial spyware;*

19 *(B) survey elements of the intelligence com-*
20 *munity regarding the processes used by the ele-*
21 *ments to routinely monitor covered devices for*
22 *indicators of compromise associated with foreign*
23 *commercial spyware; and*

24 *(C) submit to the congressional intelligence*
25 *committees a report on the sufficiency of the*

1 *measures in place to routinely monitor covered*
2 *devices for indicators of compromise associated*
3 *with foreign commercial spyware.*

4 (2) *FORM.*—*The report under paragraph (1)(C)*
5 *may be submitted in classified form.*

6 (3) *COUNTERINTELLIGENCE NOTIFICATIONS.*—
7 *Not later than 30 days after the date on which an ele-*
8 *ment of the intelligence community becomes aware*
9 *that a covered device was targeted or compromised by*
10 *foreign commercial spyware, the Director of National*
11 *Intelligence, in coordination with the Director of the*
12 *Federal Bureau of Investigation, shall notify the con-*
13 *gressional intelligence committees, the Subcommittee*
14 *on Defense of the Committee on Appropriations of the*
15 *Senate, and the Subcommittee on Defense of the Com-*
16 *mittee on Appropriations of the House of Representa-*
17 *tives of such determination, including—*

18 (A) *the component of the element and the lo-*
19 *cation of the personnel whose covered device was*
20 *targeted or compromised;*

21 (B) *the number of covered devices com-*
22 *promised or targeted;*

23 (C) *an assessment by the intelligence com-*
24 *munity of the damage to national security of the*

1 *United States resulting from any loss of data or*
2 *sensitive information;*

3 *(D) an assessment by the intelligence com-*
4 *munity of any foreign government, or foreign or-*
5 *ganization or entity, and, to the extent possible,*
6 *the foreign individuals, who directed and bene-*
7 *fitted from any information acquired from the*
8 *targeting or compromise; and*

9 *(E) as appropriate, an assessment by the*
10 *intelligence community of the capacity and will*
11 *of such governments or individuals to continue*
12 *targeting personnel of the United States Govern-*
13 *ment.*

14 (4) *PRIVATE SECTOR PARTNERSHIPS.*—*Section*
15 *904(d)(7) of the Counterintelligence Enhancement Act*
16 *of 2002 (50 U.S.C. 3383(d)(7)) is amended by adding*
17 *at the end the following new paragraph:*

18 “(E) *VULNERABILITIES FROM FOREIGN*
19 *COMMERCIAL SPYWARE.*—

20 “(i) *CONSULTATION.*—*In carrying out*
21 *efforts to secure covered devices, to consult*
22 *with the private sector of the United States*
23 *and reputable third-party researchers to*
24 *identify vulnerabilities from foreign com-*
25 *mmercial spyware (as defined in section*

1 1102A(a) of the National Security Act of
2 1947) and maintain effective security meas-
3 ures for such devices.

4 “(ii) COVERED DEVICE DEFINED.—In
5 this subparagraph, the term ‘covered device’
6 means any electronic mobile device includ-
7 ing smartphones, tablet computing devices,
8 or laptop computing devices, that is issued
9 by an element of the intelligence community
10 for official use.”.

11 (e) NO ENHANCED AUTHORITIES.—Nothing in this
12 section or an amendment made by this section shall be con-
13 strued as enhancing, or otherwise changing, the authorities
14 of the intelligence community to target, collect, process, or
15 disseminate information regarding United States Govern-
16 ment personnel.

17 (f) REPORT ON HARMONIZATION AMONG ALLIED
18 COUNTRIES.—

19 (1) REQUIREMENT.—Not later than 30 days
20 after the date of the enactment of this Act, the Direc-
21 tor of National Intelligence shall submit to the con-
22 gressional intelligence committees, the Subcommittee
23 on Defense of the Committee on Appropriations of the
24 Senate, and the Subcommittee on Defense of the Com-
25 mittee on Appropriations of the House of Representa-

1 *tives a report on the potential for the United States*
2 *to lead an effort to devise and implement a common*
3 *approach with allied countries as the Director deter-*
4 *mines appropriate, including the Five Eyes Partner-*
5 *ship, to mitigate the counterintelligence risks posed by*
6 *the proliferation of foreign commercial spyware, in-*
7 *cluding by seeking commitments to implement meas-*
8 *ures similar to the requirements under this section*
9 *and section 1102A of the National Security Act of*
10 *1947 (50 U.S.C. 3231 et seq.), as added by this sec-*
11 *tion.*

12 (2) *FORM.—The report under paragraph (1)*
13 *shall be submitted in unclassified form, but may con-*
14 *tain a classified annex, consistent with the protection*
15 *of intelligence sources and methods.*

16 **SEC. 6319. PERSONNEL VETTING PERFORMANCE MEAS-**
17 **URES.**

18 (a) *DEFINITIONS OF CONTINUING VETTING; COUNCIL;*
19 *SECURITY EXECUTIVE AGENT.—In this section, the terms*
20 *“continuous vetting”, “Council”, and “Security Executive*
21 *Agent” have the meanings given those terms in section 6601*
22 *of the Damon Paul Nelson and Matthew Young Pollard In-*
23 *telligence Authorization Act for Fiscal Years 2018, 2019,*
24 *and 2020 (50 U.S.C. 3352).*

1 **(b) MEASURES.**—Not later than 180 days after the
2 date of the enactment of this Act and consistent with section
3 807 of the Intelligence Authorization Act for Fiscal Year
4 2022 (Public Law 117–103), the Director of National Intel-
5 ligence, acting as the Security Executive Agent, and in co-
6 ordination with the Chair and other principals of the Coun-
7 cil, shall develop performance measures to assess the vetting
8 of personnel, including measures to assess continuous vet-
9 ting and the quality of each phase of the personnel vetting
10 process, including the initiation, investigation, and adju-
11 dication phases.

12 **(c) REPORT.**—

13 **(1) REQUIREMENT.**—Not later than 180 days
14 after the date of the enactment of this Act, the Direc-
15 tor of National Intelligence shall submit to Congress
16 a report describing the performance measures devel-
17 oped under subsection (b).

18 **(2) ELEMENTS.**—The report under paragraph
19 (1) shall include the following:

20 **(A)** A description of how departments and
21 agencies of the United States Government have
22 implemented Security Executive Agent Directive
23 6 titled “Continuous Evaluation” and related
24 personnel vetting performance measures to en-
25 sure that implementation is efficient and effec-

1 *tive, including the resources expended by each*
2 *department or agency for continuous vetting and*
3 *whether departments and agencies are identi-*
4 *fying security-relevant information in a timely*
5 *manner.*

6 *(B) A description of the performance meas-*
7 *ures the Director of National Intelligence and the*
8 *Secretary of Defense use to assess the quality of*
9 *each phase of the personnel vetting process, in-*
10 *cluding initiation, investigation, adjudication,*
11 *reinvestigation, and continuous vetting.*

12 *(C) How such performance measures meet*
13 *key attributes for successful performance meas-*
14 *ures as described in the report of the Comptroller*
15 *General of the United States titled “Personnel*
16 *Vetting: Actions Needed to Implement Reforms,*
17 *Address Challenges, and Improve Planning”*
18 *(GAO–22–104093).*

19 *(D) Any impediments or constraints relat-*
20 *ing to the implementation of Security Executive*
21 *Agent Directive 6 or the development of such per-*
22 *formance measures to assess the quality of the*
23 *personnel vetting process.*

1 **SEC. 6320. PROACTIVE CYBERSECURITY.**

2 (a) *SURVEY OF ELEMENTS.*—Pursuant to section
3 103G(b)(1) of the National Security Act (50 U.S.C.
4 3032(b)(1)), not later than 1 year after the date of the en-
5 actment of this Act, the Chief Information Officer of the
6 Intelligence Community shall conduct a survey of each ele-
7 ment of the intelligence community on the use by that ele-
8 ment of proactive cybersecurity initiatives, continuous ac-
9 tivity security testing, and active defense techniques.

10 (b) *REPORT BY CHIEF INFORMATION OFFICER.*—

11 (1) *REPORT.*—Not later than 1 year after the
12 date of the completion of the survey under subsection
13 (a), the Chief Information Officer of the Intelligence
14 Community shall submit to the congressional intel-
15 ligence committees, the Subcommittee on Defense of
16 the Committee on Appropriations of the Senate, and
17 the Subcommittee on Defense of the Committee on Ap-
18 propriations of the House of Representatives a report
19 on proactive cybersecurity initiatives, continuous ac-
20 tivity security testing, and active defense techniques.

21 Such report shall include the following:

22 (A) *The results of the survey of each element*
23 *of the intelligence community conducted under*
24 *subsection (a), including—*

25 (i) *examples of any successes against*
26 *attackers who breached an information sys-*

1 *tem of an element of the intelligence com-*
2 *munity; and*

3 *(ii) concerns, limitations, and associ-*
4 *ated recommendations relating to innova-*
5 *tive uses of proactive cybersecurity initia-*
6 *tives.*

7 *(B) An analysis of the feasibility, costs, and*
8 *benefits of consolidating oversight and implemen-*
9 *tation of such methods within the intelligence*
10 *community, including whether such consolida-*
11 *tion would significantly enhance defense.*

12 *(C) An analysis of any statutory or policy*
13 *limitations on the ability of the Director of Na-*
14 *tional Intelligence, or the head of any element of*
15 *the intelligence community, to carry out such*
16 *methods on behalf of an element of the intel-*
17 *ligence community or multiple such elements.*

18 *(D) An analysis of the relationships between*
19 *and among the intelligence community, the De-*
20 *partment of Defense, the Cybersecurity and In-*
21 *frastructure Security Agency of the Department*
22 *of Homeland Security, national laboratories,*
23 *and the private sector, and whether such rela-*
24 *tionships should be enhanced to protect national*

1 *security systems of the intelligence community*
2 *through proactive cybersecurity measures.*

3 *(E) With respect to active defense tech-*
4 *niques, a discussion of the effectiveness of such*
5 *techniques to protect the information systems of*
6 *the elements of the intelligence community, any*
7 *constraints that hinder such techniques, and as-*
8 *sociated recommendations.*

9 *(F) With respect to continuous activity se-*
10 *curity testing, a discussion of—*

11 *(i) how an information system operates*
12 *under normal and intended use, compared*
13 *to how such system operates under a variety*
14 *of adverse conditions and scenarios; and*

15 *(ii) the feasibility of the adoption of*
16 *continuous activity security testing among*
17 *the intelligence community.*

18 *(G) Recommendations for legislative action*
19 *and further resources relating to the successful*
20 *use of proactive cybersecurity initiatives, decep-*
21 *tion environments, and continuous activity secu-*
22 *rity testing.*

23 *(2) FORM.—The report under paragraph (1)*
24 *may be submitted in classified form.*

25 *(c) DEFINITIONS.—In this section:*

1 (1) *ACTIVE DEFENSE TECHNIQUE.*—*The term*
2 *“active defense technique” means an action taken on*
3 *an information system of an element of the intel-*
4 *ligence community to increase the security of such*
5 *system against an attacker, including—*

6 (A) *the use of a deception technology or*
7 *other purposeful feeding of false or misleading*
8 *information to an attacker accessing such sys-*
9 *tem; or*

10 (B) *proportional action taken in response to*
11 *an unlawful breach.*

12 (2) *CONTINUOUS ACTIVITY SECURITY TESTING.*—
13 *The term “continuous activity security testing”*
14 *means continuous experimentation conducted by an*
15 *element of the intelligence community on an informa-*
16 *tion system of such element to evaluate the resilience*
17 *of such system against a malicious attack or condi-*
18 *tion that could compromise such system for the pur-*
19 *pose of improving design, resilience, and incident re-*
20 *sponse with respect to such system.*

21 (3) *DECEPTION TECHNOLOGY.*—*The term “decep-*
22 *tion technology” means an isolated digital environ-*
23 *ment, system, or platform containing a replication of*
24 *an active information system with realistic data flows*
25 *to attract, mislead, and observe an attacker.*

1 (4) *INTELLIGENCE COMMUNITY INFORMATION EN-*
2 *VIROMENT.—The term “intelligence community in-*
3 *formation environment” has the meaning given the*
4 *term in Intelligence Community Directive 121, or*
5 *any successor document.*

6 (5) *NATIONAL LABORATORY.—The term “na-*
7 *tional laboratory” has the meaning given that term*
8 *in section 2 of the Energy Policy Act of 2005 (42*
9 *U.S.C. 15801).*

10 (6) *NATIONAL MANAGER FOR NATIONAL SECUR-*
11 *ITY SYSTEMS.—The term “National Manager for*
12 *National Security Systems” means the Director of*
13 *National Security, or successor official, serving as the*
14 *National Manager for National Security Systems*
15 *pursuant to National Security Directive 42, or any*
16 *successor document.*

17 (7) *NATIONAL SECURITY SYSTEM.—The term*
18 *“national security system” has the meaning given*
19 *that term in section 3552 of title 44, United States*
20 *Code.*

21 (8) *PROACTIVE CYBERSECURITY INITIATIVES.—*
22 *The term “proactive cybersecurity initiatives” means*
23 *actions performed periodically and continuously*
24 *within an organization, focused on identifying and*
25 *eliminating vulnerabilities within the network infra-*

1 *structure, preventing security breaches, and evalu-*
2 *ating the effectiveness of the business security posture*
3 *in real-time, including threat hunting, endpoint and*
4 *network monitoring, and cybersecurity awareness and*
5 *training.*

6 ***TITLE LXIV—MATTERS RELAT-***
7 ***ING TO ELEMENTS OF THE IN-***
8 ***TELLIGENCE COMMUNITY***

9 ***Subtitle A—Office of the Director of***
10 ***National Intelligence***

11 ***SEC. 6401. MODIFICATIONS TO RESPONSIBILITIES AND AU-***
12 ***THORITIES OF DIRECTOR OF NATIONAL IN-***
13 ***TELLIGENCE.***

14 *Section 102A of the National Security Act of 1947 (50*
15 *U.S.C. 3024), as amended by section 6314, is further*
16 *amended—*

17 *(1) in subsection (c)(5)(C), by striking “may”*
18 *and inserting “shall”;*

19 *(2) in subsection (h)—*

20 *(A) in paragraph (1)(A)—*

21 *(i) by striking “encourage” and insert-*
22 *ing “require”; and*

23 *(ii) by inserting “, independent of po-*
24 *litical considerations,” after “tradecraft”;*
25 *and*

1 (B) by amending paragraph (3) to read as
2 follows;

3 “(3) ensure that substantial differences in ana-
4 lytic judgment are fully considered, brought to the at-
5 tention of policymakers, and documented in analytic
6 products; and”;

7 (3) in subsection (i)—

8 (A) in paragraph (1), by inserting “, and
9 shall establish and enforce policies to protect,”
10 after “protect”;

11 (B) in paragraph (2), by striking “guide-
12 lines” and inserting “requirements”; and

13 (C) by adding at the end the following new
14 paragraph:

15 “(4)(A) Each head of an element of the intelligence
16 community shall ensure that any congressionally mandated
17 report submitted to Congress by the head, other than such
18 a report submitted solely to the congressional intelligence
19 committees, shall be consistent with the protection of intel-
20 ligence sources and methods in accordance with the policies
21 established by the Director under paragraph (1), regardless
22 of whether the provision of law mandating the report explic-
23 itly requires such protection.

24 “(B) Nothing in this paragraph shall be construed to
25 alter any congressional leadership’s or congressional com-

1 *mittee’s jurisdiction or access to information from any ele-*
2 *ment of the intelligence community under the rules of either*
3 *chamber of Congress.”; and*

4 *(4) in subsection (x), in the matter preceding*
5 *paragraph (1), by striking “the head of each depart-*
6 *ment of the Federal Government that contains an ele-*
7 *ment of the intelligence community and the Director*
8 *of the Central Intelligence Agency” and inserting “the*
9 *heads of the elements of the intelligence community”.*

10 **SEC. 6402. ANNUAL SUBMISSION TO CONGRESS OF NA-**
11 **TIONAL INTELLIGENCE PRIORITIES FRAME-**
12 **WORK.**

13 *Section 102A(p) of the National Security Act of 1947*
14 *(50 U.S.C. 3024(p)) is amended by inserting at the end*
15 *the following new paragraph:*

16 *“(3) Not later than October 1 of each year, the Presi-*
17 *dent, acting through the Director of National Intelligence,*
18 *shall submit to the congressional intelligence committees,*
19 *the Subcommittee on Defense of the Committee on Appro-*
20 *priations of the Senate, and the Subcommittee on Defense*
21 *of the Committee on Appropriations of the House of Rep-*
22 *resentatives a copy of the most recently updated National*
23 *Intelligence Priorities Framework of the Office of the Direc-*
24 *tor of National Intelligence (or any such successor mecha-*
25 *nism).”.*

1 **SEC. 6403. DISPOSITION OF RECORDS OF OFFICE OF THE**
2 **DIRECTOR OF NATIONAL INTELLIGENCE.**

3 *Section 1096(a) of the Intelligence Reform and Ter-*
4 *rorism Prevention Act of 2004 (Public Law 108–458; 50*
5 *U.S.C. 3001 note) is amended—*

6 *(1) by inserting “(1)” before “Upon”;*

7 *(2) by adding at the end the following new sen-*
8 *tence: “Any records of the Office of the Director of Na-*
9 *tional Intelligence that are maintained by the agency*
10 *as a service for the Office of the Director of National*
11 *Intelligence under section 1535 of title 31, United*
12 *States Code, (popularly known as the ‘Economy Act’)*
13 *may be treated as the records of the agency when*
14 *disposed as required by law, and any disclosure*
15 *of such records between the two agencies shall not be*
16 *subject to any otherwise applicable legal consent re-*
17 *quirements or disclosure accounting requirements.”;*
18 *and*

19 *(3) by adding at the end the following new para-*
20 *graph:*

21 *“(2) The records of the Office of the Director of Na-*
22 *tional Intelligence may not be disposed pursuant to*
23 *paragraph (1) without the authorization of the Director of*
24 *National Intelligence.”.*

1 ***Subtitle B—Central Intelligence***
2 ***Agency***

3 **SEC. 6411. CLARIFICATION REGARDING PROTECTION OF**
4 **CENTRAL INTELLIGENCE AGENCY FUNC-**
5 **TIONS.**

6 *Section 6 of the Central Intelligence Agency Act of*
7 *1949 (50 U.S.C. 3507) is amended by striking “, functions”*
8 *and inserting “or functions of the Agency, or of the”.*

9 **SEC. 6412. EXPANSION OF REPORTING REQUIREMENTS RE-**
10 **LATING TO AUTHORITY TO PAY PERSONNEL**
11 **OF CENTRAL INTELLIGENCE AGENCY FOR**
12 **CERTAIN INJURIES TO THE BRAIN.**

13 *Section 2(d)(1) of the Helping American Victims Af-*
14 *flicted by Neurological Attacks Act of 2021 (Public Law*
15 *117–46) is amended—*

16 *(1) in subparagraph (A), by inserting “and not*
17 *less frequently than once each year thereafter for 5*
18 *years” after “Not later than 365 days after the date*
19 *of the enactment of this Act”;*

20 *(2) in subparagraph (B), by adding at the end*
21 *the following:*

22 *“(iv) Detailed information about the*
23 *number of covered employees, covered indi-*
24 *viduals, and covered dependents who re-*
25 *ported experiencing vestibular, neurological,*

1 *or related injuries, including those broadly*
2 *termed ‘anomalous health incidents’.*

3 “(v) *The number of individuals who*
4 *have sought benefits under any provision of*
5 *section 19A of the Central Intelligence*
6 *Agency Act of 1949 (50 U.S.C. 3519b).*

7 “(vi) *The number of covered employees,*
8 *covered individuals, and covered dependents*
9 *who are unable to perform all or part of*
10 *their professional duties as a result of inju-*
11 *ries described in clause (iv).*

12 “(vii) *An updated analytic assessment*
13 *coordinated by the National Intelligence*
14 *Council regarding the potential causes and*
15 *perpetrators of anomalous health incidents,*
16 *as well as any and all dissenting views*
17 *within the intelligence community, which*
18 *shall be included as appendices to the as-*
19 *essment.”; and*

20 (3) *in subparagraph (C), by striking “The” and*
21 *inserting “Each”.*

22 **SEC. 6413. HISTORICAL ADVISORY PANEL OF CENTRAL IN-**
23 **TELLIGENCE AGENCY.**

24 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that Congress expresses its appreciation—*

1 (1) *to the Director of the Central Intelligence*
2 *Agency for reconstituting the Historical Advisory*
3 *Panel; and*

4 (2) *for the important work of the Historical Ad-*
5 *visory Panel, especially for—*

6 (A) *the efforts of the Panel to aid with the*
7 *declassification of materials that enrich the his-*
8 *torical national security record; and*

9 (B) *the assistance of the Panel in liaison*
10 *with the scholarly community.*

11 (b) *REPORTING REQUIREMENT.—The Historical Advi-*
12 *sory Panel shall report directly to the Director of the Cen-*
13 *tral Intelligence Agency.*

14 (c) *HISTORICAL ADVISORY PANEL DEFINED.—The*
15 *term “Historical Advisory Panel” means the panel of the*
16 *Central Intelligence Agency, regardless of the name of the*
17 *panel, that assists in conducting declassification reviews*
18 *and providing other assistance with respect to matters of*
19 *historical interest.*

20 **SEC. 6414. AUTHORITY OF CENTRAL INTELLIGENCE AGEN-**
21 **CY TO PROVIDE PROTECTION FOR CERTAIN**
22 **PERSONNEL.**

23 (a) *AUTHORITY.—Paragraph (4) of section 5(a) of the*
24 *Central Intelligence Agency Act of 1949 (50 U.S.C.*

1 3506(a)), as amended by section 6303, is further amended
2 to read as follows:

3 “(4) Authorize personnel designated by the Director to
4 carry firearms to the extent necessary for the performance
5 of the Agency’s authorized functions, except that, within the
6 United States, such authority shall be limited to the pur-
7 poses of—

8 “(A) the training of Agency personnel and other
9 authorized persons in the use of firearms;

10 “(B) the protection of classified materials and
11 information;

12 “(C) the protection of installations and property
13 of the Agency;

14 “(D) the protection of—

15 “(i) current and former Agency personnel
16 and their immediate families;

17 “(ii) individuals nominated by the Presi-
18 dent to the position of Director (including with
19 respect to an individual whom a President-elect
20 (as defined in section 3(c) of the Presidential
21 Transition Act of 1963 (3 U.S.C. 102 note) has
22 declared an intent to nominate) and their imme-
23 diate families; and

1 “(iii) defectors and their immediate fami-
2 lies, and other persons in the United States
3 under Agency auspices; and

4 “(E) with respect to the Office of the Director of
5 National Intelligence, the protection of—

6 “(i) installations and property of the Office
7 of the Director of National Intelligence;

8 “(ii) the Director of National Intelligence
9 and the immediate family of the Director;

10 “(iii) current and former personnel of the
11 Office of the Director of National Intelligence
12 and their immediate families as the Director of
13 National Intelligence may designate; and

14 “(iv) individuals nominated by the Presi-
15 dent to the position of Director of National Intel-
16 ligence (including with respect to an individual
17 whom a President-elect has declared an intent to
18 nominate) and their immediate families;”.

19 (b) *CONFORMING AMENDMENT.*—Section 15(d)(1) of
20 such Act (50 U.S.C. 3515(d)(1)) is amended by striking
21 “designated by the Director under section 5(a)(4) to carry
22 firearms for the protection of current or former Agency per-
23 sonnel and their immediate families, defectors and their im-
24 mediate families, and other persons in the United States
25 under Agency auspices,” and inserting the following: “des-

1 *ignated by the Director to carry firearms under subpara-*
2 *graph (D) or (E) of section 5(a)(4),”.*

3 (c) *TECHNICAL AMENDMENT.—Paragraphs (7) and*
4 *(8) of section 5(a) of such Act (50 U.S.C. 3506(a)) are*
5 *amended by adjusting the margins to conform with the*
6 *other paragraphs in such section.*

7 **SEC. 6415. NOTIFICATION OF USE OF CERTAIN EXPENDI-**
8 **TURE AUTHORITIES.**

9 (a) *CIA.—Section 8 of the Central Intelligence Agency*
10 *Act of 1949 (50 U.S.C. 3510) is amended by adding at the*
11 *end the following new subsection:*

12 “(c) *NOTIFICATION.—Not later than 30 days after the*
13 *date on which the Director makes a novel and significant*
14 *expenditure pursuant to subsection (a), the Director shall*
15 *notify the Permanent Select Committee on Intelligence of*
16 *the House of Representatives, the Select Committee on Intel-*
17 *ligence of the Senate, the Subcommittee on Defense of the*
18 *Committee on Appropriations of the Senate, and the Sub-*
19 *committee on Defense of the Committee on Appropriations*
20 *of the House of Representatives of such expenditure.”.*

21 (b) *OTHER ELEMENTS.—Section 102A of the National*
22 *Security Act of 1947 (50 U.S.C. 3024), as amended by sec-*
23 *tion 6402, is further amended—*

24 (1) *in subsection (m)(1), by inserting before the*
25 *period at the end the following: “, including with re-*

1 *spect to the notification requirement under section*
 2 *8(c) of such Act (50 U.S.C. 3510(c))”; and*

3 *(2) in subsection (n), by adding at the end the*
 4 *following new paragraph:*

5 *“(5) Any authority provided to the Director of Na-*
 6 *tional Intelligence or the head of an element of the intel-*
 7 *ligence community pursuant to this subsection to make an*
 8 *expenditure referred to in subsection (a) of section 8 of the*
 9 *Central Intelligence Agency Act of 1949 (50 U.S.C. 3510)*
 10 *is subject to the notification requirement under subsection*
 11 *(c) of such section. If the Director of National Intelligence*
 12 *is required to make a notification for a specific expenditure*
 13 *pursuant to both this paragraph and paragraph (4)(G), the*
 14 *Director may make a single notification.”.*

15 **SEC. 6416. OFFICE SUPPORTING CENTRAL INTELLIGENCE**

16 **AGENCY WORKFORCE WELLBEING.**

17 *(a) ESTABLISHMENT.—The Central Intelligence Agen-*
 18 *cy Act of 1949 (50 U.S.C. 3501 et seq.) is amended by add-*
 19 *ing at the end the following new section:*

20 **“SEC. 29. OFFICE OF WELLNESS AND WORKFORCE SUP-**
 21 **PORT.**

22 *“(a) ESTABLISHMENT.—The Director shall establish*
 23 *within the Agency an office (in this section referred to as*
 24 *the ‘Office’) to provide support for the physical health, men-*

1 *tal health, and wellbeing of eligible individuals under sub-*
2 *section (d).*

3 “(b) *CHIEF WELLBEING OFFICER; ASSIGNED*
4 *STAFF.—*

5 “(1) *CHIEF WELLBEING OFFICER.—The head of*
6 *the Office is the Chief Wellbeing Officer, who shall*
7 *provide to the Director regular updates on the oper-*
8 *ations of the Office.*

9 “(2) *ASSIGNED STAFF.—To assist in performing*
10 *the functions under subsection (c), the Director shall*
11 *assign to the Office a sufficient number of individ-*
12 *uals, who shall have no official duties other than du-*
13 *ties related to the Office while so assigned.*

14 “(c) *FUNCTIONS OF OFFICE.—*

15 “(1) *FUNCTIONS.—The Director shall establish*
16 *the functions and role of the Office, which shall in-*
17 *clude the following:*

18 “(A) *Providing to eligible individuals under*
19 *subsection (d) advice and assistance on health*
20 *and wellbeing, including with respect to—*

21 “(i) *physical health and access to phys-*
22 *ical health care;*

23 “(ii) *mental health and access to men-*
24 *tal health care; and*

1 “(iii) other related programs and bene-
2 fits for which the individual may be eligi-
3 ble.

4 “(B) In providing advice and assistance to
5 individuals under subparagraph (A), assisting
6 such individuals who are applying for, and
7 navigating the process to obtain, benefits fur-
8 nished by the United States Government for
9 which the individual is eligible, including, at a
10 minimum—

11 “(i) health care and benefits described
12 in such subparagraph; and

13 “(ii) benefits furnished pursuant to
14 section 19A.

15 “(C) Maintaining, and making available to
16 eligible individuals under subsection (d), the fol-
17 lowing:

18 “(i) A list of physicians and mental
19 health care providers (including from the
20 private sector, as applicable), who have ex-
21 perience with the physical and mental
22 health care needs of the Agency workforce.

23 “(ii) A list of chaplains and religious
24 counselors who have experience with the
25 needs of the Agency workforce, including in-

1 *formation regarding access to the Chaplain*
2 *Corps established under section 26.*

3 *“(iii) Information regarding how to se-*
4 *lect and retain private attorneys who have*
5 *experience with the legal needs of the Agen-*
6 *cy workforce, including detailed informa-*
7 *tion on the process for the appropriate shar-*
8 *ing of information with retained private at-*
9 *torneys.*

10 *“(D) Any other functions the Director deter-*
11 *mines appropriate.*

12 *“(2) RULE OF CONSTRUCTION.—The inclusion of*
13 *any person on a list maintained or made available*
14 *pursuant to paragraph (1)(C) shall not be construed*
15 *as an endorsement of such person (or any service fur-*
16 *nished by such person), and the Director shall not be*
17 *liable, as a result of such inclusion, for any portion*
18 *of compensable injury, loss, or damage attributable to*
19 *such person or service.*

20 *“(3) CONFIDENTIALITY.—*

21 *“(A) REQUIREMENT.—The Director shall*
22 *ensure that, to the extent permitted by law, the*
23 *advice and assistance provided by the Office to*
24 *eligible individuals under subsection (d) is pro-*
25 *vided in a confidential manner.*

1 “(B) *REGULATIONS.*—*The Director may*
2 *prescribe regulations regarding the requirement*
3 *for confidentiality under this paragraph. The*
4 *Director shall submit to the congressional intel-*
5 *ligence committees (as defined in section 3 of the*
6 *National Security Act of 1947 (50 U.S.C.*
7 *3003)), the Subcommittee on Defense of the Com-*
8 *mittee on Appropriations of the Senate, and the*
9 *Subcommittee on Defense of the Committee on*
10 *Appropriations of the House of Representatives*
11 *any such regulations not later than 30 days after*
12 *prescribing such regulations.*

13 “(d) *ELIGIBILITY.*—

14 “(1) *IN GENERAL.*—*An individual described in*
15 *paragraph (2) may receive a service under the Office*
16 *at the election of the individual.*

17 “(2) *INDIVIDUALS DESCRIBED.*—*An individual*
18 *described in this paragraph is—*

19 “(A) *a current or former officer or employee*
20 *of the Agency; or*

21 “(B) *an individual affiliated with the Agen-*
22 *cy, as determined by the Director.”.*

23 “(b) *DEADLINE FOR ESTABLISHMENT.*—*The Director of*
24 *the Central Intelligence Agency shall establish the Office*
25 *under section 29 of the Central Intelligence Agency Act of*

1 1949 (as added by subsection (a)) (in this section referred
2 to as the “Office”) by not later than 120 days after the
3 date of the enactment of this Act.

4 (c) *BIANNUAL BRIEFINGS.*—On a biannual basis dur-
5 ing the three-year period beginning on the date of the estab-
6 lishment of the Office, the Director shall provide to the con-
7 gressional intelligence committees, the Subcommittee on De-
8 fense of the Committee on Appropriations of the Senate, and
9 the Subcommittee on Defense of the Committee on Appro-
10 priations of the House of Representatives a briefing on the
11 status of the Office, including on—

12 (1) the number of individuals assigned to the Of-
13 fice pursuant to subsection (b)(2) of section 29 of the
14 Central Intelligence Agency Act of 1949 (as added by
15 subsection (a)); and

16 (2) the number of eligible individuals under sub-
17 section (d) of such section 29 who have received serv-
18 ices under the Office, and the type of services so re-
19 ceived.

1 ***Subtitle C—Elements of the Defense***
2 ***Intelligence Enterprise***

3 **SEC. 6421. INCLUSION OF SPACE FORCE AS ELEMENT OF IN-**
4 **TELLIGENCE COMMUNITY.**

5 *Section 3(4)(H) of the National Security Act of 1947*
6 *(50 U.S.C. 3003(4)(H)) is amended by inserting “the Space*
7 *Force,” after “the Marine Corps,”.*

8 **SEC. 6422. OVERSIGHT OF DEFENSE INTELLIGENCE AGEN-**
9 **CY CULTURE.**

10 *(a) DEFINITIONS.—In this section:*

11 *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*

12 *The term “appropriate committees of Congress”*
13 *means—*

14 *(A) the congressional intelligence commit-*
15 *tees;*

16 *(B) the Committee on Armed Services of the*
17 *Senate;*

18 *(C) the Subcommittee on Defense of the*
19 *Committee on Appropriations of the Senate;*

20 *(D) the Committee on Armed Services of the*
21 *House of Representatives; and*

22 *(E) the Subcommittee on Defense of the*
23 *Committee on Appropriations of the House of*
24 *Representatives.*

1 (2) *WORKFORCE CLIMATE SURVEY.*—*The term*
2 *“workforce climate survey”*—

3 (A) *means a workforce engagement or cli-*
4 *mate survey conducted at the agency, directorate,*
5 *career field, or integrated intelligence center*
6 *level, without regard to whether the survey is*
7 *conducted on an annual or ad-hoc basis; and*

8 (B) *does not include an exit survey specified*
9 *in subsection (c).*

10 (b) *FINDINGS.*—*Congress finds that the Defense Intel-*
11 *ligence Agency has committed to improving Agency culture*
12 *and leadership; however, actions taken by the Agency as of*
13 *the date of the enactment of this Act have not enabled a*
14 *full assessment of the extent of workforce culture issues and*
15 *potential management abuses, and require additional Con-*
16 *gressional oversight to ensure concerns are both understood*
17 *and addressed.*

18 (c) *MANDATORY PROVISION OF EXIT SURVEY OR*
19 *INTERVIEW.*—

20 (1) *IN GENERAL.*—*The Director of the Defense*
21 *Intelligence Agency shall ensure that each employee of*
22 *such Agency who leaves employment with such Agen-*
23 *cy (but not including any detail assignment) com-*
24 *pletes an exit survey or exit interview prior to such*
25 *departure, to the extent practicable.*

1 (2) *ANNUAL SUBMISSIONS TO CONGRESS.*—*On*
2 *an annual basis during the 3-year period beginning*
3 *on the date of the enactment of this Act, the Director*
4 *of the Defense Intelligence Agency shall submit to the*
5 *appropriate committees of Congress a written anal-*
6 *ysis of the results of the exit surveys or exit interviews*
7 *completed pursuant to paragraph (1) during the year*
8 *covered by the report together with a plan of the Di-*
9 *rector to address any issues identified pursuant to*
10 *such results to improve retention and culture.*

11 *(d) CONGRESSIONAL OVERSIGHT RELATING TO WORK-*
12 *FORCE CLIMATE SURVEYS.*—

13 *(1) NOTIFICATIONS OF AD-HOC WORKFORCE CLI-*
14 *MATE SURVEYS.*—*Not later than 14 days after the*
15 *date on which the Director of the Defense Intelligence*
16 *Agency conducts an ad-hoc workforce climate survey*
17 *(including in response to a specific incident or con-*
18 *cern), the Director shall notify the appropriate com-*
19 *mittees of Congress.*

20 *(2) REPORTS ON FINAL RESULTS.*—*Not later*
21 *than 90 days after the date on which the Director of*
22 *the Defense Intelligence Agency concludes the conduct*
23 *of any workforce climate survey, the Director shall*
24 *submit to the appropriate committees of Congress a*
25 *report containing the final results of such workforce*

1 *climate survey. Such report shall include the fol-*
2 *lowing:*

3 *(A) The topic of the workforce climate sur-*
4 *vey, and the workforce level surveyed.*

5 *(B) The rationale for conducting the work-*
6 *force climate survey.*

7 *(C) The measures in place to ensure the ac-*
8 *cessibility of the workforce climate survey.*

9 *(D) The lead official or entity conducting*
10 *the workforce climate survey.*

11 *(E) Any actions the Director intends to*
12 *take, or is considering, in response to the results*
13 *of the workforce climate survey.*

14 *(3) ACCESSIBILITY OF WORKFORCE CLIMATE*
15 *SURVEYS.—The Director of the Defense Intelligence*
16 *Agency shall ensure that, to the extent practicable,*
17 *and consistent with the protection of intelligence*
18 *sources and methods, workforce climate surveys are*
19 *accessible to employees of such Agency on classified*
20 *and unclassified systems.*

21 *(e) FEASIBILITY REPORT.—Not later than 270 days*
22 *after the date of enactment of this Act, the Director of the*
23 *Defense Intelligence Agency shall submit to the appropriate*
24 *committees of Congress a report containing an analysis of*
25 *the feasibility (including the anticipated cost, personnel re-*

1 *quirements, necessary authorities, and such other matters*
2 *as may be determined appropriate by the Director for pur-*
3 *poses of analyzing feasibility) of—*

4 *(1) conducting 360-degree performance reviews*
5 *among employees of the Defense Intelligence Agency;*
6 *and*

7 *(2) including leadership suitability assessments*
8 *(including personality evaluations, communication*
9 *style assessments, and emotional intelligence aptitude*
10 *assessments) for promotions of such employees to a*
11 *position within grade GS–14 or above of the General*
12 *Schedule.*

13 ***Subtitle D—Other Elements***

14 ***SEC. 6431. MODIFICATION OF ADVISORY BOARD IN NA-*** 15 ***TIONAL RECONNAISSANCE OFFICE.***

16 *Section 106A(d) of the National Security Act of 1947*
17 *(50 U.S.C. 3041a(d)) is amended—*

18 *(1) in paragraph (3)(A)(i), by inserting “, in*
19 *consultation with the Director of National Intelligence*
20 *and the Secretary of Defense,” after “Director”; and*

21 *(2) in paragraph (7), by striking “the date that*
22 *is 3 years after the date of the first meeting of the*
23 *Board” and inserting “September 30, 2024”.*

1 **SEC. 6432. ESTABLISHMENT OF ADVISORY BOARD FOR NA-**
2 **TIONAL GEOSPATIAL-INTELLIGENCE AGENCY.**

3 (a) *ESTABLISHMENT.*—*There is established in the Na-*
4 *tional Geospatial-Intelligence Agency an advisory board (in*
5 *this section referred to as the “Board”).*

6 (b) *DUTIES.*—*The Board shall—*

7 (1) *study matters relating to the mission of the*
8 *National Geospatial-Intelligence Agency, including*
9 *with respect to integration of commercial capabilities,*
10 *promoting innovation, advice on next generation*
11 *tasking, collection, processing, exploitation, and dis-*
12 *semination capabilities, strengthening functional*
13 *management, acquisition, and such other matters as*
14 *the Director of the National Geospatial-Intelligence*
15 *Agency considers appropriate; and*

16 (2) *advise and report directly to the Director*
17 *with respect to such matters.*

18 (c) *MEMBERS.*—

19 (1) *NUMBER AND APPOINTMENT.*—

20 (A) *IN GENERAL.*—*The Board shall be com-*
21 *posed of 6 members appointed by the Director*
22 *from among individuals with demonstrated aca-*
23 *demic, government, business, or other expertise*
24 *relevant to the mission and functions of the*
25 *Agency.*

1 (B) *NOTIFICATION.*—*Not later than 30 days*
2 *after the date on which the Director appoints a*
3 *member to the Board, the Director shall notify*
4 *the congressional intelligence committees and the*
5 *congressional defense committees (as defined in*
6 *section 101(a) of title 10, United States Code) of*
7 *such appointment.*

8 (C) *INITIAL APPOINTMENTS.*—*Not later*
9 *than 180 days after the date of the enactment of*
10 *this Act, the Director shall appoint the initial 6*
11 *members to the Board.*

12 (2) *TERMS.*—*Each member shall be appointed*
13 *for a term of 3 years.*

14 (3) *VACANCY.*—*Any member appointed to fill a*
15 *vacancy occurring before the expiration of the term*
16 *for which the member's predecessor was appointed*
17 *shall be appointed only for the remainder of that*
18 *term.*

19 (4) *CHAIR.*—*The Board shall have a Chair, who*
20 *shall be appointed by the Director from among the*
21 *members.*

22 (5) *TRAVEL EXPENSES.*—*Each member shall re-*
23 *ceive travel expenses, including per diem in lieu of*
24 *subsistence, in accordance with applicable provisions*

1 *under subchapter I of chapter 57 of title 5, United*
2 *States Code.*

3 (6) *EXECUTIVE SECRETARY.—The Director may*
4 *appoint an executive secretary, who shall be an em-*
5 *ployee of the Agency, to support the Board.*

6 (d) *MEETINGS.—The Board shall meet not less than*
7 *quarterly, but may meet more frequently at the call of the*
8 *Director.*

9 (e) *REPORTS.—Not later than March 31 of each year,*
10 *the Board shall submit to the Director and to the congres-*
11 *sional intelligence committees, the Committee on Appro-*
12 *priations of the Senate, and the Committee on Appropria-*
13 *tions of the House of Representatives a report on the activi-*
14 *ties and significant findings of the Board during the pre-*
15 *ceding year.*

16 (f) *NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—*
17 *The Federal Advisory Committee Act (5 U.S.C. App.) shall*
18 *not apply to the Board.*

19 (g) *TERMINATION.—The Board shall terminate on the*
20 *date that is 5 years after the date of the first meeting of*
21 *the Board.*

1 **SEC. 6433. ELEVATION OF THE COMMERCIAL AND BUSINESS**
2 **OPERATIONS OFFICE OF THE NATIONAL**
3 **GEOSPATIAL-INTELLIGENCE AGENCY.**

4 *Beginning not later than 90 days after the date of the*
5 *enactment of this Act, the head of the commercial and busi-*
6 *ness operations office of the National Geospatial-Intelligence*
7 *Agency shall report directly to the Director of the National*
8 *Geospatial-Intelligence Agency.*

9 **SEC. 6435. STUDY ON PERSONNEL UNDER STRATEGIC IN-**
10 **TELLIGENCE PARTNERSHIP PROGRAM.**

11 *(a) STUDY.—The Director of National Intelligence and*
12 *the Director of the Office of Intelligence and Counterintel-*
13 *ligence of the Department of Energy, in consultation with*
14 *the National Laboratories Directors' Council and in coordi-*
15 *nation with such other entities, agencies, and departments*
16 *as the Directors consider appropriate, shall jointly conduct*
17 *a study of the skills, recruitment, and retention of the per-*
18 *sonnel at the national laboratories who carry out projects*
19 *under the Strategic Intelligence Partnership Program.*

20 *(b) ELEMENTS.—The study under subsection (a) shall*
21 *address the following:*

22 *(1) The degree to which the personnel at the na-*
23 *tional laboratories who carry out projects under the*
24 *Strategic Intelligence Partnership Program have the*
25 *requisite training, skillsets, or expertise in critical*
26 *science, technology, and engineering areas to support*

1 *ongoing and anticipated projects under such Pro-*
2 *gram, and the sufficiency of such personnel.*

3 (2) *Whether such personnel have compensation,*
4 *benefits, and pay scales that are competitive with*
5 *comparable roles in the private sector in the geo-*
6 *graphic market in which the relevant national labora-*
7 *tory is located.*

8 (3) *Any challenges associated with the retention*
9 *of such personnel.*

10 (4) *The talent composition of such personnel,*
11 *broken down by career phase and degree status, to in-*
12 *clude any relevant exit survey data.*

13 (5) *A description of current or previous pro-*
14 *grams to enabling such personnel to rotate between*
15 *elements of the intelligence community and the na-*
16 *tional laboratories, including the number of personnel*
17 *on nonreimbursable or reimbursable assignment to an*
18 *element of the intelligence community.*

19 (6) *The degree to which such projects and per-*
20 *sonnel support or augment other ongoing mission*
21 *areas and capacities at the national laboratories.*

22 (c) *RECOMMENDATIONS.*—*Upon completing the study*
23 *under subsection (a), the Directors shall jointly develop*
24 *findings and recommendations based on the results of the*
25 *study regarding the recruitment and retention of personnel*

1 *at the national laboratories who carry out projects under*
2 *the Strategic Intelligence Partnership Program, including*
3 *with respect to the following:*

4 (1) *New or alternative business models, sponsor-*
5 *ship arrangements, or work scope agreements.*

6 (2) *Extending eligibility for existing, or estab-*
7 *lishing new, recruitment, retention, or other career*
8 *incentive programs, including student loan repay-*
9 *ment and forgiveness programs, to such personnel.*

10 (3) *Initiating geographically flexible or remote*
11 *work arrangements for such personnel.*

12 (4) *Enabling such personnel to participate in*
13 *training at elements of the intelligence community, or*
14 *obtain academic training at the National Intelligence*
15 *University.*

16 (5) *Establishing new, or enhancing existing, op-*
17 *portunities for detailee or rotational programs among*
18 *the intelligence community and the national labora-*
19 *tories.*

20 (6) *Using a compensation system modeled on the*
21 *Cyber Talent Management System of the Department*
22 *of Homeland Security for such personnel.*

23 (7) *Any other recommendations the Directors de-*
24 *termine relevant.*

25 (d) *REPORT.—*

1 (1) *REQUIREMENT.*—Not later than 1 year after
2 the date of the enactment of this Act, the Directors
3 shall jointly submit to the congressional intelligence
4 committees, the Subcommittee on Defense of the Com-
5 mittee on Appropriations of the Senate, and the Sub-
6 committee on Defense of the Committee on Appropria-
7 tions of the House of Representatives a report con-
8 taining the study under subsection (a) and the rec-
9 ommendations under subsection (c).

10 (2) *FORM.*—The report under paragraph (1)
11 shall be submitted in unclassified form, but may in-
12 clude a classified annex.

13 (e) *NATIONAL LABORATORIES DEFINED.*—In this sec-
14 tion, the term “national laboratories” means—

15 (1) each national security laboratory (as defined
16 in section 3281(1) of the National Nuclear Security
17 Administration Act (50 U.S.C. 2471(1))); and

18 (2) each national laboratory of the Department
19 of Energy.

20 **SEC. 6436. BRIEFING ON COORDINATION BETWEEN INTEL-**
21 **LIGENCE COMMUNITY AND BUREAU OF IN-**
22 **DUSTRY AND SECURITY.**

23 (a) *DEFINITION OF APPROPRIATE CONGRESSIONAL*
24 *COMMITTEES.*—In this section, the term “appropriate con-
25 *gressional committees*” means—

1 (1) *the congressional intelligence committees;*

2 (2) *the Committee on Foreign Relations, the*
3 *Committee on Armed Services, the Committee on*
4 *Banking, Housing, and Urban Affairs, the Committee*
5 *on Commerce, Science, and Transportation, and the*
6 *Subcommittee on Defense of the Committee on Appro-*
7 *priations of the Senate; and*

8 (3) *the Committee on Foreign Affairs, the Com-*
9 *mittee on Armed Services, the Committee on Finan-*
10 *cial Services, the Committee on Energy and Com-*
11 *merce, and the Subcommittee on Defense of the Com-*
12 *mittee on Appropriations of the House of Representa-*
13 *tives.*

14 (b) *CLASSIFIED BRIEFING.*—*Not later than 90 days*
15 *after the date of the enactment of this Act, the Director of*
16 *National Intelligence and the Secretary of Commerce, or*
17 *their designees, shall jointly provide a classified briefing to*
18 *the appropriate congressional committees regarding—*

19 (1) *coordination between the intelligence commu-*
20 *nity and the Bureau of Industry and Security of the*
21 *Department of Commerce;*

22 (2) *existing processes of the Bureau for the access*
23 *to, storage of, transmission of, and use of information*
24 *provided to the Bureau by an element of the intel-*
25 *ligence community; and*

1 (3) *such recommendations as the Director and*
2 *the Secretary may have to enhance such access, stor-*
3 *age, transmission, and use.*

4 ***TITLE LXV—MATTERS RELATING***
5 ***TO FOREIGN COUNTRIES***
6 ***Subtitle A—Intelligence Matters Re-***
7 ***lating to the People’s Republic of***
8 ***China***

9 ***SEC. 6501. REPORT ON WEALTH AND CORRUPT ACTIVITIES***
10 ***OF THE LEADERSHIP OF THE CHINESE COM-***
11 ***MUNIST PARTY.***

12 *Not later than 1 year after the date of the enactment*
13 *of this Act, the Director of National Intelligence, in con-*
14 *sultation with the Secretary of State, shall make available*
15 *to the public an unclassified report on the wealth and cor-*
16 *rupt activities of the leadership of the Chinese Communist*
17 *Party, including the General Secretary of the Chinese Com-*
18 *munist Party and senior leadership officials in the Central*
19 *Committee, the Politburo, the Politburo Standing Com-*
20 *mittee, and any other regional Party Secretaries.*

1 **SEC. 6502. IDENTIFICATION AND THREAT ASSESSMENT OF**
2 **COMPANIES WITH INVESTMENTS BY THE PEOP-**
3 **LE'S REPUBLIC OF CHINA.**

4 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
5 *CONGRESS.—In this section, the term “appropriate com-*
6 *mittees of Congress” means—*

7 (1) *the congressional intelligence committees;*

8 (2) *the Committee on Commerce, Science, and*
9 *Transportation and the Subcommittee on Defense of*
10 *the Committee on Appropriations of the Senate; and*

11 (3) *the Committee on Energy and Commerce and*
12 *the Subcommittee on Defense of the Committee on Ap-*
13 *propriations of the House of Representatives.*

14 (b) *IN GENERAL.—Not later than 120 days after the*
15 *date of the enactment of this Act, the Director of National*
16 *Intelligence, in consultation with such heads of elements of*
17 *the intelligence community as the Director considers appro-*
18 *priate, the Chairperson of the Federal Communication*
19 *Commission, and the Administrator of the National Tele-*
20 *communications and Information Administration, shall*
21 *provide to the appropriate committees of Congress a report*
22 *on the risk to national security of the use of—*

23 (1) *telecommunications companies with a 10%*
24 *or greater direct or indirect foreign investment by an*
25 *entity or person owned or controlled by, or subject to*
26 *the jurisdiction or direction of, the People's Republic*

1 of China that is operating in the United States or
2 providing services to affiliates and personnel of the
3 intelligence community; and

4 (2) hospitality and conveyance companies with
5 substantial investment by the People's Republic of
6 China by affiliates and personnel of the intelligence
7 community for travel on behalf of the United States
8 Government.

9 **SEC. 6503. INTELLIGENCE COMMUNITY WORKING GROUP**
10 **FOR MONITORING THE ECONOMIC AND TECH-**
11 **NOLOGICAL CAPABILITIES OF THE PEOPLE'S**
12 **REPUBLIC OF CHINA.**

13 (a) *IN GENERAL.*—The Director of National Intel-
14 ligence, in consultation with such heads of elements of the
15 intelligence community as the Director considers appro-
16 priate, shall establish a cross-intelligence community ana-
17 lytical working group (in this section referred to as the
18 “working group”) on the economic and technological capa-
19 bilities of the People's Republic of China.

20 (b) *MONITORING AND ANALYSIS.*—The working group
21 shall monitor and analyze—

22 (1) the economic and technological capabilities of
23 the People's Republic of China;

1 (2) *the extent to which those capabilities rely on*
2 *exports, financing, or services from the United States*
3 *and other foreign countries;*

4 (3) *the links of those capabilities to the military-*
5 *industrial complex of the People’s Republic of China;*
6 *and*

7 (4) *the threats those capabilities pose to the na-*
8 *tional security and values of the United States.*

9 (c) *ANNUAL ASSESSMENT.*—

10 (1) *DEFINITION OF APPROPRIATE COMMITTEES*
11 *OF CONGRESS.*—*In this subsection, the term “appro-*
12 *priate committees of Congress” means—*

13 (A) *the congressional intelligence commit-*
14 *tees;*

15 (B) *the Committee on Foreign Relations,*
16 *the Committee on Banking, Housing, and Urban*
17 *Affairs, the Committee on Armed Services, the*
18 *Committee on Homeland Security and Govern-*
19 *mental Affairs, the Committee on Commerce,*
20 *Science, and Transportation, and the Committee*
21 *on Appropriations of the Senate; and*

22 (C) *the Committee on Foreign Affairs, the*
23 *Committee on Financial Services, the Committee*
24 *on Armed Services, the Committee on Homeland*
25 *Security, the Committee on Energy and Com-*

1 *merce, the Committee on Ways and Means, and*
2 *the Committee on Appropriations of the House of*
3 *Representatives.*

4 (2) *IN GENERAL.*—*Not less frequently than once*
5 *each year, the working group shall submit to the ap-*
6 *propriate committees of Congress an assessment of the*
7 *economic and technological strategy, efforts, and*
8 *progress of the People’s Republic of China to become*
9 *the dominant military, technological, and economic*
10 *power in the world and undermine the rules-based*
11 *world order.*

12 (3) *ELEMENTS.*—*Each assessment required by*
13 *paragraph (2) shall include the following:*

14 (A) *An unclassified overview of the major*
15 *goals, strategies, and policies of the People’s Re-*
16 *public of China to control, shape, or develop self-*
17 *sufficiency in key technologies and control re-*
18 *lated supply chains and ecosystems, including—*

19 (i) *efforts to acquire United States and*
20 *other foreign technology and recruit foreign*
21 *talent in technology sectors of the People’s*
22 *Republic of China, including the extent to*
23 *which those efforts relate to the military-in-*
24 *dustrial complex of the People’s Republic of*
25 *China;*

1 (ii) efforts related to incentivizing
2 offshoring of United States and foreign
3 manufacturing to China, influencing global
4 supply chains, and creating supply chain
5 vulnerabilities for the United States, includ-
6 ing China's financing or potential financ-
7 ing in foreign countries to create monopo-
8 lies in the processing and exporting of rare
9 earth and other critical materials necessary
10 for renewable energy, including cobalt, lith-
11 ium, and nickel;

12 (iii) related tools and market access re-
13 strictions or distortions imposed by the Peo-
14 ple's Republic of China on foreign firms
15 and laws and regulations of the People's Re-
16 public of China that discriminate against
17 United States and other foreign firms; and

18 (iv) efforts of the People's Republic of
19 China to attract or restrict financing from
20 the United States and other foreign coun-
21 tries to build self-sufficient national defense
22 capabilities, an evaluation of the relative
23 contribution of foreign financing to China's
24 economic support for such capabilities, and
25 the type of capital flows from the United

1 *States into China's national defense capa-*
2 *bilities from the specific actions taken by*
3 *the Government of the People's Republic of*
4 *China to attract or restrict financing to the*
5 *outcome of such efforts for entities and per-*
6 *sons of the People's Republic of China.*

7 *(B) An unclassified assessment of the*
8 *progress of the People's Republic of China to*
9 *achieve its goals, disaggregated by economic sec-*
10 *tor.*

11 *(C) An unclassified assessment of the im-*
12 *pact of the transfer of capital, technology, data,*
13 *talent, and technical expertise from the United*
14 *States to China on the economic, technological,*
15 *and military capabilities of the People's Repub-*
16 *lic of China.*

17 *(D) An unclassified list of the top 200 busi-*
18 *nesses, academic and research institutions, or*
19 *other entities of the People's Republic of China*
20 *that are—*

21 *(i) developing, producing, or exporting*
22 *to other countries the technologies that are*
23 *strategically important to the People's Re-*
24 *public of China or supporting entities of the*

1 *People's Republic of China that are subject*
2 *to sanctions imposed by the United States;*

3 *(ii) supporting the military-civil fu-*
4 *sion program or the military industrial*
5 *complex of the People's Republic of China;*
6 *or*

7 *(iii) otherwise supporting the goals*
8 *and efforts of the Chinese Communist Party*
9 *and Chinese government entities, including*
10 *the Ministry of State Security, the Ministry*
11 *of Public Security, and the People's Libera-*
12 *tion Army.*

13 *(E) An unclassified list of the top 100 devel-*
14 *opment, infrastructure, or other strategic projects*
15 *that the People's Republic of China is financing*
16 *abroad that—*

17 *(i) advance the technology goals and*
18 *strategies of the Chinese Communist Party;*
19 *or*

20 *(ii) evade financial sanctions, export*
21 *controls, or import restrictions imposed by*
22 *the United States.*

23 *(F) An unclassified list of the top 100 busi-*
24 *nesses, research institutions, or other entities of*
25 *the People's Republic of China that are devel-*

1 *oping surveillance, smart cities, or related tech-*
2 *nologies that are—*

3 *(i) exported to other countries, under-*
4 *mining democracy worldwide; or*

5 *(ii) provided to the security services of*
6 *the People’s Republic of China, enabling*
7 *them to commit severe human rights abuses*
8 *in China.*

9 *(G) An unclassified list of the top 100 busi-*
10 *nesses or other entities of the People’s Republic*
11 *of China that are—*

12 *(i) operating in the genocide zone in*
13 *Xinjiang; or*

14 *(ii) supporting the Xinjiang Public Se-*
15 *curity Bureau, the Xinjiang Bureau of the*
16 *Ministry of State Security, the People’s*
17 *Armed Police, or the Xinjiang Production*
18 *and Construction Corps.*

19 *(H) A list of investment funds, public com-*
20 *panies, or private or early-stage firms of the*
21 *People’s Republic of China that have received*
22 *more than \$100,000,000 in capital flows from*
23 *the United States during the 10-year period pre-*
24 *ceding the date on which the assessment is sub-*
25 *mitted.*

1 (4) *PREPARATION OF ASSESSMENTS.*—*In pre-*
2 *paring each assessment required by paragraph (2),*
3 *the working group shall use open source documents in*
4 *Chinese language and commercial databases.*

5 (5) *FORMAT.*—*An assessment required by para-*
6 *graph (2) may be submitted in the format of a Na-*
7 *tional Intelligence Estimate.*

8 (6) *FORM.*—*Each assessment required by para-*
9 *graph (2) shall be submitted in unclassified form, but*
10 *may include a classified annex.*

11 (7) *PUBLICATION.*—*The unclassified portion of*
12 *each assessment required by paragraph (2) shall be*
13 *published on the publicly accessible website of the Di-*
14 *rector of National Intelligence.*

15 (d) *BRIEFINGS TO CONGRESS.*—*Not less frequently*
16 *than quarterly, the working group shall provide to Congress*
17 *a classified briefing on the economic and technological*
18 *goals, strategies, and progress of the People's Republic of*
19 *China, especially on the information that cannot be dis-*
20 *closed in the unclassified portion of an assessment required*
21 *by subsection (c)(2).*

22 (e) *CLASSIFIED ANALYSES.*—*Each classified annex to*
23 *an assessment required by subsection (c)(2) or cor-*
24 *responding briefing provided under subsection (d) shall in-*
25 *clude an analysis of—*

1 (1) *the vulnerabilities of the People’s Republic of*
2 *China, disaggregated by economic sector, industry,*
3 *and entity; and*

4 (2) *the technological or supply chain chokepoints*
5 *of the People’s Republic of China that provide lever-*
6 *age to the United States.*

7 (f) *SUNSET.—This section shall cease to be effective on*
8 *the date that is 5 years after the date of the enactment of*
9 *this Act.*

10 **SEC. 6504. ANNUAL REPORT ON CONCENTRATED REEDUCA-**
11 **TION CAMPS IN THE XINJIANG UYGHUR AU-**
12 **TONOMOUS REGION OF THE PEOPLE’S RE-**
13 **PUBLIC OF CHINA.**

14 (a) *DEFINITIONS.—In this section:*

15 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*
16 *The term “appropriate committees of Congress”*
17 *means—*

18 (A) *the congressional intelligence commit-*
19 *tees;*

20 (B) *the Committee on Foreign Relations,*
21 *the Committee on Banking, Housing, and Urban*
22 *Affairs, and the Committee on Appropriations of*
23 *the Senate; and*

24 (C) *the Committee on Foreign Affairs, the*
25 *Committee on Financial Services, and the Com-*

1 *mittee on Appropriations of the House of Rep-*
2 *resentatives.*

3 (2) *COVERED CAMP.*—*The term “covered camp”*
4 *means a detention camp, prison, forced labor camp,*
5 *or forced labor factory located in the Xinjiang*
6 *Uyghur Autonomous Region of the People’s Republic*
7 *of China, referred to by the Government of the Peo-*
8 *ple’s Republic of China as “concentrated reeducation*
9 *camps” or “vocational training centers”.*

10 (b) *ANNUAL REPORT REQUIRED.*—*Not later than 120*
11 *days after the date of the enactment of this Act, and annu-*
12 *ally thereafter for 5 years, the Director of National Intel-*
13 *ligence, in consultation with such heads of elements of the*
14 *intelligence community as the Director considers appro-*
15 *priate, shall submit to the appropriate committees of Con-*
16 *gress a report on the status of covered camps.*

17 (c) *ELEMENTS.*—*Each report required by subsection*
18 *(b) shall include the following:*

19 (1) *An identification of the number and geo-*
20 *graphic location of covered camps and an estimate of*
21 *the number of victims detained in covered camps.*

22 (2) *A description of—*

23 (A) *the types of personnel and equipment in*
24 *covered camps;*

1 (B) the funding received by covered camps
2 from the Government of the People’s Republic of
3 China; and

4 (C) the role of the security services of the
5 People’s Republic of China and the Xinjiang
6 Production and Construction Corps in enforcing
7 atrocities at covered camps.

8 (3) A comprehensive list of—

9 (A) the entities of the Xinjiang Production
10 and Construction Corps, including subsidiaries
11 and affiliated businesses, with respect to which
12 sanctions have been imposed by the United
13 States;

14 (B) commercial activities of those entities
15 outside of the People’s Republic of China; and

16 (C) other Chinese businesses, including in
17 the artificial intelligence, biotechnology, and sur-
18 veillance technology sectors, that are involved
19 with the atrocities in Xinjiang or supporting the
20 policies of the People’s Republic of China in the
21 region.

22 (d) FORM.—Each report required by subsection (b)
23 shall be submitted in unclassified form, but may include
24 a classified annex.

1 (e) *PUBLICATION.*—*The unclassified portion of each re-*
2 *port required by subsection (b) shall be published on the*
3 *publicly accessible website of the Office of the Director of*
4 *National Intelligence.*

5 **SEC. 6505. ASSESSMENTS OF PRODUCTION OF SEMI-**
6 **CONDUCTORS BY THE PEOPLE'S REPUBLIC**
7 **OF CHINA.**

8 (a) *DEFINITIONS.*—*In this section:*

9 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
10 *The term “appropriate committees of Congress”*
11 *means—*

12 (A) *the congressional intelligence commit-*
13 *tees;*

14 (B) *the Committee on Armed Services, the*
15 *Committee on Foreign Relations, the Committee*
16 *on Banking, Housing, and Urban Affairs, the*
17 *Committee on Commerce, Science, and Transpor-*
18 *tation, the Committee on Homeland Security*
19 *and Governmental Affairs, and the Committee*
20 *on Appropriations of the Senate; and*

21 (C) *the Committee on Armed Services, the*
22 *Committee on Foreign Affairs, the Committee on*
23 *Financial Services, the Committee on Science,*
24 *Space, and Technology, the Committee on En-*
25 *ergy and Commerce, the Committee on Home-*

1 *land Security, and the Committee on Appropriations of the House of Representatives.*

2
3 (2) *LEGACY SEMICONDUCTOR.*—*The term “legacy semiconductor” has the meaning given such term in section 9902(a)(6)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)(6)(A)).*

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8 (b) *IN GENERAL.*—*Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of progress by the People’s Republic of China in global competitiveness in the production of semiconductors by Chinese firms, including any subsidiary, affiliate, or successor of such firms.*

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16 (c) *CONSULTATION.*—*In carrying out subsection (b), the Director shall consult with the Secretary of Commerce and the heads of such other Federal agencies as the Director considers appropriate.*

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20 (d) *ELEMENTS.*—*Each assessment submitted under subsection (b) shall include the following:*

21
22 (1) *The progress of the People’s Republic of China toward self-sufficiency in the supply of semiconductors, including globally competitive Chinese firms competing in the fields of artificial intelligence,*

1 *cloud computing, autonomous vehicles, next-genera-*
2 *tion and renewable energy, advanced life sciences and*
3 *biotechnology, and high-performance computing.*

4 (2) *The progress of the People's Republic of*
5 *China in developing indigenously or accessing foreign*
6 *sources of intellectual property critical to the design*
7 *and manufacturing of leading edge process nodes, in-*
8 *cluding electronic design automation technology.*

9 (3) *Activity of Chinese firms with respect to the*
10 *production of semiconductors that are not legacy*
11 *semiconductors, including any identified export diver-*
12 *sion to evade export controls.*

13 (4) *Any observed stockpiling efforts by Chinese*
14 *firms with respect to semiconductor manufacturing*
15 *equipment, substrate materials, silicon wafers, or*
16 *other necessary inputs for semiconductor production.*

17 (5) *An analysis of the relative market share of*
18 *different Chinese semiconductor manufacturers at dif-*
19 *ferent process nodes and the estimated increase or de-*
20 *crease of market share by that manufacturer in each*
21 *product category during the preceding year.*

22 (6) *A comprehensive summary of recruitment ac-*
23 *tivity of the People's Republic of China targeting*
24 *semiconductor manufacturing engineers and man-*
25 *agers from non-Chinese firms.*

1 (7) *An analysis of the capability of the workforce*
2 *of the People’s Republic of China to design, produce,*
3 *and manufacture of semiconductors that are not leg-*
4 *acy semiconductors and relevant equipment.*

5 (e) *FORM OF ASSESSMENTS.—Each assessment sub-*
6 *mitted under subsection (b) shall be submitted in unclassi-*
7 *fied form and include a classified annex.*

8 (f) *ADDITIONAL REPORTING.—Each assessment sub-*
9 *mitted under subsection (b) shall also be transmitted to the*
10 *Secretary of Commerce, to inform, among other activities*
11 *of the Department of Commerce, implementation of section*
12 *103 of the CHIPS Act of 2022 (Public Law 117–167) and*
13 *title XCIX of the William M. (Mac) Thornberry National*
14 *Defense Authorization Act for Fiscal Year 2021 (15 U.S.C.*
15 *4651 et seq.).*

16 ***Subtitle B—Miscellaneous Authori-***
17 ***ties, Requirements, and Limita-***
18 ***tions***

19 ***SEC. 6511. NOTICE OF DEPLOYMENT OR TRANSFER OF CON-***
20 ***TAINERIZED MISSILE SYSTEMS BY RUSSIA,***
21 ***CHINA, OR IRAN.***

22 *Section 501 of the Intelligence Authorization Act for*
23 *Fiscal Year 2016 (division M of Public Law 114–113; 129*
24 *Stat. 2923) is amended—*

1 (1) by striking “the Russian Federation” each
2 place it appears and inserting “a covered country”;

3 (2) by striking “Club-K container missile sys-
4 tem” each place it appears and inserting “missile
5 launcher disguised as or concealed in a shipping con-
6 tainer”;

7 (3) in subsection (a)(1)—

8 (A) by striking “deploy, the” and inserting
9 “deploy, a”; and

10 (B) by striking “the Russian military” and
11 inserting “the military of the covered country”;

12 (4) by striking subsection (c) and inserting the
13 following new subsection:

14 “(c) *DEFINITIONS.*—*In this section:*

15 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.*—*The term ‘appropriate congressional commit-*
17 *tees’ means the following:*

18 “(A) *The congressional intelligence commit-*
19 *tees.*

20 “(B) *The Committees on Armed Services of*
21 *the House of Representatives and the Senate.*

22 “(C) *The Committee on Foreign Affairs of*
23 *the House of Representatives and the Committee*
24 *on Foreign Relations of the Senate.*

1 “(D) *The Subcommittee on Defense of the*
2 *Committee on Appropriations of the House of*
3 *Representatives and the Subcommittee on De-*
4 *fense of the Committee on Appropriations of the*
5 *Senate.*

6 “(2) *COVERED COUNTRY.*—*The term ‘covered*
7 *country’ means the following:*

8 “(A) *Russia.*

9 “(B) *China.*

10 “(C) *Iran.*

11 “(D) *North Korea.*”; *and*

12 (5) *in the heading, by striking “CLUB–K CON-*
13 *TAINER MISSILE SYSTEM BY THE RUSSIAN FED-*
14 *ERATION” and inserting “CONTAINERIZED MIS-*
15 *SILE SYSTEM BY RUSSIA OR CERTAIN OTHER*
16 *COUNTRIES”.*

17 **SEC. 6512. INTELLIGENCE COMMUNITY COORDINATOR FOR**
18 **RUSSIAN ATROCITIES ACCOUNTABILITY.**

19 (a) *DEFINITIONS.*—*In this section:*

20 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
21 *The term “appropriate committees of Congress”*
22 *means—*

23 (A) *the congressional intelligence commit-*
24 *tees;*

1 (B) *the Subcommittee on Defense of the*
2 *Committee on Appropriations of the Senate; and*

3 (C) *the Subcommittee on Defense of the*
4 *Committee on Appropriations of the House of*
5 *Representatives.*

6 (2) *ATROCITY.*—*The term “atrocit*
7 *y” means a*
8 *war crime, crime against humanity, or genocide.*

9 (3) *COMMIT.*—*The term “commit”, with respect*
10 *to an atrocity, includes the planning, committing,*
11 *aiding, and abetting of such atrocity.*

12 (4) *FOREIGN PERSON.*—*The term “foreign per*
13 *son” means a person that is not a United States per*
14 *son.*

15 (5) *RUSSIAN ATROCITY.*—*The term “Russian*
16 *atrocit*
17 *y” means an atrocity that is committed by an*
18 *individual who is—*

19 (A) *a member of the armed forces, or the se*
20 *curity or other defense services, of the Russian*
21 *Federation;*

22 (B) *an employee of any other element of the*
23 *Russian Government; or*

24 (C) *an agent or contractor of an individual*
25 *specified in subparagraph (A) or (B).*

 (6) *UNITED STATES PERSON.*—*The term “United*
 States person” has the meaning given that term in

1 *section 105A(c) of the National Security Act of 1947*
2 *(50 U.S.C. 3039).*

3 *(b) INTELLIGENCE COMMUNITY COORDINATOR FOR*
4 *RUSSIAN ATROCITIES ACCOUNTABILITY.—*

5 *(1) DESIGNATION.—Not later than 30 days after*
6 *the date of the enactment of this Act, the Director of*
7 *National Intelligence shall designate a senior official*
8 *of the Office of the Director of National Intelligence*
9 *to serve as the intelligence community coordinator for*
10 *Russian atrocities accountability (in this section re-*
11 *ferred to as the “Coordinator”).*

12 *(2) DUTIES.—The Coordinator shall oversee the*
13 *efforts of the intelligence community relating to the*
14 *following:*

15 *(A) Identifying, and (as appropriate) dis-*
16 *seminating within the United States Govern-*
17 *ment, intelligence relating to the identification,*
18 *location, or activities of foreign persons suspected*
19 *of playing a role in committing Russian atroc-*
20 *ities in Ukraine.*

21 *(B) Identifying analytic and other intel-*
22 *ligence needs and priorities of the intelligence*
23 *community with respect to the commitment of*
24 *such Russian atrocities.*

1 (C) *Addressing any gaps in intelligence col-*
2 *lection relating to the commitment of such Rus-*
3 *sian atrocities and developing recommendations*
4 *to address any gaps so identified, including by*
5 *recommending the modification of the priorities*
6 *of the intelligence community with respect to in-*
7 *telligence collection.*

8 (D) *Collaborating with appropriate coun-*
9 *terparts across the intelligence community to en-*
10 *sure appropriate coordination on, and integra-*
11 *tion of the analysis of, the commitment of such*
12 *Russian atrocities.*

13 (E) *Identifying intelligence and other infor-*
14 *mation that may be relevant to preserve evidence*
15 *of potential war crimes by Russia, consistent*
16 *with the public commitments of the United*
17 *States to support investigations into the conduct*
18 *of Russia.*

19 (F) *Ensuring the Atrocities Early Warning*
20 *Task Force and other relevant departments and*
21 *agencies of the United States Government receive*
22 *appropriate support from the intelligence com-*
23 *munity with respect to the collection, analysis,*
24 *preservation, and, as appropriate, dissemina-*

1 *tion, of intelligence related to Russian atrocities*
2 *in Ukraine.*

3 (3) *PLAN REQUIRED.*—*Not later than 30 days*
4 *after the date of enactment of this Act, the Director*
5 *of National Intelligence shall submit to the appro-*
6 *priate committees of Congress—*

7 (A) *the name of the official designated as*
8 *the Coordinator pursuant to paragraph (1); and*

9 (B) *the strategy of the intelligence commu-*
10 *nity for the collection of intelligence related to*
11 *Russian atrocities in Ukraine, including a de-*
12 *tailed description of how the Coordinator shall*
13 *support, and assist in facilitating the implemen-*
14 *tation of, such strategy.*

15 (4) *ANNUAL REPORT TO CONGRESS.*—

16 (A) *REPORTS REQUIRED.*—*Not later than*
17 *May 1, 2023, and annually thereafter until May*
18 *1, 2026, the Director of National Intelligence*
19 *shall submit to the appropriate committees of*
20 *Congress a report detailing, for the year covered*
21 *by the report—*

22 (i) *the analytical findings and activi-*
23 *ties of the intelligence community with re-*
24 *spect to Russian atrocities in Ukraine; and*

1 (ii) *the recipients of information*
2 *shared pursuant to this section for the pur-*
3 *pose of ensuring accountability for such*
4 *Russian atrocities, and the date of any such*
5 *sharing.*

6 (B) *FORM.*—*Each report submitted under*
7 *subparagraph (A) may be submitted in classified*
8 *form, consistent with the protection of intel-*
9 *ligence sources and methods.*

10 (C) *SUPPLEMENT.*—*The Director of Na-*
11 *tional Intelligence may supplement an existing*
12 *reporting requirement with the information re-*
13 *quired under subparagraph (A) on an annual*
14 *basis to satisfy that requirement with prior noti-*
15 *fication of intent to do so to the appropriate*
16 *committees of Congress.*

17 (c) *SUNSET.*—*This section shall cease to have effect on*
18 *the date that is 4 years after the date of the enactment of*
19 *this Act.*

20 **SEC. 6513. LEAD INTELLIGENCE COMMUNITY COORDI-**
21 **NATOR FOR COUNTERING AND NEUTRAL-**
22 **IZING PROLIFERATION OF IRAN-ORIGIN UN-**
23 **MANNED AIRCRAFT SYSTEMS.**

24 (a) *DEFINITIONS.*—*In this section:*

1 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 The term “appropriate committees of Congress”
3 means—

4 (A) *the congressional intelligence commit-*
5 *tees;*

6 (B) *the Committee on Armed Services, the*
7 *Committee on Foreign Relations, and the Sub-*
8 *committee on Defense of the Committee on Ap-*
9 *propriations of the Senate; and*

10 (C) *the Committee on Armed Services, the*
11 *Committee on Foreign Affairs, and the Sub-*
12 *committee on Defense of the Committee on Ap-*
13 *propriations of the House of Representatives.*

14 (2) *FIVE EYES PARTNERSHIP.*—The term “Five
15 Eyes Partnership” means the intelligence alliance
16 comprising Australia, Canada, New Zealand, the
17 United Kingdom, and the United States.

18 (3) *UNMANNED AIRCRAFT SYSTEM.*—The term
19 “unmanned aircraft system” includes an unmanned
20 powered aircraft (including communication links and
21 the components that control the unmanned aircraft),
22 that—

23 (A) *does not carry a human operator;*

24 (B) *may fly autonomously or be piloted re-*
25 *motely;*

1 (C) may be expendable or recoverable; and
2 (D) may carry a lethal payload or explode
3 upon reaching a designated location.

4 (b) COORDINATOR.—

5 (1) DESIGNATION.—Not later than 30 days after
6 the date of enactment of this Act, the Director of Na-
7 tional Intelligence shall designate an official from an
8 element of the intelligence community to serve as the
9 lead intelligence community coordinator for coun-
10 tering and neutralizing the proliferation of Iran-ori-
11 gin unmanned aircraft systems (in this section re-
12 ferred to as the “Coordinator”).

13 (2) PLAN.—Not later than 120 days after the
14 date on which the Coordinator is designated under
15 paragraph (1), the Coordinator shall—

16 (A) develop a comprehensive plan of action,
17 driven by intelligence information, for coun-
18 tering and neutralizing the threats posed by the
19 proliferation of Iran-origin unmanned aircraft
20 systems; and

21 (B) provide to appropriate committees of
22 Congress a briefing on such plan of action.

23 (3) FINAL REPORT.—

24 (A) SUBMISSION.—Not later than January
25 1, 2024, the Director of National Intelligence

1 *shall submit to the appropriate committees of*
2 *Congress a final report on the activities and*
3 *findings of the Coordinator.*

4 *(B) MATTERS.—The report under subpara-*
5 *graph (A) shall include the following:*

6 *(i) An assessment of the threats posed*
7 *by Iran-origin unmanned aircraft systems,*
8 *including the threat to facilities and per-*
9 *sonnel of the United States Government in*
10 *the greater Middle East, particularly in the*
11 *areas of such region that are located within*
12 *the area of responsibility of the Commander*
13 *of the United States Central Command.*

14 *(ii) A detailed description of intel-*
15 *ligence sharing efforts, as well as other joint*
16 *efforts driven by intelligence information,*
17 *with allies and partners of the United*
18 *States, to assist in countering and neutral-*
19 *izing of such threats.*

20 *(iii) Recommendations for any changes*
21 *in United States policy or legislative au-*
22 *thorities to improve the capacity of the in-*
23 *telligence community to assist in countering*
24 *and neutralizing such threats.*

1 (C) *FORM.*—*The report under subparagraph*
2 (A) *may be submitted in classified form.*

3 (D) *ANNEX.*—*In submitting the report*
4 *under subparagraph (A) to the congressional in-*
5 *telligence committees, the Director shall also in-*
6 *clude an accompanying annex, which shall be*
7 *classified, that separately details all efforts sup-*
8 *ported exclusively by National Intelligence Pro-*
9 *gram funds.*

10 (c) *COLLABORATION WITH FIVE EYES PARTNERSHIP*
11 *AND ISRAEL.*—*Taking into account the findings of the final*
12 *report under subsection (b)(3), the Director of National In-*
13 *telligence shall seek to—*

14 (1) *develop and implement a common approach*
15 *among the Five Eyes Partnership toward countering*
16 *the threats posed by Iran-origin unmanned aircraft*
17 *systems, including by leveraging the unique intel-*
18 *ligence capabilities and information of the members of*
19 *the Five Eyes Partnership; and*

20 (2) *intensify cooperation with Israel for the pur-*
21 *pose of countering Iran-origin unmanned aircraft*
22 *systems, including by strengthening and expanding*
23 *existing cooperative efforts conducted pursuant to sec-*
24 *tion 1278 of the National Defense Authorization Act*

1 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
2 1702; 22 U.S.C. 8606 note).

3 (d) *SUNSET*.—This section shall cease to have effect on
4 the date on which the final report is submitted under sub-
5 section (b)(3).

6 **SEC. 6514. COLLABORATION BETWEEN INTELLIGENCE COM-**
7 **MUNITY AND DEPARTMENT OF COMMERCE**
8 **TO COUNTER FOREIGN COMMERCIAL**
9 **THREATS.**

10 (a) *DEFINITIONS*.—In this section:

11 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
12 *TEES*.—The term “appropriate congressional commit-

13 *tees” means—*
14 (A) *the congressional intelligence commit-*
15 *tees;*

16 (B) *the Committee on Commerce, Science,*
17 *and Transportation, the Committee on Armed*
18 *Services, the Committee on Foreign Relations,*
19 *and the Committee on Appropriations of the*
20 *Senate; and*

21 (C) *the Committee on Energy and Com-*
22 *merce, the Committee on Armed Services, the*
23 *Committee on Foreign Affairs, and the Com-*
24 *mittee on Appropriations of the House of Rep-*
25 *resentatives.*

1 (2) *FOREIGN COMMERCIAL THREAT.*—

2 (A) *IN GENERAL.*—*The term “foreign com-*
3 *mercial threat” means a rare commercial item*
4 *or service that is produced by, offered by, sold by,*
5 *licensed by, or otherwise distributed under the*
6 *control of a strategic competitor or foreign adver-*
7 *sary in a manner that may provide the strategic*
8 *competitor or foreign adversary leverage over an*
9 *intended recipient.*

10 (B) *DETERMINATIONS BY WORKING*
11 *GROUP.*—*In determining whether an item or*
12 *service is a foreign commercial threat, the Work-*
13 *ing Group shall consider whether the strategic*
14 *competitor or foreign adversary could—*

15 (i) *withhold, or threaten to withhold,*
16 *the rare commercial item or service;*

17 (ii) *create reliance on the rare commer-*
18 *cial item or service as essential to the safe-*
19 *ty, health, or economic wellbeing of the in-*
20 *tended recipient; or*

21 (iii) *have its rare commercial item or*
22 *service easily replaced by a United States*
23 *entity or an entity of an ally or partner of*
24 *the United States.*

1 (3) *RARE COMMERCIAL ITEM OR SERVICE.*—*The*
2 *term “rare commercial item or service” means a good,*
3 *service, or intellectual property that is not widely*
4 *available for distribution.*

5 (b) *WORKING GROUP.*—

6 (1) *ESTABLISHMENT.*—*Unless the Director of*
7 *National Intelligence and the Secretary of Commerce*
8 *make the joint determination specified in subsection*
9 *(c), the Director and the Secretary, in consultation*
10 *with the Secretary of State, shall jointly establish a*
11 *working group to counter foreign commercial threats*
12 *(in this section referred to as the “Working Group”).*

13 (2) *MEMBERSHIP.*—*The composition of the*
14 *Working Group may include any officer or employee*
15 *of a department or agency of the United States Gov-*
16 *ernment determined appropriate by the Director or*
17 *the Secretary.*

18 (3) *DUTIES.*—*The duties of the Working Group*
19 *shall be the following:*

20 (A) *To identify current foreign commercial*
21 *threats.*

22 (B) *To identify probable future foreign com-*
23 *mercial threats.*

24 (C) *To identify goods, services, or intellec-*
25 *tual property that, if produced by entities within*

1 *the United States, or allies or partners of the*
2 *United States, would mitigate foreign commer-*
3 *cial threats.*

4 (4) *MEETINGS.*—*Not later than 30 days after the*
5 *date of the enactment of this Act, and on a regular*
6 *basis that is not less frequently than quarterly there-*
7 *after until the date of termination under paragraph*
8 *(5), the Working Group shall meet.*

9 (5) *TERMINATION.*—*Beginning on the date that*
10 *is 2 years after the date of the establishment under*
11 *paragraph (1), the Working Group may be termi-*
12 *nated upon the Director of National Intelligence and*
13 *the Secretary of Commerce jointly—*

14 (A) *determining that termination of the*
15 *Working Group is appropriate; and*

16 (B) *submitting to the appropriate congress-*
17 *ional committees a notification of such deter-*
18 *mination (including a description of the jus-*
19 *tification for such determination).*

20 (6) *REPORTS.*—

21 (A) *SUBMISSION TO CONGRESS.*—*Not later*
22 *than 60 days after the date of the enactment of*
23 *this Act, and biannually thereafter until the date*
24 *of termination under paragraph (5), the Work-*
25 *ing Group shall submit to the appropriate con-*

1 gressional committees a report on the activities
2 of the Working Group.

3 (B) *MATTERS.*—Each report under sub-
4 paragraph (A) shall include a description of the
5 following:

6 (i) Any current or future foreign com-
7 mercial threats identified by the Working
8 Group.

9 (ii) The strategy of the United States
10 Government, if any, to mitigate any current
11 foreign commercial threats or future foreign
12 commercial threats so identified.

13 (iii) The plan of the intelligence com-
14 munity to provide to the Department of
15 Commerce and other nontraditional cus-
16 tomers of the intelligence community sup-
17 port in addressing foreign commercial
18 threats.

19 (iv) Any other significant activity of
20 the Working Group.

21 (c) *OPTION TO DISCHARGE OBLIGATION THROUGH*
22 *OTHER MEANS.*—If the Director of National Intelligence
23 and the Secretary of Commerce make a joint determination
24 that the requirements of the Working Group under sub-
25 section (b) (including the duties under paragraph (3) and

1 *the reporting requirement under paragraph (6) of such sub-*
2 *section) may be appropriately filled by an existing entity*
3 *or structure, and submit to the congressional intelligence*
4 *committees a notification of such determination (including*
5 *a description of the justification for such determination),*
6 *the Director and Secretary may task such entity or struc-*
7 *ture with such requirements in lieu of establishing the*
8 *Working Group.*

9 **SEC. 6515. INTELLIGENCE ASSESSMENT ON FOREIGN**
10 **WEAPONIZATION OF ADVERTISEMENT TECH-**
11 **NOLOGY DATA.**

12 *(a) DEFINITIONS.—In this section:*

13 *(1) ADVERTISEMENT TECHNOLOGY DATA.—The*
14 *term “advertisement technology data” means commer-*
15 *cially available data derived from advertisement tech-*
16 *nology that is used, or can be used, to geolocate indi-*
17 *viduals or gain other targeting information on indi-*
18 *viduals.*

19 *(2) APPROPRIATE COMMITTEES OF CONGRESS.—*
20 *The term “appropriate committees of Congress”*
21 *means—*

22 *(A) the congressional intelligence commit-*
23 *tees;*

24 *(B) the Committee on Armed Services of the*
25 *Senate;*

1 (C) *the Subcommittee on Defense of the*
2 *Committee on Appropriations of the Senate;*

3 (D) *the Committee on Armed Services of the*
4 *House of Representatives; and*

5 (E) *the Subcommittee on Defense of the*
6 *Committee on Appropriations of the House of*
7 *Representatives.*

8 (b) *ASSESSMENT.*—*The Director of National Intel-*
9 *ligence shall conduct an intelligence assessment of the coun-*
10 *terintelligence risks of, and the exposure of intelligence com-*
11 *munity and Department of Defense personnel and activities*
12 *to, tracking by foreign adversaries through advertisement*
13 *technology data.*

14 (c) *REPORT.*—*Not later than 60 days after the date*
15 *of the enactment of this Act, the Director shall submit to*
16 *the appropriate committees of Congress a report on the in-*
17 *telligence assessment under subsection (b).*

18 **SEC. 6516. INTELLIGENCE COMMUNITY ASSESSMENT RE-**
19 **GARDING RUSSIAN GRAY ZONE ASSETS.**

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

21 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
22 *The term “appropriate committees of Congress”*
23 *means—*

24 (A) *the congressional intelligence commit-*
25 *tees;*

1 (B) *the Committee on Armed Services of the*
2 *Senate;*

3 (C) *the Subcommittee on Defense of the*
4 *Committee on Appropriations of the Senate;*

5 (D) *the Committee on Armed Services of the*
6 *House of Representatives; and*

7 (E) *the Subcommittee on Defense of the*
8 *Committee on Appropriations of the House of*
9 *Representatives.*

10 (2) *GRAY ZONE ACTIVITY.*—*The term “gray zone*
11 *activity” has the meaning given that term in section*
12 *825 of the Intelligence Authorization Act for Fiscal*
13 *Year 2022 (Public Law 117–103).*

14 (3) *GRAY ZONE ASSET.*—*The term “gray zone*
15 *asset”*—

16 (A) *means an entity or proxy that is con-*
17 *trolled, in whole or in part, by a foreign adver-*
18 *sary of the United States and is used by such*
19 *foreign adversary in connection with a gray zone*
20 *activity; and*

21 (B) *includes a state-owned enterprise of a*
22 *foreign adversary that is so used.*

23 (b) *INTELLIGENCE COMMUNITY ASSESSMENT REGARD-*
24 *ING RUSSIAN GRAY ZONE ASSETS.*—

1 (1) *INTELLIGENCE COMMUNITY ASSESSMENT.*—
2 *The Director of National Intelligence, acting through*
3 *the National Intelligence Council, shall produce an*
4 *intelligence community assessment that contains—*

5 (A) *a description of the gray zone assets of*
6 *Russia;*

7 (B) *an identification of any opportunities*
8 *to hold such gray zone assets at risk, as a method*
9 *of influencing the behavior of Russia; and*

10 (C) *an assessment of the risks and potential*
11 *benefits, with respect to the interests of the*
12 *United States, that may result from the seizure*
13 *of such gray zone assets to hold the assets at risk.*

14 (2) *CONSIDERATIONS.*—*In identifying opportu-*
15 *nities to hold a gray zone asset of Russia at risk*
16 *under paragraph (1)(B), the National Intelligence*
17 *Council shall consider the following:*

18 (A) *The effect on civilians of holding the*
19 *gray zone asset at risk.*

20 (B) *The extent to which the gray zone asset*
21 *is substantially state-owned or substantially con-*
22 *trolled by Russia.*

23 (C) *The likelihood that holding the gray*
24 *zone asset at risk will influence the behavior of*
25 *Russia.*

1 (D) *The likelihood that holding the gray*
2 *asset at risk, or degrading the asset, will affect*
3 *any attempt of Russia to use force to change ex-*
4 *isting borders or undermine the political inde-*
5 *pendence or territorial integrity of any state, in-*
6 *cluding Ukraine.*

7 (E) *Such other factors as the National In-*
8 *telligence Council may determine appropriate.*

9 (3) *APPENDIX.—The intelligence community as-*
10 *essment under paragraph (1) shall include an ap-*
11 *pendix that contains a list of the categories of gray*
12 *zone assets of Russia, with specific examples of—*

13 (A) *gray zone assets in each category; and*

14 (B) *for each such gray zone asset listed, the*
15 *ways in which Russia uses the asset to advance*
16 *its gray zone activities.*

17 (4) *SUBMISSION.—The Director, consistent with*
18 *the protection of sources and methods, shall submit to*
19 *the appropriate committees of Congress the intel-*
20 *ligence community assessment under paragraph (1).*

21 (5) *FORM.—The intelligence community assess-*
22 *ment under paragraph (1) shall be submitted in un-*
23 *classified form, but may contain a classified annex.*

1 ***Subtitle C—Reports and Other***
2 ***Matters***

3 **SEC. 6521. REPORT ON ASSESSING WILL TO FIGHT.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
6 *TEES.—The term “appropriate congressional commit-*
7 *tees” means the following:*

8 (A) *The congressional intelligence commit-*
9 *tees.*

10 (B) *The Committee on Foreign Relations,*
11 *the Committee on Armed Services, and the Sub-*
12 *committee on Defense of the Committee on Ap-*
13 *propriations of the Senate.*

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) *MILITARY WILL TO FIGHT.—The term “mili-*
19 *tary will to fight” means, with respect to the military*
20 *of a country, the disposition and decision to fight,*
21 *act, or persevere as needed.*

22 (3) *NATIONAL WILL TO FIGHT.—The term “na-*
23 *tional will to fight” means, with respect to the gov-*
24 *ernment of a country, the resolve to conduct sustained*
25 *military and other operations for an objective even*

1 *when the expectation of success decreases or the need*
2 *for significant political, economic, and military sac-*
3 *rifices increases.*

4 **(b) FINDINGS.**—*Congress finds the following:*

5 (1) *According to a study by the RAND corpora-*
6 *tion, “will to fight” is poorly analyzed and the least*
7 *understood aspect of war.*

8 (2) *In testimony before the Select Committee on*
9 *Intelligence of the Senate in May 2022, top intel-*
10 *ligence officials of the United States indicated that al-*
11 *though the intelligence community accurately antici-*
12 *pated Russia’s invasion of Ukraine, the intelligence*
13 *community did not accurately assess the will of*
14 *Ukrainian forces to fight in opposition to a Russian*
15 *invasion or that the Ukrainian forces would succeed*
16 *in averting a rapid Russian military occupation of*
17 *Kyiv.*

18 (3) *According to the RAND corporation, the in-*
19 *telligence community estimated that the Afghan gov-*
20 *ernment’s forces could hold out against the Taliban*
21 *for as long as 2 years if all ground forces of the*
22 *United States were withdrawn. This estimate was re-*
23 *vised in June 2021 to reflect an intelligence commu-*
24 *nity view that Afghanistan’s military collapse could*
25 *come in 6 to 12 months. In August 2021, the Afghan*

1 *government fell within days after the ground forces of*
2 *the United States were withdrawn.*

3 (4) *Similarly, the rapid advance of the Islamic*
4 *State in Iraq and Syria and near-total collapse of the*
5 *Iraqi Security Forces in 2014 appeared to take the*
6 *policymakers of the United States by surprise.*

7 (5) *The apparent gaps in these analyses had im-*
8 *portant implications for policy decisions of the*
9 *United States toward Russia and Afghanistan, and*
10 *suggest a need for further examination of how the in-*
11 *telligence community assesses a foreign military's will*
12 *to fight.*

13 (c) *REPORT.—Not later than 180 days after the date*
14 *of the enactment of this Act, the Director of National Intel-*
15 *ligence, acting through the National Intelligence Council*
16 *and in coordination with the heads of the elements of the*
17 *intelligence community that the Director determines appro-*
18 *priate, shall submit to the appropriate congressional com-*
19 *mittees a report examining the extent to which analyses of*
20 *the military will to fight and the national will to fight in-*
21 *formed the all-source analyses of the intelligence community*
22 *regarding how the armed forces and governments of*
23 *Ukraine, Afghanistan, and Iraq would perform at key junc-*
24 *tures.*

1 (d) *ELEMENTS.*—*The report under subsection (c) shall*
2 *include the following:*

3 (1) *The methodology of the intelligence commu-*
4 *nity for measuring the military will to fight and the*
5 *national will to fight of a foreign country.*

6 (2) *The extent to which analysts of the intel-*
7 *ligence community applied such methodology when*
8 *assessing the military will to fight and the national*
9 *will to fight of—*

10 (A) *Afghanistan following the April 2021*
11 *announcement of the full withdrawal of the*
12 *United States Armed Forces;*

13 (B) *Iraq in the face of the rapid emergence*
14 *and advancement in 2014 of Islamic State in*
15 *Iraq and Syria; and*

16 (C) *Ukraine and Russia during the initial*
17 *phase of the invasion and march toward Kyiv by*
18 *Russia in February 2022.*

19 (3) *The extent to which—*

20 (A) *the assessments described in paragraph*
21 *(2) depended on the observations of personnel of*
22 *the United States Armed Forces who had trained*
23 *Afghan, Iraqi, and Ukrainian armed forces; and*

24 (B) *such observations reflected any stand-*
25 *ardized, objective methodology.*

1 (4) *Whether shortcomings in assessing the mili-*
2 *tary will to fight and the national will to fight may*
3 *have affected the capacity of the intelligence commu-*
4 *nity to provide “early warning” about the collapse of*
5 *government forces in Iraq and Afghanistan.*

6 (5) *The extent to which “red teaming” was used*
7 *to test the assessments described in paragraph (2).*

8 (6) *The extent to which dissenting opinions of*
9 *intelligence analysts were highlighted in final written*
10 *products presented to senior policymakers of the*
11 *United States.*

12 (7) *The extent to which analysts and supervisors*
13 *adhered to the policies, procedures, directives, and*
14 *best practices of the intelligence community.*

15 (8) *Recommendations for analyses by the intel-*
16 *ligence community going forward to incorporate les-*
17 *sons learned and enhance the quality of future ana-*
18 *lytical products to more accurately reflect the mili-*
19 *tary will to fight and the national will to fight and*
20 *improve the capacity of the intelligence community to*
21 *accurately predict the success or failure of the armed*
22 *forces of a foreign country.*

23 (e) *ANNEX.—In submitting the report under subsection*
24 *(c) to the congressional intelligence committees, the Sub-*
25 *committee on Defense of the Committee on Appropriations*

1 *of the Senate, and the Subcommittee on Defense of the Com-*
2 *mittee on Appropriations of the House of Representatives,*
3 *the Director shall also include an accompanying annex,*
4 *which shall be classified, providing an inventory of the fol-*
5 *lowing:*

6 (1) *Collection gaps and challenges that may have*
7 *affected the analysis of the collapse of government*
8 *forces in Iraq and Afghanistan.*

9 (2) *Actions that the Director of National Intel-*
10 *ligence has taken to mitigate such gaps and chal-*
11 *lenges.*

12 (f) *FORM.*—*The report under subsection (c) may be*
13 *submitted in classified form, but if so submitted, shall in-*
14 *clude an unclassified summary of key findings, consistent*
15 *with the protection of intelligence sources and methods.*

16 **SEC. 6522. REPORT ON THREAT FROM HYPERSONIC WEAP-**
17 **ONS.**

18 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
19 *CONGRESS.*—*In this section, the term “appropriate com-*
20 *mittees of Congress” means—*

21 (1) *the congressional intelligence committees;*

22 (2) *the Committee on Armed Services, the Com-*
23 *mittee on Foreign Relations, and the Subcommittee*
24 *on Defense of the Committee on Appropriations of the*
25 *Senate; and*

1 (3) *the Committee on Armed Services, the Com-*
2 *mittee on Foreign Affairs, and the Subcommittee on*
3 *Defense of the Committee on Appropriations of the*
4 *House of Representatives.*

5 (b) *REPORT.*—*Not later than 180 days after the date*
6 *of the enactment of this Act, the Director of National Intel-*
7 *ligence shall submit to the appropriate committees of Con-*
8 *gress a report containing an assessment of the threat to the*
9 *United States, and to allies and partners of the United*
10 *States, from hypersonic weapons in light of the use of such*
11 *weapons by Russia in Ukraine.*

12 (c) *ELEMENTS.*—*The assessment under subsection (b)*
13 *shall include the following:*

14 (1) *The information learned by the United*
15 *States regarding the hypersonic weapons capabilities*
16 *of Russia.*

17 (2) *Insights into the doctrine of Russia regard-*
18 *ing the use of hypersonic weapons.*

19 (3) *An assessment of how allies and partners of*
20 *the United States view the threat of hypersonic weap-*
21 *ons.*

22 (4) *An assessment of the degree to which the de-*
23 *velopment of missiles with similar capabilities as*
24 *hypersonic weapons used by Russia would enhance or*
25 *reduce the ability of the United States to deter Russia*

1 *from threatening the national security of the United*
2 *States.*

3 *(d) FORM.—The report under subsection (b) may be*
4 *submitted in classified form.*

5 **SEC. 6523. REPORT ON ORDNANCE OF RUSSIA AND CHINA.**

6 *(a) REQUIREMENT.—Not later than 180 days after the*
7 *date of the enactment of this Act, the Director of the Defense*
8 *Intelligence Agency shall submit to the congressional intel-*
9 *ligence committees and the congressional defense committees*
10 *a report on ordnance of Russia and China, including the*
11 *technical specificity required for the safe handling and dis-*
12 *posal of such ordnance.*

13 *(b) COORDINATION.—The Director shall carry out sub-*
14 *section (a) in coordination with the head of any element*
15 *of the Defense Intelligence Enterprise that the Director de-*
16 *termines appropriate.*

17 *(c) DEFINITIONS.—In this section:*

18 *(1) CONGRESSIONAL DEFENSE COMMITTEES.—*
19 *The term “congressional defense committees” has the*
20 *meaning given that term in section 101(a) of title 10,*
21 *United States Code.*

22 *(2) DEFENSE INTELLIGENCE ENTERPRISE.—The*
23 *term “Defense Intelligence Enterprise” has the mean-*
24 *ing given that term in section 426(b) of title 10,*
25 *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 CONGRESS.—*

6 *The term “appropriate committees of Congress”*
7 *means—*

8 (A) *the congressional intelligence commit-*
9 *tees;*

10 (B) *the Committee on Foreign Relations,*
11 *the Committee on Armed Services, and the Sub-*
12 *committee on Defense of the Committee on Ap-*
13 *propriations 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 or*
21 *with the substantial support of, the government of a*
22 *foreign country with the objective of influencing,*
23 *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 effort,*

1 *including any election within such target coun-*
2 *try; or*

3 *(B) the public opinion within such target*
4 *country.*

5 *(3) LATIN AMERICA AND THE CARIBBEAN.—The*
6 *term “Latin America and the Caribbean” means the*
7 *countries and non-United States territories of South*
8 *America, Central America, the Caribbean, and Mex-*
9 *ico.*

10 *(b) REPORT.—Not later than 180 days after the date*
11 *of the enactment of this Act, the Director of National Intel-*
12 *ligence, acting through the National Intelligence Council*
13 *and in coordination with the Secretary of State, shall sub-*
14 *mit to the appropriate committees of Congress a report on*
15 *activities undertaken by China and Russia in Latin Amer-*
16 *ica and the Caribbean that are intended to increase the in-*
17 *fluence of China and Russia, respectively, therein. Such re-*
18 *port 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 for-*
7 *ign malign influence campaigns under subsection (b), the*
8 *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 such*
11 *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 secu-*
15 *rity, diplomatic, military, or economic interests of the*
16 *United States.*

17 (d) *FORM.*—*The report under subsection (b) shall be*
18 *submitted in unclassified form, but may include a classified*
19 *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 con-*
24 *gressional committees” means—*

25 (1) *the congressional intelligence committees;*

1 (2) *the Committee on Foreign Relations, the*
2 *Committee on Banking, Housing, and Urban Affairs,*
3 *the Committee on Armed Services, and the Sub-*
4 *committee on Defense of the Committee on Appropria-*
5 *tions of the Senate; and*

6 (3) *the Committee on Foreign Affairs, the Com-*
7 *mittee on Financial Services, the Committee on*
8 *Armed Services, the Committee on Ways and Means,*
9 *and the Subcommittee on Defense of the Committee on*
10 *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 there-*
13 *after, consistent with the protection of intelligence sources*
14 *and methods, the Director of National Intelligence, in con-*
15 *sultation with the heads of elements of the intelligence com-*
16 *munity that the Director determines appropriate, shall sub-*
17 *mit to the appropriate congressional committees a report*
18 *on whether and how China, including with respect to the*
19 *Government of the People’s Republic of China, the Chinese*
20 *Communist Party, any Chinese state-owned enterprise, and*
21 *any other Chinese entity, has provided support to Russia*
22 *with respect to the unprovoked invasion of and full-scale*
23 *war by Russia against Ukraine.*

1 (c) *MATTERS INCLUDED.*—The report under subsection
2 (b) shall include a discussion of support provided by China
3 to Russia with respect to—

4 (1) helping the Government of Russia or Russian
5 entities evade or circumvent sanctions by the United
6 States or multilateral sanctions and export controls;

7 (2) deliberately inhibiting onsite United States
8 Government export control end-use checks, including
9 interviews and investigations, in China;

10 (3) providing Russia with any technology, in-
11 cluding semiconductors classified as EAR99, that sup-
12 ports Russian intelligence or military capabilities;

13 (4) establishing economic or financial arrange-
14 ments that will have the effect of alleviating the effect
15 of sanctions by the United States or multilateral
16 sanctions; and

17 (5) providing any material, technical, or
18 logistical support, including to Russian military or
19 intelligence agencies and state-owned or state-linked
20 enterprises.

21 (d) *FORM.*—The report under subsection (c) shall be
22 submitted in unclassified form, but may contain a classified
23 annex.

24 (e) *SUNSET.*—The requirement to submit the report
25 under subsection (b) shall terminate on the earlier of—

1 (1) *the date on which the Director of National*
2 *Intelligence determines the conflict in Ukraine has*
3 *ended; or*

4 (2) *the date that is 2 years after the date of the*
5 *enactment of this Act.*

6 **SEC. 6526. REPORT ON GLOBAL CCP FINANCING OF PORT**
7 **INFRASTRUCTURE.**

8 (a) *DEFINITION OF APPROPRIATE CONGRESSIONAL*
9 *COMMITTEES.—In this section, the term “appropriate con-*
10 *gressional committees” means—*

11 (1) *the congressional intelligence committees;*

12 (2) *the Committee on Armed Services, the Com-*
13 *mittee on Foreign Relations, and the Subcommittee*
14 *on Defense of the Committee on Appropriations of the*
15 *Senate; and*

16 (3) *the Committee on Armed Services, the Com-*
17 *mittee on Foreign Affairs, and the Subcommittee on*
18 *Defense of 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, in consultation with the Secretary of State and*
23 *the Secretary of Defense, shall submit to the appropriate*
24 *congressional committees a report documenting all Chinese*
25 *financing of port infrastructure globally, during the period*

1 *beginning on January 1, 2012, and ending on the date of*
2 *the submission of the report, and the commercial and eco-*
3 *nomie implications of such investments. The report shall*
4 *also include the following:*

5 *(1) A review of existing and potential or planned*
6 *future Chinese financing, including financing by gov-*
7 *ernment entities, and state-owned enterprises, in port*
8 *infrastructure at such ports.*

9 *(2) Any known Chinese interest in establishing a*
10 *military or intelligence presence at or near such*
11 *ports.*

12 *(3) An assessment of China's current and poten-*
13 *tial future ability to leverage commercial ports for*
14 *military or intelligence collection purposes and the*
15 *implications of such ability for the national security*
16 *of the United States and allies and partners of the*
17 *United States.*

18 *(4) A description of activities undertaken by the*
19 *United States and allies and partners of the United*
20 *States to help identify and provide alternatives to*
21 *Chinese investments in port infrastructure.*

22 *(c) FORM.—The report required by subsection (b) shall*
23 *be submitted in unclassified form but may include a classi-*
24 *fied annex produced consistent with the protection of*
25 *sources and methods.*

1 **SEC. 6527. SENSE OF CONGRESS ON PROVISION OF SUP-**
2 **PORT BY INTELLIGENCE COMMUNITY FOR**
3 **ATROCITY PREVENTION AND ACCOUNT-**
4 **ABILITY.**

5 (a) *DEFINITIONS.—In this section:*

6 (1) *ATROCITIES.—The term “atrocities” has the*
7 *meaning given that term in section 6 of the Elie*
8 *Wiesel Genocide and Atrocities Prevention Act of*
9 *2018 (Public Law 115–441; 132 Stat. 5586).*

10 (2) *ATROCITY CRIME SCENE.—The term “atroc-*
11 *ity crime scene” means 1 or more locations that are*
12 *relevant to the investigation of an atrocity, including*
13 *buildings or locations (including bodies of water)*
14 *where physical evidence may be collected relating to*
15 *the perpetrators, victims, and events of the atrocity,*
16 *such as mass graves and other sites containing de-*
17 *ceased individuals.*

18 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
19 *that the efforts of the United States Government regarding*
20 *atrocity prevention and response through interagency co-*
21 *ordination, such as the Atrocity Warning Task Force, are*
22 *critically important and that the Director of National In-*
23 *telligence and the Secretary of Defense should, as appro-*
24 *priate and in compliance with the American*
25 *Servicemembers’ Protection Act of 2002 (22 U.S.C. 7421 et*
26 *seq.), do the following:*

1 (1) *Require each element of the intelligence com-*
2 *munity to support the Atrocity Warning Task Force*
3 *in its mission to prevent genocide and atrocities*
4 *through policy formulation and program development*
5 *by—*

6 (A) *collecting and analyzing intelligence*
7 *identified as an atrocity, as defined in the Elie*
8 *Wiesel Genocide and Atrocities Prevention Act of*
9 *2018 (Public Law 115–441; 132 Stat. 5586);*

10 (B) *preparing unclassified intelligence data*
11 *and geospatial imagery products for coordina-*
12 *tion with appropriate domestic, foreign, and*
13 *international courts and tribunals prosecuting*
14 *persons responsible for crimes for which such im-*
15 *agery and intelligence may provide evidence (in-*
16 *cluding genocide, crimes against humanity, and*
17 *war crimes, including with respect to missing*
18 *persons and suspected atrocity crime scenes);*
19 *and*

20 (C) *reassessing archived geospatial imagery*
21 *containing indicators of war crimes, other atroc-*
22 *ities, forced disappearances, and atrocity crime*
23 *scenes.*

24 (2) *Continue to make available inputs to the*
25 *Atrocity Warning Task Force for the development of*

1 *the Department of State Atrocity Early Warning As-*
 2 *essment and share open-source data to support pre-*
 3 *atrocity and genocide indicators and warnings to the*
 4 *Atrocity Warning Task Force.*

5 (3) *Provide the President and Congress with rec-*
 6 *ommendations to improve policies, programs, re-*
 7 *sources, and tools relating to atrocity intelligence col-*
 8 *lection and interagency coordination.*

9 (4) *Regularly consult and participate with des-*
 10 *ignated interagency representatives of relevant agen-*
 11 *cies and departments of the United States Govern-*
 12 *ment.*

13 (5) *Ensure resources are made available for the*
 14 *policies, programs, and tools relating to atrocity in-*
 15 *telligence collection and coordination with the Atroc-*
 16 *ity Warning Task Force.*

17 **TITLE LXVI—INTELLIGENCE**
 18 **COMMUNITY WORKFORCE**
 19 **MATTERS**

20 **SEC. 6601. IMPROVING ONBOARDING OF PERSONNEL IN IN-**
 21 **TELLIGENCE COMMUNITY.**

22 (a) *DEFINITION OF ONBOARD PERIOD.*—*In this sec-*
 23 *tion, the term “onboard period” means the period beginning*
 24 *on the date on which an individual submits an application*
 25 *for employment and ending on—*

1 (1) *the date on which the individual is offered*
2 *one or more entrance on duty dates; or*

3 (2) *the date on which the individual enters on*
4 *duty.*

5 (b) *POLICY GUIDANCE.*—*The Director of National In-*
6 *telligence shall establish policy guidance appropriate for all*
7 *elements of the intelligence community that can be used to*
8 *measure, consistently and reliably, the onboard period.*

9 (c) *REPORT.*—

10 (1) *IN GENERAL.*—*Not later than 90 days after*
11 *the date of the enactment of this Act, the Director*
12 *shall submit to the congressional intelligence commit-*
13 *tees, the Committee on Appropriations of the Senate,*
14 *and the Committee on Appropriations of the House of*
15 *Representatives a report on the time it takes to on-*
16 *board personnel in the intelligence community.*

17 (2) *ELEMENTS.*—*The report submitted under*
18 *paragraph (1) shall cover the mean and median time*
19 *it takes to onboard personnel in the intelligence com-*
20 *munity, disaggregated by mode of onboarding and ele-*
21 *ment of the intelligence community.*

22 (d) *PLAN.*—

23 (1) *IN GENERAL.*—*Not later than 180 days after*
24 *the date of the enactment of this Act, the Director, in*
25 *coordination with the heads of the elements of the in-*

1 *telligence community, shall submit to the congres-*
2 *sional intelligence committees, the Committee on Ap-*
3 *propriations of the Senate, and the Committee on Ap-*
4 *propriations of the House of Representatives a plan*
5 *to reduce the onboard period for personnel in the in-*
6 *telligence community, for elements of the intelligence*
7 *community that currently have median onboarding*
8 *times that exceed 180 days.*

9 (2) *ELEMENTS.*—*The plan submitted under*
10 *paragraph (1) shall include milestones to achieve cer-*
11 *tain specific goals with respect to the mean, median,*
12 *and mode time it takes to onboard personnel in the*
13 *elements of the intelligence community described in*
14 *such paragraph, disaggregated by element of the intel-*
15 *ligence community.*

16 (e) *IMPLEMENTATION.*—*The heads of the elements of*
17 *the intelligence community, including the Director of the*
18 *Central Intelligence Agency, shall implement the plan sub-*
19 *mitted under subsection (d) and take all such actions each*
20 *head considers appropriate and necessary to ensure that by*
21 *December 31, 2023, the median duration of the onboard pe-*
22 *riod for new employees at each element of the intelligence*
23 *community is equal to less than 180 days.*

1 **SEC. 6602. REPORT ON LEGISLATIVE ACTION REQUIRED TO**
2 **IMPLEMENT TRUSTED WORKFORCE 2.0 INI-**
3 **TIATIVE.**

4 (a) *REPORT REQUIRED.*—Not later than 180 days
5 after the date of the enactment of this Act, the Deputy Di-
6 rector for Management of the Office of Management and
7 Budget shall, in the Deputy Director’s capacity as the
8 Chair of the Security, Suitability, and Credentialing Per-
9 formance Accountability Council pursuant to section 2.4 of
10 Executive Order 13467 (50 U.S.C. 3161 note; relating to
11 reforming processes related to suitability for Government
12 employment, fitness for contractor employees, and eligi-
13 bility for access to classified national security information),
14 submit to Congress a report on the legislative action re-
15 quired to implement the Trusted Workforce 2.0 initiative.

16 (b) *CONTENTS.*—The report submitted under sub-
17 section (a) shall include the following:

18 (1) *Specification of the statutes that require*
19 *amendment in order to implement the initiative de-*
20 *scribed in subsection (a).*

21 (2) *For each statute specified under paragraph*
22 *(1), an indication of the priority for enactment of an*
23 *amendment.*

24 (3) *For each statute specified under paragraph*
25 *(1), a description of the consequences if the statute is*
26 *not amended.*

1 **SEC. 6603. INSPECTOR GENERAL OF THE INTELLIGENCE**
2 **COMMUNITY ASSESSMENT OF ADMINISTRATION OF POLYGRAPHS IN INTELLIGENCE**
3 **COMMUNITY.**

4
5 (a) *ASSESSMENT REQUIRED.*—*The Inspector General*
6 *of the Intelligence Community shall conduct an assessment*
7 *of the administration of polygraph evaluations that are*
8 *needed in the intelligence community to meet current an-*
9 *nual personnel hiring requirements.*

10 (b) *ELEMENTS.*—*The assessment completed under sub-*
11 *section (a) shall include the following:*

12 (1) *Identification of the number of polygraphers*
13 *currently available at each element of the intelligence*
14 *community to meet the requirements described in sub-*
15 *section (a).*

16 (2) *If the demand described in subsection (a)*
17 *cannot be met, an identification of the number of*
18 *polygraphers that would need to be hired and certified*
19 *to meet it.*

20 (3) *A review of the effectiveness of alternatives to*
21 *the polygraph, including methods being researched by*
22 *the National Center for Credibility Assessment.*

23 (c) *BRIEFING.*—*Not later than 180 days after the date*
24 *of the enactment of this Act, the Inspector General of the*
25 *Intelligence Community shall brief the congressional intel-*
26 *ligence committees, the Committee on Appropriations of the*

1 *Senate, and the Committee on Appropriations of the House*
2 *of Representatives on the preliminary findings of the In-*
3 *spector General with respect to the assessment conducted*
4 *pursuant to subsection (a).*

5 *(d) REPORT.—Not later than one year after the date*
6 *of the enactment of this Act, the Inspector General of the*
7 *Intelligence Community shall submit to the committees de-*
8 *scribed in subsection (c) a report on the findings of the In-*
9 *spector General with respect to the assessment conducted*
10 *pursuant to subsection (a).*

11 **SEC. 6604. TIMELINESS IN THE ADMINISTRATION OF POLY-**
12 **GRAPHS.**

13 *(a) STANDARDS REQUIRED.—*

14 *(1) IN GENERAL.—Not later than 180 days after*
15 *the date of the enactment of this Act, the Director of*
16 *National Intelligence shall, in the Director's capacity*
17 *as the Security Executive Agent pursuant to section*
18 *803(a) of the National Security Act of 1947 (50*
19 *U.S.C. 3162a(a)), issue standards for timeliness for*
20 *Federal agencies to administer polygraphs conducted*
21 *for the purpose of—*

22 *(A) adjudicating decisions regarding eligi-*
23 *bility for access to classified information (as de-*
24 *fin ed in the procedures established pursuant to*

1 *section 801(a) of the National Security Act of*
2 *1947 (50 U.S.C. 3161(a)); and*

3 *(B) granting reciprocity pursuant to Secu-*
4 *rity Executive Agent Directive 2, or successor di-*
5 *rective.*

6 (2) *PUBLICATION.*—*The Director shall publish*
7 *the standards issued under paragraph (1) in the Fed-*
8 *eral Register or such other venue as the Director con-*
9 *siders appropriate.*

10 (b) *REPORT REQUIRED.*—*Not later than 180 days*
11 *after the date of the enactment of this Act, the Director shall*
12 *submit to Congress a report on how Federal agencies will*
13 *comply with the standards issued under subsection (a).*
14 *Such plan shall specify the resources required by Federal*
15 *agencies to comply with such standards and the timeline*
16 *for doing so.*

17 **SEC. 6605. POLICY ON SUBMITTAL OF APPLICATIONS FOR**
18 **ACCESS TO CLASSIFIED INFORMATION FOR**
19 **CERTAIN PERSONNEL.**

20 *Not later than 180 days after the date of the enactment*
21 *of this Act, the Director of National Intelligence shall, in*
22 *the Director's capacity as the Security Executive Agent*
23 *pursuant to section 803(a) of the National Security Act of*
24 *1947 (50 U.S.C. 3162a(a)), issue a policy that allows a pri-*
25 *vate person to submit a certain number or proportion of*

1 *applications, on a nonreimbursable basis, for employee ac-*
2 *cess to classified information for personnel who perform key*
3 *management and oversight functions who may not merit*
4 *an application due to their work under any one contract.*

5 **SEC. 6606. TECHNICAL CORRECTION REGARDING FEDERAL**
6 **POLICY ON SHARING OF COVERED INSIDER**
7 **THREAT INFORMATION.**

8 *Section 806(b) of the Intelligence Authorization Act for*
9 *Fiscal Year 2022 (Public Law 117–103) is amended by*
10 *striking “contracting agency” and inserting “contractor*
11 *that employs the contractor employee”.*

12 **SEC. 6607. INSPECTOR GENERAL OF THE INTELLIGENCE**
13 **COMMUNITY REPORT ON USE OF SPACE CER-**
14 **TIFIED AS SENSITIVE COMPARTMENTED IN-**
15 **FORMATION FACILITIES.**

16 *Not later than 180 days after the date of the enactment*
17 *of this Act, the Inspector General of the Intelligence Com-*
18 *munity shall submit to the congressional intelligence com-*
19 *mittees a report on the utilization of space owned or spon-*
20 *sored by an element of the intelligence community, located*
21 *in the continental United States, that is certified as a sen-*
22 *sitive compartmented information facility under intel-*
23 *ligence community or Department of Defense policy.*

1 **SEC. 6608. IMPROVING PROHIBITION OF CERTAIN PER-**
2 **SONNEL PRACTICES IN INTELLIGENCE COM-**
3 **MUNITY WITH RESPECT TO CONTRACTOR EM-**
4 **PLOYEES.**

5 *Section 1104(c)(1)(A) of the National Security Act of*
6 *1947 (50 U.S.C. 3234(c)(1)(A)) is amended—*

7 *(1) by striking “a supervisor of the contracting*
8 *agency” and inserting “a supervisor of the employing*
9 *or contracting agency or employing contractor”;*

10 *(2) by striking “contracting agency (or an em-*
11 *ployee designated by the head of that agency for such*
12 *purpose)” and inserting “employing or contracting*
13 *agency (or an employee designated by the head of that*
14 *agency for that purpose) or employing contractor”;*
15 *and*

16 *(3) by striking “appropriate inspector general of*
17 *the contracting agency” and inserting “appropriate*
18 *inspector general of the employing or contracting*
19 *agency”.*

20 **SEC. 6609. DEFINITIONS REGARDING WHISTLEBLOWER**
21 **COMPLAINTS AND INFORMATION OF URGENT**
22 **CONCERN RECEIVED BY INSPECTORS GEN-**
23 **ERAL OF THE INTELLIGENCE COMMUNITY.**

24 *(a) NATIONAL SECURITY ACT OF 1947.—Section*
25 *103H(k)(5)(G)(i)(I) of the National Security Act of 1947*
26 *(50 U.S.C. 3033(k)(5)(G)(i)(I)) is amended by striking*

1 *“within the” and all that follows through “policy matters.”*
2 *and inserting the following: “of the Federal Government*
3 *that is—*

4 *“(aa) a matter of national*
5 *security; and*

6 *“(bb) not a difference of*
7 *opinion concerning public policy*
8 *matters.”.*

9 *(b) INSPECTOR GENERAL ACT OF 1978.—Section*
10 *8H(h)(1)(A)(i) of the Inspector General Act of 1978 (5*
11 *U.S.C. App.) is amended by striking “involving” and all*
12 *that follows through “policy matters.” and inserting the fol-*
13 *lowing: “of the Federal Government that is—*

14 *“(I) a matter of national security;*
15 *and*

16 *“(II) not a difference of opinion*
17 *concerning public policy matters.”.*

18 *(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—*
19 *Section 17(d)(5)(G)(i)(I)(aa) of the Central Intelligence*
20 *Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)(i)(I)(aa)) is*
21 *amended by striking “involving” and all that follows*
22 *through “policy matters.” and inserting the following: “of*
23 *the Federal Government that is—*

24 *“(AA) a matter of na-*
25 *tional security; and*

1 “(BB) not a difference
2 of opinion concerning public
3 policy matters.”.

4 **TITLE LXVII—MATTERS RELAT-**
5 **ING TO EMERGING TECH-**
6 **NOLOGIES**

7 **Subtitle A—General Matters**

8 **SEC. 6701. DEFINITIONS.**

9 *In this title:*

10 (1) *ARTIFICIAL INTELLIGENCE.*—*The term “arti-*
11 *ficial intelligence” has the meaning given that term*
12 *in section 5002 of the National Artificial Intelligence*
13 *Initiative Act of 2020 (15 U.S.C. 9401).*

14 (2) *AUTHORIZATION TO OPERATE.*—*The term*
15 *“authorization to operate” has the meaning given*
16 *that term in Circular Number A-130 of the Office of*
17 *Management and Budget, “Managing Information as*
18 *a Strategic Resource”, or any successor document.*

19 (3) *CODE-FREE ARTIFICIAL INTELLIGENCE*
20 *ENABLEMENT TOOLS.*—*The term “code-free artificial*
21 *intelligence enablement tools” means software that*
22 *provides an environment in which visual drag-and-*
23 *drop applications, or similar tools, allow one or more*
24 *individuals to program applications without linear*
25 *coding.*

1 (4) *COMMERCIAL PRODUCT.*—*The term “commer-*
2 *cial product” has the meaning given that term in sec-*
3 *tion 103 of title 41, United States Code.*

4 (5) *COMMERCIAL SERVICE.*—*The term “commer-*
5 *cial service” has the meaning given that term in sec-*
6 *tion 103a of title 41, United States Code.*

7 (6) *COVERED ITEM OR SERVICE.*—*The term*
8 *“covered item or service” means a product, system, or*
9 *service that is not a commercially available off-the-*
10 *shelf item, a commercial service, or a nondevelop-*
11 *mental item, as those terms are defined in title 41,*
12 *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 “emerg-*
18 *ing 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 the*
24 *White House in February 2022, or any successor*
25 *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 IN-*
7 *TELLIGENCE.—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 the*
13 *acquisition, adoption, development, use, coordination,*
14 *and maintenance of artificial intelligence capabilities*
15 *and associated data, frameworks, computing environ-*
16 *ments, and other enablers by the intelligence commu-*
17 *nity (including by incorporating and updating such*
18 *policies based on emerging technology capabilities), to*
19 *accelerate and increase the adoption of artificial in-*
20 *telligence capabilities within the intelligence commu-*
21 *nity;*

22 *(2) ensure policies established or updated pursu-*
23 *ant 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 *ligence 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, ethical,*
9 *and reliable adoption or use of artificial intel-*
10 *ligence; and*

11 *(3) provide to the heads of the elements of the in-*
12 *telligence community guidance for developing the Na-*
13 *tional Intelligence Program budget pertaining to such*
14 *elements to facilitate the acquisition, adoption, devel-*
15 *opment, use, and maintenance of element-specific ar-*
16 *tificial intelligence capabilities, and to ensure the as-*
17 *sociated data, frameworks, computing environments,*
18 *and other enablers are appropriately prioritized.*

19 *(b) DESIGNATED LEADS WITHIN EACH ELEMENT OF*
20 *THE INTELLIGENCE COMMUNITY.—Each head of an element*
21 *of the intelligence community, in coordination with the Di-*
22 *rector of National Intelligence, shall identify a senior offi-*
23 *cial within the element to serve as the designated element*
24 *lead responsible for overseeing and coordinating efforts re-*
25 *lating to artificial intelligence, including through the inte-*

1 *gration of the acquisition, technology, human capital, and*
2 *financial management aspects necessary for the adoption*
3 *of artificial intelligence solutions. Such designated element*
4 *leads shall meet regularly to consult and coordinate with*
5 *the Director of National Intelligence regarding the imple-*
6 *mentation of this section and this title.*

7 **SEC. 6703. DIRECTOR OF SCIENCE AND TECHNOLOGY.**

8 (a) *EMERGING TECHNOLOGY ADOPTION.*—*The Direc-*
9 *tor of Science and Technology may—*

10 (1) *conduct reviews of the policies, standards,*
11 *and procedures of the intelligence community that re-*
12 *late to emerging technologies and, as appropriate, rec-*
13 *ommend to the Director of National Intelligence*
14 *changes to such policies, standards, and procedures, to*
15 *accelerate and increase the adoption of emerging tech-*
16 *nologies by the intelligence community;*

17 (2) *make recommendations, in coordination with*
18 *the heads of the elements of the intelligence commu-*
19 *nity, to the Director of National Intelligence with re-*
20 *spect to the budgets of such elements, to accelerate and*
21 *increase the adoption of emerging technologies by such*
22 *elements; and*

23 (3) *coordinate with the Under Secretary of De-*
24 *fense for Research and Engineering on initiatives,*
25 *policies, and programs carried out jointly between the*

1 *intelligence community and the Department of De-*
2 *fense to accelerate and increase the adoption of emerg-*
3 *ing technologies.*

4 *(b) APPOINTMENT CRITERIA.—Section 103E(b) of the*
5 *National Security Act of 1947 (50 U.S.C. 3030(b)) is*
6 *amended by adding at the end the following: “In making*
7 *such appointment, the Director of National Intelligence*
8 *may give preference to an individual with experience out-*
9 *side of the United States Government.”.*

10 **SEC. 6704. INTELLIGENCE COMMUNITY CHIEF DATA OFFI-**
11 **CER.**

12 *Title I of the National Security Act of 1947 (50 U.S.C.*
13 *3021 et seq.) is amended by inserting after section 103J*
14 *the following new section (and conforming the table of con-*
15 *tents at the beginning of such Act accordingly):*

16 **“SEC. 103K. INTELLIGENCE COMMUNITY CHIEF DATA OFFI-**
17 **CER.**

18 *“(a) INTELLIGENCE COMMUNITY CHIEF DATA OFFI-*
19 *CER.—There is an Intelligence Community Chief Data Offi-*
20 *cer within the Office of the Director of National Intelligence*
21 *who shall be appointed by the Director of National Intel-*
22 *ligence.*

23 *“(b) REQUIREMENT RELATING TO APPOINTMENT.—An*
24 *individual appointed as the Intelligence Community Chief*
25 *Data Officer shall have a professional background and expe-*

1 *rience appropriate for the duties of the Intelligence Commu-*
2 *nity Chief Data Officer. In making such appointment, the*
3 *Director of National Intelligence may give preference to an*
4 *individual with experience outside of the United States*
5 *Government.*

6 “(c) *DUTIES.—The Intelligence Community Chief*
7 *Data Officer shall—*

8 “(1) *act as the chief representative of the Direc-*
9 *tor of National Intelligence for data issues within the*
10 *intelligence community;*

11 “(2) *coordinate, to the extent practicable and ad-*
12 *visable, with the Chief Data Officer of the Department*
13 *of Defense to ensure consistent data policies, stand-*
14 *ards, and procedures between the intelligence commu-*
15 *nity and the Department of Defense;*

16 “(3) *assist the Director of National Intelligence*
17 *regarding data elements of the budget of the Office of*
18 *the Director of National Intelligence; and*

19 “(4) *perform other such duties as may be pre-*
20 *scribed by the Director of National Intelligence or*
21 *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 there-*
8 *after for 5 years, the Director of National Intelligence*
9 *shall submit to the congressional intelligence commit-*
10 *tees, the Committee on Appropriations of the Senate,*
11 *and the Committee on Appropriations of the House of*
12 *Representatives a report on the use of the authority*
13 *under paragraph (5) of section 102A(n) of the Na-*
14 *tional Security Act of 1947 (50 U.S.C. 3024(n)), as*
15 *added by subsection (b).*

16 (2) *FEASIBILITY AND ADVISABILITY STUDY.—*

17 (A) *STUDY.—The Director of National In-*
18 *telligence shall conduct a feasibility and advis-*
19 *ability study on whether to provide to the heads*
20 *of the elements of the intelligence community an*
21 *additional transaction authority that is not re-*
22 *stricted only to basic, applied, and advanced re-*
23 *search projects and prototype projects (similar to*
24 *such less restrictive additional transaction au-*
25 *thorities of the Transportation Security Admin-*

1 *istration and the National Aeronautics and*
2 *Space Administration).*

3 (B) *SUBMISSION.—Not later than 1 year*
4 *after the date of the enactment of this Act, the*
5 *Director shall submit to the congressional intel-*
6 *ligence committees, the Committee on Appropria-*
7 *tions of the Senate, and the Committee on Ap-*
8 *propriations of the House of Representatives the*
9 *findings of the study conducted under subpara-*
10 *graph (A), including, if the Director determines*
11 *a less restrictive additional transaction author-*
12 *ity is advisable pursuant to such study, an iden-*
13 *tification of any legislative solutions or other ac-*
14 *tions necessary to implement such authority.*

15 (b) *ADDITIONAL TRANSACTION AUTHORITY.—Section*
16 *102A(n) of the National Security Act of 1947 (50 U.S.C.*
17 *3024(n)) is amended by adding at the end the following:*

18 “(5) *OTHER TRANSACTION AUTHORITY.—*

19 *“(A) IN GENERAL.—In addition to other acquisi-*
20 *tion authorities, the Director of National Intelligence*
21 *may exercise the acquisition authorities referred to in*
22 *sections 4021 and 4022 of title 10, United States*
23 *Code, subject to the provisions of this paragraph.*

1 “(B) *DELEGATION.*—(i) *The Director shall dele-*
2 *gate the authorities provided by subparagraph (A) to*
3 *the heads of elements of the intelligence community.*

4 “(ii) *The heads of elements of the intelligence*
5 *community shall, to the maximum extent practicable,*
6 *delegate the authority delegated under clause (i) to the*
7 *official of the respective element of the intelligence*
8 *community responsible for decisions with respect to*
9 *basic, applied, or advanced research activities or the*
10 *adoption of such activities within such element.*

11 “(C) *INTELLIGENCE COMMUNITY AUTHORITY.*—
12 (i) *For purposes of this paragraph, the limitation in*
13 *section 4022(a)(1) of title 10, United States Code,*
14 *shall not apply to elements of the intelligence commu-*
15 *nity.*

16 “(ii) *Subject to section 4022(a)(2) of such title,*
17 *the Director may enter into transactions and agree-*
18 *ments (other than contracts, cooperative agreements,*
19 *and grants) of amounts not to exceed \$75,000,000*
20 *under this paragraph to carry out basic, applied, and*
21 *advanced research projects and prototype projects in*
22 *support of intelligence activities.*

23 “(iii) *For purposes of this paragraph, the limi-*
24 *tations specified in section 4022(a)(2) of such title*

1 *shall apply to the intelligence community in lieu of*
2 *the Department of Defense, and the Director shall—*

3 *“(I) identify appropriate officials who can*
4 *make the determinations required in subpara-*
5 *graph (B)(i) of such section for the intelligence*
6 *community; and*

7 *“(II) brief the congressional intelligence*
8 *committees, the Subcommittee on Defense of the*
9 *Committee on Appropriations of the Senate, and*
10 *the Subcommittee on Defense of the Committee*
11 *on Appropriations of the House of Representa-*
12 *tives in lieu of the congressional defense commit-*
13 *tees, as specified in subparagraph (B)(ii) of such*
14 *section.*

15 *“(iv) For purposes of this paragraph, the limita-*
16 *tion in section 4022(a)(3) of such title shall not apply*
17 *to elements of the intelligence community.*

18 *“(v) In carrying out this paragraph, section*
19 *4022(d)(1) of such title shall be applied by sub-*
20 *stituting ‘Director of National Intelligence’ for ‘Sec-*
21 *retary of Defense’.*

22 *“(vi) For purposes of this paragraph, the limita-*
23 *tions in section 4022(d)(2) of such title shall not*
24 *apply to elements of the intelligence community.*

1 “(vii) *In addition to the follow-on production*
2 *contract criteria in section 4022(f)(2) of such title, the*
3 *following additional criteria shall apply:*

4 “(I) *The authorizing official of the relevant*
5 *element of the intelligence community determines*
6 *that Government users of the proposed produc-*
7 *tion product or production service have been con-*
8 *sulted.*

9 “(II) *In the case of a proposed production*
10 *product that is software, there are mechanisms*
11 *in place for Government users to provide ongoing*
12 *feedback to participants to the follow-on produc-*
13 *tion contract.*

14 “(III) *In the case of a proposed production*
15 *product that is software, there are mechanisms*
16 *in place to promote the interoperability and ac-*
17 *cessibility with and between Government and*
18 *commercial software providers, including by the*
19 *promotion of open application programming*
20 *interfaces and requirement of appropriate soft-*
21 *ware documentation.*

22 “(IV) *The award follows a documented mar-*
23 *ket analysis as mandated by the Federal Acquisi-*
24 *tion Regulations surveying available and com-*
25 *parable products.*

1 “(V) *In the case of a proposed production*
2 *product that is software, the follow-on production*
3 *contract includes a requirement that, for the du-*
4 *ration of such contract (or such other period of*
5 *time as may be agreed to as a term of such con-*
6 *tract)—*

7 “(aa) *the participants provide the most*
8 *up-to-date version of the product that is*
9 *available in the commercial marketplace*
10 *and is consistent with security require-*
11 *ments;*

12 “(bb) *there are mechanisms in place*
13 *for the participants to provide timely up-*
14 *dates to the production product; and*

15 “(cc) *the authority specified in section*
16 *4022(f)(5) of such title shall be exercised by*
17 *the Director in lieu of the Secretary of De-*
18 *fense.*

19 “(D) *IMPLEMENTATION POLICY.—The Director,*
20 *in consultation with the heads of the elements of the*
21 *intelligence community, shall—*

22 “(i) *not later than 180 days after the date*
23 *of the enactment of the Intelligence Authorization*
24 *Act for Fiscal Year 2023, establish and imple-*
25 *ment an intelligence community-wide policy pre-*

1 *scribing the use and limitations of the authority*
2 *under this paragraph, particularly with respect*
3 *to the application of subparagraphs (B) and (C);*

4 “(ii) *periodically review and update the*
5 *policy established under clause (i); and*

6 “(iii) *submit to the congressional intel-*
7 *ligence committees, the Committee on Appropria-*
8 *tions of the Senate, and the Committee on Ap-*
9 *propriations of the House of Representatives the*
10 *policy when established under clause (i) or up-*
11 *dated under clause (ii).*

12 “(E) *ANNUAL REPORT.—*

13 “(i) *IN GENERAL.—Not less frequently than*
14 *annually, the Director shall submit to the con-*
15 *gressional intelligence committees, the Committee*
16 *on Appropriations of the Senate, and the Com-*
17 *mittee on Appropriations of the House of Rep-*
18 *resentatives a report detailing the use by the in-*
19 *telligence community of the authority provided*
20 *by this paragraph.*

21 “(ii) *ELEMENTS.—*

22 “(I) *REQUIRED ELEMENTS.—Each re-*
23 *port required by clause (i) shall detail the*
24 *following:*

25 “(aa) *The number of transactions.*

1 “(bb) *The participants to such*
2 *transactions.*”

3 “(cc) *The purpose of the trans-*
4 *action.*”

5 “(dd) *The amount of each trans-*
6 *action.*”

7 “(ee) *Concerns with the efficiency*
8 *of the policy.*”

9 “(ff) *Any recommendations for*
10 *how to improve the process.*”

11 “(II) *OTHER ELEMENTS.—Each report*
12 *required by clause (i) may describe such*
13 *transactions which have been awarded fol-*
14 *low-on production contracts either pursuant*
15 *to the authority provided by this paragraph*
16 *or another acquisition authority available*
17 *to the intelligence community.”.*

18 **SEC. 6712. IMPLEMENTATION PLAN AND ADVISABILITY**
19 **STUDY FOR OFFICES OF COMMERCIAL INTE-**
20 **GRATION.**

21 (a) *PLAN AND STUDY.—*

22 (1) *SUBMISSION.—Not later than 1 year after*
23 *the date of the enactment of this Act, the Director of*
24 *National Intelligence, in coordination with the heads*
25 *of the elements of the intelligence community, shall*

1 *submit to the congressional intelligence committees,*
2 *the Subcommittee on Defense of the Committee on Ap-*
3 *propriations of the Senate, and the Subcommittee on*
4 *Defense of the Committee on Appropriations of the*
5 *House of Representatives—*

6 *(A) a plan for the establishment of a cen-*
7 *tralized office or offices within each appropriate*
8 *element of the intelligence community, to be*
9 *known as the “Office of Commercial Integra-*
10 *tion”, for the purpose of—*

11 *(i) assisting persons desiring to submit*
12 *an offer for a contract with the intelligence*
13 *community; and*

14 *(ii) assisting with the procurement of*
15 *commercial products and commercial serv-*
16 *ices; and*

17 *(B) the findings of a study conducted by the*
18 *Director into the advisability of implementing*
19 *such plan, including an assessment of—*

20 *(i) whether there should be a single Of-*
21 *fice of Commercial Integration for the intel-*
22 *ligence community or whether each element*
23 *of the intelligence community shall establish*
24 *such an Office;*

1 (ii) the costs and benefits of the imple-
2 mentation of such plan; and

3 (iii) whether there is within any ele-
4 ment of the intelligence community an ex-
5 isting office or program similar to the pro-
6 posed Office of Commercial Integration.

7 (2) *ELEMENTS.*—The materials submitted under
8 paragraph (1) shall include the following:

9 (A) A recommendation by the Director,
10 based on the findings of the study under para-
11 graph (1)(B), on—

12 (i) how the plan under paragraph
13 (1)(A) compares to specific alternative ac-
14 tions of the intelligence community that
15 could be taken to assist persons desiring to
16 submit an offer for a contract with the in-
17 telligence community and assist with the
18 procurement of commercial products and
19 commercial services; and

20 (ii) whether to implement such plan.

21 (B) A proposal for the designation of a sen-
22 ior official of the Office of the Director of Na-
23 tional Intelligence who would be responsible for
24 the coordination across the intelligence commu-
25 nity or across the Offices of Commercial Integra-

1 *tion, depending on the findings of the study*
2 *under paragraph (1)(B).*

3 *(C) Draft guidelines that would require the*
4 *coordination and sharing of best practices and*
5 *other information across the intelligence commu-*
6 *nity.*

7 *(D) A timeline of the steps that would be*
8 *necessary to establish each Office of Commercial*
9 *Integration by the date that is not later than 2*
10 *years after the date of the enactment of this Act.*

11 *(E) An assessment of the personnel require-*
12 *ments, and any other resource requirements, that*
13 *would be necessary to establish the Office or Of-*
14 *fices of Commercial Integration by such date, in-*
15 *cluding—*

16 *(i) the amount of personnel necessary*
17 *for the establishment of the Office or Offices*
18 *of Commercial Integration; and*

19 *(ii) the necessary qualifications of any*
20 *such personnel.*

21 *(F) Policies regarding the types of assist-*
22 *ance that, if an Office or Offices of Commercial*
23 *Integration were to be established, could be pro-*
24 *vided to contractors by the Director of such Of-*
25 *fice, taking into account the role of such assist-*

1 *ance as an incentive for emerging technology*
2 *companies to enter into contracts with the heads*
3 *of the elements of the intelligence community.*

4 *(G) Eligibility criteria for determining the*
5 *types of offerors or contractors that would be eli-*
6 *gible to receive assistance provided by each Office*
7 *of Commercial Integration.*

8 *(H) Policies regarding outreach efforts that*
9 *would be required to be conducted by the Office*
10 *or Offices of Commercial Integration with re-*
11 *spect to eligible contractors.*

12 *(I) Policies regarding how the intelligence*
13 *community would coordinate with the Director*
14 *of the Federal Bureau of Investigation to provide*
15 *proactive counterintelligence risk analysis and*
16 *assistance to entities in the private sector.*

17 *(J) Draft guidelines that would require the*
18 *Office or Offices of Commercial Integration to*
19 *appoint and assign personnel with expertise in*
20 *a range of disciplines necessary for the acceler-*
21 *ated integration of commercial technologies into*
22 *the intelligence community (as determined by the*
23 *Office or Offices of Commercial Integration), in-*
24 *cluding expertise in the following:*

25 *(i) Authorizations to operate.*

1 (ii) *Contracting.*

2 (iii) *Facility clearances.*

3 (iv) *Security clearances.*

4 (K) *Such other intelligence community-wide*
5 *policies as the Director of National Intelligence*
6 *may prescribe relating to the improvement of*
7 *commercial integration (and the coordination of*
8 *such improvements) by and among the elements*
9 *of the intelligence community.*

10 (b) *PUBLIC WEBSITE ON COMMERCIAL INTEGRA-*
11 *TION.—*

12 (1) *ESTABLISHMENT.—Not later than 1 year*
13 *after the date of the date of enactment of this Act, the*
14 *Director of National Intelligence, in coordination*
15 *with the head of the relevant elements of the intel-*
16 *ligence community (as determined by the Director)*
17 *and the designated element leads under section*
18 *6702(b), shall establish a publicly accessible website*
19 *that includes relevant information necessary for*
20 *offerors or contractors to conduct business with each*
21 *element of the intelligence community.*

22 (2) *INCLUSION OF CERTAIN INFORMATION.—If*
23 *there is established an Office or Offices of Commercial*
24 *Integration in accordance with subsection (a), the*
25 *website under paragraph (1) shall include—*

1 (A) information, as appropriate, on the ele-
2 ments under subsection (a)(2) relating to that
3 Office; and

4 (B) contact information for the relevant
5 senior officers of the Office or Offices.

6 **SEC. 6713. PILOT PROGRAM ON DESIGNATED EMERGING**
7 **TECHNOLOGY TRANSITION PROJECTS.**

8 (a) *PILOT PROGRAM.*—The Director of National Intel-
9 ligence shall carry out a pilot program to more effectively
10 transition promising prototypes or products in a develop-
11 mental stage to a production stage, through designating eli-
12 gible projects as “Emerging Technology Transition
13 Projects”.

14 (b) *DESIGNATION.*—

15 (1) *IN GENERAL.*—Not later than 180 days after
16 the date of the enactment of this Act, the Director of
17 National Intelligence shall issue guidelines to imple-
18 ment the pilot program under subsection (a).

19 (2) *REQUIREMENTS.*—The guidelines issued pur-
20 suant to paragraph (1) shall include the following re-
21 quirements:

22 (A) Each head of an element of the intel-
23 ligence community shall submit to the Director
24 of National Intelligence a prioritized list of not
25 more than 10 eligible projects per year to be con-

1 *sidered for designation by the Director of Na-*
2 *tional Intelligence as Emerging Technology*
3 *Transition Projects during the budget formula-*
4 *tion process.*

5 *(B) The Director of National Intelligence*
6 *shall designate not more than 10 eligible projects*
7 *per year as Emerging Technology Transition*
8 *Projects.*

9 *(C) No eligible project may be designated by*
10 *the Director of National Intelligence as an*
11 *Emerging Technology Transition Project unless*
12 *the head of an element of the intelligence commu-*
13 *nity includes the project in the prioritized list*
14 *under subparagraph (A) and submits to the Di-*
15 *rector of National Intelligence, with respect to*
16 *the project, each of the following:*

17 *(i) A justification of why the product*
18 *was nominated for transition, including a*
19 *description of the importance of the pro-*
20 *posed product to the mission of the intel-*
21 *ligence community and the nominating*
22 *agency.*

23 *(ii) A certification that the project pro-*
24 *vides new technologies or processes, or new*
25 *applications of existing technologies, that*

1 *shall enable more effective alternatives to ex-*
2 *isting programs, systems, or initiatives of*
3 *the intelligence community.*

4 *(iii) A certification that the project*
5 *provides future cost savings, significantly*
6 *reduces the time to deliver capabilities to*
7 *the intelligence community, or significantly*
8 *improves a capability of the intelligence*
9 *community.*

10 *(iv) A certification that funding is not*
11 *proposed for the project in the budget re-*
12 *quest of the respective covered element for*
13 *the fiscal year following the fiscal year in*
14 *which the project is submitted for consider-*
15 *ation.*

16 *(v) A certification in writing by the*
17 *nominating head that the project meets all*
18 *applicable criteria and requirements of the*
19 *respective covered element for transition to*
20 *production and that the nominating head*
21 *would fund the project if additional funds*
22 *were made available for such purpose.*

23 *(vi) A description of the means by*
24 *which the proposed production product shall*
25 *be incorporated into the activities and long-*

1 *term budget of the respective covered ele-*
2 *ment following such transition.*

3 *(vii) A description of steps taken to en-*
4 *sure that the use of the product shall reflect*
5 *commercial best practices, as applicable.*

6 *(D) A clear description of the selection of el-*
7 *igible projects, including specific criteria, that*
8 *shall include, at a minimum, the requirements*
9 *specified in subparagraph (C).*

10 *(E) The designation of an official respon-*
11 *sible for implementing this section and coordi-*
12 *nating with the heads of the elements of the intel-*
13 *ligence community with respect to the guidelines*
14 *issued pursuant to paragraph (1) and overseeing*
15 *the awards of funds to Emerging Technology*
16 *Transition Projects with respect to that element.*

17 *(3) REVOCATION OF DESIGNATION.—The des-*
18 *ignation of an Emerging Technology Transition*
19 *Project under subsection (b) may be revoked at any*
20 *time by—*

21 *(A) the Director of National Intelligence; or*

22 *(B) the relevant head of a covered element*
23 *of the intelligence community that previously*
24 *submitted a project under subsection (b), in con-*

1 *sultation with the Director of National Intel-*
2 *ligence.*

3 *(c) BENEFITS OF DESIGNATION.—*

4 *(1) INCLUSION IN MULTIYEAR NATIONAL INTEL-*
5 *LIGENCE PROGRAM PLAN.—The Director of National*
6 *Intelligence shall include in the relevant multiyear*
7 *national intelligence program plan submitted to Con-*
8 *gress under section 1403 of the National Defense Au-*
9 *thorization Act for Fiscal Year 1991 (50 U.S.C. 3301)*
10 *the planned expenditures, if any, of each designated*
11 *project during the period of its designation.*

12 *(2) INCLUSION UNDER SEPARATE EXHIBIT.—The*
13 *heads of elements of the intelligence community shall*
14 *ensure that each designated project is included in a*
15 *separate budget exhibit in the relevant multiyear na-*
16 *tional intelligence program plan submitted to Con-*
17 *gress under such section 1403 of the National Defense*
18 *Authorization Act for Fiscal Year 1991 (50 U.S.C.*
19 *3301) for the period of the designation of such project.*

20 *(3) CONSIDERATION IN PROGRAMMING AND*
21 *BUDGETING.—Each designated project shall be taken*
22 *into consideration by the nominating head in the pro-*
23 *gramming and budgeting phases of the intelligence*
24 *planning, programming, budgeting, and evaluation*
25 *process during the period of its designation.*

1 (d) *REPORTS TO CONGRESS.*—

2 (1) *ANNUAL REPORTS.*—*On an annual basis for*
3 *each fiscal year during which the pilot program*
4 *under subsection (a) is carried out, concurrently with*
5 *the submission of the budget of the President for that*
6 *fiscal year under section 1105(a) of title 31, United*
7 *States Code, the Director of National Intelligence*
8 *shall submit to the congressional intelligence commit-*
9 *tees and the Committees on Appropriations of the*
10 *House of Representatives and the Senate a report that*
11 *includes the following:*

12 (A) *A description of each designated project.*

13 (B) *A summary of the potential of each des-*
14 *ignated project, as specified in subsection*
15 *(b)(2)(C).*

16 (C) *For each designated project, a descrip-*
17 *tion of the progress made toward delivering on*
18 *such potential.*

19 (D) *A description of any funding proposed*
20 *for the designated project in the future-years in-*
21 *telligence program, including by program, ap-*
22 *propriation account, expenditure center, and*
23 *project.*

1 (E) *Such other information on the status of*
2 *such pilot program as the Director considers ap-*
3 *propriate.*

4 (2) *FINAL REPORT.*—*In the final report sub-*
5 *mitted under paragraph (1) prior to the date of ter-*
6 *mination under subsection (e), the Director of Na-*
7 *tional Intelligence shall include a recommendation on*
8 *whether to extend the pilot program under subsection*
9 *(a) and the appropriate duration of such extension,*
10 *if any.*

11 (e) *TERMINATION DATE.*—*The authority to carry out*
12 *the pilot program under subsection (a) shall terminate on*
13 *December 31, 2027.*

14 (f) *DEFINITION OF COVERED ELEMENT OF THE INTEL-*
15 *LIGENCE COMMUNITY.*—*In this section, the term “covered*
16 *element of the intelligence community” means the following:*

17 (1) *The Office of the Director of National Intel-*
18 *ligence.*

19 (2) *The Central Intelligence Agency.*

20 (3) *The National Security Agency.*

21 (4) *The National Geospatial-Intelligence Agency.*

22 (5) *The National Reconnaissance Office.*

23 (6) *The Defense Intelligence Agency.*

1 **SEC. 6714. HARMONIZATION OF AUTHORIZATIONS TO OPER-**
2 **ATE.**

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 Armed Services of the Sen-*
8 *ate;*

9 (3) *the Committee on Appropriations of the Sen-*
10 *ate;*

11 (4) *the Committee on Armed Services of the*
12 *House of Representatives; and*

13 (5) *the Committee on Appropriations of the*
14 *House of Representatives.*

15 (b) *PROTOCOL.—Not later than 180 days after the date*
16 *of the enactment of this Act, the Director of National Intel-*
17 *ligence, in coordination with the Secretary of Defense and*
18 *the heads of the elements of the intelligence community,*
19 *shall develop and submit to the appropriate committees of*
20 *Congress a single protocol setting forth policies and proce-*
21 *dures relating to authorizations to operate for Department*
22 *of Defense or intelligence community systems held by indus-*
23 *try providers.*

24 (c) *LIMITATION.—The protocol under subsection (b)*
25 *shall be limited to authorizations to operate for Department*
26 *of Defense and intelligence community systems.*

1 (d) *ELEMENTS.*—*The protocol under subsection (b)*
2 *shall include, at a minimum, the following:*

3 (1) *A policy for reciprocal recognition, as appro-*
4 *priate, among the elements of the intelligence commu-*
5 *nity and the Department of Defense of authorizations*
6 *to operate held by commercial providers. Such recip-*
7 *rocal recognition shall be limited to authorizations to*
8 *operate for systems that collect, process, maintain,*
9 *use, share, disseminate, or dispose of data classified*
10 *at an equal or lower classification level than the*
11 *original authorization.*

12 (2) *Procedures under which, subject to such cri-*
13 *teria as may be prescribed by the Director of National*
14 *Intelligence jointly with the Secretary of Defense, a*
15 *provider that holds an authorization to operate for a*
16 *Department of Defense or intelligence community sys-*
17 *tem may provide to the head of an element of the in-*
18 *telligence community or the Department of Defense*
19 *the most recently updated version of any software,*
20 *data, or application for use on such system without*
21 *being required to submit an application for new or*
22 *renewed authorization.*

23 (3) *Procedures for the review, renewal, and rev-*
24 *ocation of authorizations to operate held by commer-*
25 *cial providers, including procedures for maintaining*

1 *continuous authorizations to operate, subject to such*
2 *conditions as may be prescribed by the Director of*
3 *National Intelligence, in coordination with the Sec-*
4 *retary of Defense. Such procedures may encourage*
5 *greater use of modern security practices already being*
6 *adopted by the Department of Defense and other Fed-*
7 *eral agencies, such as continuous authorization with*
8 *system security focused on continuous monitoring of*
9 *risk and security controls, active system defense, and*
10 *the use of an approved mechanism for secure and con-*
11 *tinuous delivery of software (commonly referred to as*
12 *“DevSecOps”).*

13 *(4) A policy for the harmonization of docu-*
14 *mentation requirements for commercial providers sub-*
15 *mitting applications for authorizations to operate,*
16 *with the goal of a uniform requirement across the De-*
17 *partment of Defense and the elements of the intel-*
18 *ligence community (subject to exceptions established*
19 *by the Director and the Secretary). Such policy shall*
20 *include the following requirements:*

21 *(A) A requirement for the full disclosure of*
22 *evidence in the reciprocity process across the De-*
23 *partment of Defense and the elements of the in-*
24 *telligence community.*

1 (B) *With respect to a system with an exist-*
2 *ing authorization to operate, a requirement for*
3 *approval by the Chief Information Officer or a*
4 *designated official (as the head of the respective*
5 *element of the intelligence community determines*
6 *appropriate) for such system to operate at an*
7 *equal or higher level classification level, to be*
8 *granted prior to the performance of an addi-*
9 *tional security assessment with respect to such*
10 *system, and regardless of which element of the*
11 *intelligence community or Department of De-*
12 *fense granted the original authorization.*

13 (5) *A requirement to establish a joint secure por-*
14 *tal of the Office of the Director of National Intel-*
15 *ligence and the Department of Defense for the mainte-*
16 *nance of records, applications, and system require-*
17 *ments for authorizations to operate.*

18 (6) *A plan to examine, and if necessary, address,*
19 *the shortage of intelligence community and Depart-*
20 *ment of Defense personnel authorized to support and*
21 *grant an authorization to operate. Such plan shall*
22 *include—*

23 (A) *a report on the current average wait*
24 *times for authorizations to operate and backlogs,*

1 *disaggregated by each element of the intelligence*
2 *community and the Department of Defense;*

3 *(B) appropriate recommendations to in-*
4 *crease pay or implement other incentives to re-*
5 *cruit and retain such personnel; and*

6 *(C) a plan to leverage independent third-*
7 *party assessment organizations to support assess-*
8 *ments of applications for authorizations to oper-*
9 *ate.*

10 *(7) Procedures to ensure data security and safety*
11 *with respect to the implementation of the protocol.*

12 *(8) A proposed timeline for the implementation*
13 *of the protocol by the deadline specified in subsection*
14 *(g).*

15 *(e) COORDINATING OFFICIALS.—Not later than 60*
16 *days after the date of the enactment of this Act—*

17 *(1) the Director of National Intelligence shall*
18 *designate an official of the Office of the Director of*
19 *National Intelligence responsible for implementing*
20 *this section on behalf of the Director and leading co-*
21 *ordination across the intelligence community for such*
22 *implementation;*

23 *(2) the Secretary of Defense shall designate an*
24 *official of the Department of Defense responsible for*
25 *implementing this section on behalf of the Secretary*

1 *and leading coordination across the Department of*
2 *Defense for such implementation; and*

3 *(3) each head of an element of the intelligence*
4 *community shall designate an official of that element*
5 *responsible for implementing this section and over-*
6 *seeing implementation of the protocol under sub-*
7 *section (b) with respect to the element.*

8 *(f) DOCUMENTATION REQUIREMENTS.—Under the pro-*
9 *ocol under subsection (b), no head of a Federal agency may*
10 *commence the operation of a system using an authorization*
11 *to operate granted by another Federal agency without pos-*
12 *sessing documentation of the original authorization to oper-*
13 *ate.*

14 *(g) IMPLEMENTATION REQUIRED.—The protocol under*
15 *subsection (b) shall be implemented not later than January*
16 *1, 2025.*

17 **SEC. 6715. PLAN TO EXPAND SENSITIVE COMPARTMENTED**
18 **INFORMATION FACILITY ACCESS BY CERTAIN**
19 **CONTRACTORS; REPORTS ON EXPANSION OF**
20 **SECURITY CLEARANCES FOR CERTAIN CON-**
21 **TRACTORS.**

22 *(a) PLAN; BRIEFING.—*

23 *(1) IN GENERAL.—Not later than 180 days after*
24 *the date of the date of enactment of this Act, the Di-*
25 *rector of National Intelligence, in consultation with*

1 *the Secretary of Defense and the heads of such other*
2 *elements of the intelligence community as the Director*
3 *of National Intelligence may determine appropriate,*
4 *shall—*

5 *(A) develop a plan to expand access by con-*
6 *tractors of small emerging technology companies*
7 *to sensitive compartmented information facilities*
8 *for the purpose of providing such contractors*
9 *with a facility to securely perform work; and*

10 *(B) provide to the congressional intelligence*
11 *committees, the Committee on Armed Services*
12 *and the Committee on Appropriations of the*
13 *Senate, and the Committee on Armed Services*
14 *and the Committee on Appropriations of the*
15 *House of Representatives a briefing on such*
16 *plan.*

17 *(2) MATTERS.—The plan under paragraph (1)*
18 *shall include the following:*

19 *(A) An overview of the existing sensitive*
20 *compartmented information facilities, if any,*
21 *that may be available for the purpose specified*
22 *in paragraph (1).*

23 *(B) An assessment of the feasibility of*
24 *building additional sensitive compartmented in-*
25 *formation facilities for such purpose.*

1 (C) *An assessment of the relative costs and*
2 *benefits of repurposing existing, or building ad-*
3 *ditional, sensitive compartmented information*
4 *facilities for such purpose.*

5 (D) *The eligibility criteria for determining*
6 *which contractors under this section may be*
7 *granted access to sensitive compartmented infor-*
8 *mation facilities for such purpose.*

9 (E) *An estimate of the maximum number of*
10 *contractors that may be provided access to sen-*
11 *sitive compartmented information facilities for*
12 *such purpose, taking into account the matters*
13 *specified in subparagraphs (A) and (B).*

14 (F) *Policies to ensure the efficient and nar-*
15 *row use of sensitive compartmented information*
16 *facilities for such purpose, including a timeline*
17 *for the length of such use by a contractor under*
18 *this section and a detailed description of the*
19 *process to terminate access to the sensitive com-*
20 *partmented information facility by such con-*
21 *tractor upon—*

22 (i) *the expiration of the contract or*
23 *agreement of the contractor; or*

24 (ii) *a determination that the con-*
25 *tractor no longer has a need for such access*

1 to fulfill the terms of such contract or agree-
2 ment.

3 (G) Pricing structures for the use of sen-
4 sitive compartmented information facilities by
5 contractors for the purpose specified in para-
6 graph (1). Such pricing structures—

7 (i) may include free use (for the pur-
8 pose of incentivizing future contracts), with
9 the potential for pricing to increase depend-
10 ent on the length of the contract or agree-
11 ment, the size of the contractor, and the
12 need for such use; and

13 (ii) shall ensure that the cumulative
14 cost for a contractor to rent and independ-
15 ently certify a sensitive compartmented in-
16 formation facility for such purpose does not
17 exceed the market average for the Director of
18 National Intelligence or the Secretary of De-
19 fense to build, certify, and maintain a sen-
20 sitive compartmented information facility.

21 (H) A security plan for vetting each con-
22 tractor prior to the access of a sensitive compart-
23 mented information facility by the contractor for
24 the purpose specified in paragraph (1), and an

1 *assessment of potential security concerns regard-*
2 *ing such access.*

3 *(I) A proposed timeline for the expansion of*
4 *access to sensitive compartmented information*
5 *facilities in accordance with paragraph (1).*

6 *(J) Such other matters as the Director of*
7 *National Intelligence or the Secretary of Defense*
8 *considers relevant to such expansion.*

9 **(b) ELIGIBILITY CRITERIA FOR CONTRACTORS.—***Un-*
10 *less the Director of National Intelligence determines the*
11 *source of the financing of a contractor poses a national se-*
12 *curity risk, such source of financing may not be taken into*
13 *consideration in making a determination as to the eligi-*
14 *bility of the contractor in accordance with subsection*
15 *(a)(2)(D).*

16 **(c) REPORTS ON EXPANSION OF SECURITY CLEAR-**
17 **ANCES FOR CERTAIN CONTRACTORS.—**

18 **(1) REPORTS.—***Not later than 180 days after the*
19 *date of the enactment of this Act, and annually there-*
20 *after for 3 years, the Director of National Intelligence*
21 *and the Secretary of Defense shall jointly submit to*
22 *the congressional intelligence committees, the Com-*
23 *mittee on Armed Services of the Senate, and the Com-*
24 *mittee on Armed Services of the House of Representa-*
25 *tives a report on the extent to which security clear-*

1 *ance requirements delay, limit, or otherwise*
2 *disincentivize emerging technology companies from*
3 *entering into contracts with the United States Gov-*
4 *ernment.*

5 (2) *MATTERS.—Each report under paragraph*
6 *(1) shall include the following:*

7 (A) *Statistics on the periods of time between*
8 *the submission of applications for security clear-*
9 *ances by employees of emerging technology com-*
10 *panies and the grant of such security clearances,*
11 *disaggregated by the size of the respective com-*
12 *pany.*

13 (B) *The number of security clearances*
14 *granted to employees of small emerging tech-*
15 *nology companies during the period covered by*
16 *the report.*

17 (C) *The number of applications for security*
18 *clearances submitted by employees of emerging*
19 *technology companies that have yet to be adju-*
20 *dicated as of the date on which the report is sub-*
21 *mitted.*

22 (D) *A projection, for the year following the*
23 *date on which the report is submitted, of the*
24 *number of security clearances necessary for em-*
25 *ployees of emerging technology companies to per-*

1 *form work on behalf of the intelligence commu-*
2 *nity during such year, and an assessment of the*
3 *capacity of the intelligence community to meet*
4 *such demand.*

5 *(E) An identification of each occurrence,*
6 *during the period covered by the report, in which*
7 *an emerging technology company withdrew from*
8 *or declined to accept a contract with the United*
9 *States Government on the sole basis of delays,*
10 *limitations, or other issues involving security*
11 *clearances, and a description of the types of busi-*
12 *ness the United States Government has lost as a*
13 *result of such occurrences.*

14 *(F) Recommendations for expediting the*
15 *grant of security clearances to employees of*
16 *emerging technology companies, including with*
17 *respect to any additional resources, authorities,*
18 *or personnel that the Director of National Intel-*
19 *ligence determines may be necessary for such ex-*
20 *pedition.*

21 *(3) FORM.—Each report under paragraph (1)*
22 *may be submitted in classified form, but if so sub-*
23 *mitted shall include an unclassified executive sum-*
24 *mary.*

1 (d) *PROPOSAL CONCURRENT WITH BUDGET SUBMIS-*
2 *SION.—At the time that the President submits to Congress*
3 *the budget for fiscal year 2024 pursuant to section 1105*
4 *of title 31, United States Code, the Director of National*
5 *Intelligence shall submit to the congressional intelligence*
6 *committees a proposal to improve the capacity of the work-*
7 *force responsible for the investigation and adjudication of*
8 *security clearances, with the goal of reducing the period of*
9 *time specified in subsection (c)(2)(A) to fewer than 60 days.*
10 *Such proposal shall include an identification of any re-*
11 *sources the Director of National Intelligence determines nec-*
12 *essary to expand the number of individuals authorized to*
13 *conduct polygraphs on behalf of the intelligence community,*
14 *including by furnishing necessary training to such individ-*
15 *uals.*

16 (e) *APPLICABILITY.—The plan, briefing, reports, and*
17 *proposal required by this section shall apply only with re-*
18 *spect to the intelligence community and the Department of*
19 *Defense.*

20 **SEC. 6716. COMPLIANCE BY INTELLIGENCE COMMUNITY**
21 **WITH REQUIREMENTS OF FEDERAL ACQUISI-**
22 **TION REGULATION RELATING TO COMMER-**
23 **CIALY AVAILABLE OFF-THE-SHELF ITEMS**
24 **AND COMMERCIAL SERVICES.**

25 (a) *COMPLIANCE POLICY.—*

1 (1) *REQUIREMENT.*—Not later than 1 year after
2 the date of the enactment of this Act, the Director of
3 National Intelligence shall implement a policy to en-
4 sure that each element of the intelligence community
5 complies with parts 10 and 12 of the Federal Acquisi-
6 tion Regulation with respect to any Federal Acquisi-
7 tion Regulation-based procurements.

8 (2) *ELEMENTS.*—The policy under paragraph
9 (1) shall include the following:

10 (A) Written criteria for an element of the
11 intelligence community to evaluate when a pro-
12 curement of a covered item or service is permis-
13 sible, including—

14 (i) requiring the element to conduct an
15 independent market analysis to determine
16 whether a commercially available off-the-
17 shelf item, nondevelopmental item, or com-
18 mercial service is viable; and

19 (ii) a description of the offeror for such
20 covered item or service and how the covered
21 item or service to be acquired will be inte-
22 grated into existing systems of the intel-
23 ligence community.

1 (B) *A detailed set of performance measures*
2 *for the acquisition personnel of the intelligence*
3 *community that—*

4 (i) *prioritizes adherence to parts 10*
5 *and 12 of the Federal Acquisition Regula-*
6 *tion;*

7 (ii) *encourages acquisition of commer-*
8 *cially available off-the-shelf items, non-*
9 *developmental items, or commercial services;*
10 *and*

11 (iii) *incentivizes such personnel of the*
12 *intelligence community that enter into con-*
13 *tracts for covered items or services only*
14 *when necessary.*

15 (3) *SUBMISSION.—Not later than 180 days after*
16 *the date of the enactment of this Act, the Director of*
17 *National Intelligence shall submit to the congressional*
18 *intelligence committees, the Subcommittee on Defense*
19 *of the Committee on Appropriations of the Senate,*
20 *and the Subcommittee on Defense of the Committee on*
21 *Appropriations of the House of Representatives—*

22 (A) *the policy developed pursuant to para-*
23 *graph (1); and*

1 (B) the plan to implement such policy by
2 not later than 1 year after the date of such en-
3 actment.

4 (4) *MARKET ANALYSIS.*—In carrying out the
5 independent market analysis pursuant to paragraph
6 (2)(A)(i), the Director may enter into a contract with
7 an independent market research group with qualifica-
8 tions and expertise to find available commercial prod-
9 ucts or commercial services to meet the needs of the
10 intelligence community.

11 (b) *ANNUAL REPORTS.*—

12 (1) *REQUIREMENT.*—Not later than 2 years after
13 the date of the enactment of this Act, and annually
14 thereafter for 3 years, the Director, in consultation
15 with the head of each element of the intelligence com-
16 munity, 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 Appropria-
20 tions of the House of Representatives a report on the
21 policy developed under subsection (a).

22 (2) *ELEMENTS.*—Each report under paragraph
23 (1) shall include, with respect to the period covered by
24 the report, the following:

1 (A) *An evaluation of the success of the pol-*
2 *icy, including with respect to the progress the*
3 *elements have made in complying with parts 10*
4 *and 12 of the Federal Acquisition Regulation.*

5 (B) *A description of how any market anal-*
6 *yses are conducted pursuant to subsection*
7 *(a)(2)(A)(i).*

8 (C) *Any recommendations to improve com-*
9 *pliance with such parts 10 and 12.*

10 **SEC. 6717. POLICY ON REQUIRED USER ADOPTION METRICS**
11 **IN CERTAIN CONTRACTS FOR ARTIFICIAL IN-**
12 **TELLIGENCE AND EMERGING TECHNOLOGY**
13 **SOFTWARE PRODUCTS.**

14 (a) *POLICY.—Not later than 180 days after the date*
15 *of the enactment of this Act, the Director of National Intel-*
16 *ligence shall establish a policy regarding user adoption*
17 *metrics for contracts and other agreements for the procure-*
18 *ment of covered products as follows:*

19 (1) *With respect to a contract or other agreement*
20 *entered into between the head of an element of the in-*
21 *telligence community and a commercial provider for*
22 *the procurement of a covered product for users within*
23 *the intelligence community, a requirement that each*
24 *such contract or other agreement include, as a term*
25 *of the contract or agreement, an understanding of the*

1 *anticipated use of the covered product with a clear*
2 *metric for success and for collecting user adoption*
3 *metrics, as appropriate, for assessing the adoption of*
4 *the covered product by such users.*

5 (2) *Such exceptions to the requirements under*
6 *paragraph (1) as may be determined appropriate*
7 *pursuant to guidance established by the Director of*
8 *National Intelligence.*

9 (3) *A requirement that prior to the procurement*
10 *of, or the continuation of the use of, any covered prod-*
11 *uct procured by the head of an element of the intel-*
12 *ligence community, the head has determined a method*
13 *for assessing the success of the covered product from*
14 *user adoption metrics.*

15 (b) *SUBMISSION.—Not later than 60 days after the*
16 *date on which the policy under subsection (a) is established,*
17 *the Director of National Intelligence shall submit to the con-*
18 *gressional intelligence committees, the Subcommittee on De-*
19 *fense of the Committee on Appropriations of the Senate, and*
20 *the Subcommittee on Defense of the Committee on Appro-*
21 *priations of the House of Representatives such policy.*

22 **SEC. 6718. CERTIFICATION RELATING TO INFORMATION**
23 **TECHNOLOGY AND SOFTWARE SYSTEMS.**

24 (a) *CERTIFICATIONS REQUIRED.—Prior to the date on*
25 *which the head of an element of the intelligence community*

1 *enters into, renews, or extends a contract for the acquisition*
2 *of an information technology or software system, the head*
3 *shall certify to the Director of National Intelligence the fol-*
4 *lowing:*

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 emerg-*
11 *ing technologies, such as artificial intelligence.*

12 (3) *That the information technology or software*
13 *system was thoroughly reviewed and alternative prod-*
14 *ucts are not superior to meet the requirements of the*
15 *element.*

16 (b) *EXEMPTION.—The Director of National Intel-*
17 *ligence may exempt elements of the intelligence community,*
18 *as appropriate, from the requirements under (a) if meeting*
19 *such requirements may pose security or operational risks.*

20 (c) *GUIDANCE.—The Director shall issue to the heads*
21 *of the elements of the intelligence community, and submit*
22 *to the congressional intelligence committees, the Sub-*
23 *committee on Defense of the Committee on Appropriations*
24 *of the Senate, and the Subcommittee on Defense of the Com-*

1 *mittee on Appropriations of the House of Representatives,*
2 *guidance to—*

3 (1) *establish guidelines that the heads of the rel-*
4 *evant elements of the intelligence community shall use*
5 *to evaluate the criteria required for the certifications*
6 *under subsection (a);*

7 (2) *incentivize each such head to adopt and inte-*
8 *grate new and emerging technology within informa-*
9 *tion technology and software systems of the element*
10 *and to decommission and replace outdated systems,*
11 *including through potential funding enhancements;*
12 *and*

13 (3) *incentivize, and hold accountable, personnel*
14 *of the intelligence community with respect to the inte-*
15 *gration of new and emerging technology within such*
16 *systems, including through the provision of appro-*
17 *priate 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 en-*
24 *actment of this Act, each senior official within an element*
25 *of the intelligence community identified as a designated ele-*

1 *ment lead pursuant to section 6702(b) shall submit to the*
2 *congressional intelligence committees, the Subcommittee on*
3 *Defense of the Committee on Appropriations of the Senate,*
4 *and the Subcommittee on Defense of the Committee on Ap-*
5 *propriations of the House of Representatives a report on*
6 *the efforts of that element to develop, acquire, adopt, and*
7 *maintain artificial intelligence to improve intelligence col-*
8 *lection and analysis and optimize internal work flows.*
9 *Each such report shall include the following:*

10 (1) *A description of the authorities of the element*
11 *relating to the use of artificial intelligence.*

12 (2) *A list of any resource or authority necessary*
13 *to accelerate the adoption by the element of artificial*
14 *intelligence solutions, including commercial products,*
15 *or personnel authorities.*

16 (3) *A description of the element's roles, respon-*
17 *sibilities, and authorities for accelerating the adop-*
18 *tion by the element of artificial intelligence solutions.*

19 (4) *The application of the policies and principles*
20 *described in section 6702(a)(2) to paragraphs (1), (2),*
21 *and (3).*

22 *(b) AUDITS BY INSPECTORS GENERAL.—*

23 (1) *AUDITS.—Not later than 2 years after the*
24 *date of the enactment of this Act, each inspector gen-*
25 *eral with oversight responsibility for an element of the*

1 *intelligence community shall conduct and audit, and*
2 *brief congressional intelligence committees, the Sub-*
3 *committee on Defense of the Committee on Appropria-*
4 *tions of the Senate, and the Subcommittee on Defense*
5 *of the Committee on Appropriations of the House of*
6 *Representatives the findings of the audit, to evaluate*
7 *the following:*

8 (A) *The efforts of such element to develop,*
9 *acquire, adopt, and maintain artificial intel-*
10 *ligence capabilities for the purpose of improving*
11 *intelligence collection and analysis in a timely*
12 *manner and the extent to which such efforts are*
13 *consistent with the policies and principles de-*
14 *scribed in section 6702(a)(2);*

15 (B) *The degree to which the element has im-*
16 *plemented each of the provisions of this title.*

17 (C) *Any administrative or technical bar-*
18 *riers to the accelerated adoption of artificial in-*
19 *telligence by such element.*

20 (2) *INPUT REQUIRED.—The results of each audit*
21 *under paragraph (1) shall be disaggregated by, and*
22 *include input from, organizational units of the re-*
23 *spective element of the intelligence community that*
24 *focus on the following:*

25 (A) *Acquisitions and contracting.*

1 (B) *Personnel and workforce matters.*

2 (C) *Financial management and budgeting.*

3 (D) *Operations and capabilities.*

4 (3) *AUDIT OF OFFICE OF DIRECTOR OF NATIONAL*
5 *INTELLIGENCE.—With respect to the audit of the Of-*
6 *fice of the Director of National Intelligence conducted*
7 *by the Inspector General of the Intelligence Commu-*
8 *nity under paragraph (1), the Inspector General shall*
9 *also audit the extent to which the Director of National*
10 *Intelligence coordinates across the intelligence commu-*
11 *nity for the purpose of ensuring the adoption of best*
12 *practices, the use of shared contracting vehicles for*
13 *products and services that meet common require-*
14 *ments, the sharing of information, and the efficient*
15 *use of resources, relating to artificial intelligence.*

16 (c) *ANNUAL REPORT BY DIRECTOR OF NATIONAL IN-*
17 *TELLIGENCE.—*

18 (1) *REPORTS.—Not later than 1 year after the*
19 *date of the enactment of this Act, and annually there-*
20 *after for 3 years, the Director of National Intelligence,*
21 *in consultation with the heads of the elements of the*
22 *intelligence community, shall submit to the congress-*
23 *sional intelligence committees, the Subcommittee on*
24 *Defense of the Committee on Appropriations of the*
25 *Senate, and the Subcommittee on Defense of the Com-*

1 *mittee on Appropriations of the House of Representa-*
2 *tives a report on the progress of the adoption of artifi-*
3 *cial intelligence within the intelligence community.*

4 (2) *MATTERS.—Each report under paragraph*
5 *(1) shall include, with respect to the year covered by*
6 *the report, the following:*

7 (A) *A detailed description of the progress of*
8 *each element of the intelligence community in the*
9 *adoption and maintenance of artificial intel-*
10 *ligence during such year, including a detailed*
11 *description of any—*

12 (i) *artificial intelligence programs or*
13 *systems adopted by the element;*

14 (ii) *contracts entered into by the head*
15 *of the element with small- or medium-sized*
16 *emerging technology companies for commer-*
17 *cial products involving artificial intel-*
18 *ligence; and*

19 (iii) *relevant positions established or*
20 *filled within the element.*

21 (B) *A description of any policies of the in-*
22 *telligence community issued during such year*
23 *that relate to the adoption of artificial intel-*
24 *ligence within the intelligence community, in-*
25 *cluding an assessment of the compliance with*

1 *such policies by the elements of the intelligence*
2 *community.*

3 *(C) A list of recommendations for the effi-*
4 *cient, accelerated, and comprehensive adoption of*
5 *artificial intelligence across the intelligence com-*
6 *munity during the year following the year cov-*
7 *ered by the report, including any technological*
8 *advances in artificial intelligence that the intel-*
9 *ligence community should leverage from industry*
10 *actors.*

11 *(D) An overview of the advances of foreign*
12 *adversaries in the field of artificial intelligence,*
13 *and steps that may be taken to ensure the United*
14 *States Government outpaces foreign adversaries*
15 *in such field.*

16 *(E) Any gaps in resource or authorities, or*
17 *other administrative or technical barriers, to the*
18 *adoption of artificial intelligence by the intel-*
19 *ligence community.*

20 *(F) Such other matters as the Director may*
21 *determine appropriate.*

22 *(3) FORM.—Each report under paragraph (1)*
23 *may be submitted in classified form.*

24 *(4) ENTRY BY CHIEF DATA OFFICER.—Each re-*
25 *port under paragraph (1) shall include an entry by*

1 *the Intelligence Community Chief Data Officer that*
2 *addresses each of the matters specified in paragraph*
3 *(2) with respect to the organization of data for the ac-*
4 *celerated adoption of artificial intelligence solutions.*

5 **SEC. 6722. REPORT ON POTENTIAL BENEFITS OF ESTAB-**
6 **LISHMENT OF ICWERX.**

7 *(a) REPORT.—Not later than 180 days after the date*
8 *of enactment of this Act, the Director of National Intel-*
9 *ligence, in coordination with the Director of the Central In-*
10 *telligence Agency and the Director of the National Security*
11 *Agency, shall submit to the congressional intelligence com-*
12 *mittees, the Subcommittee on Defense of the Committee on*
13 *Appropriations of the Senate, and the Subcommittee on De-*
14 *fense of the Committee on Appropriations of the House of*
15 *Representatives an assessment of whether the intelligence*
16 *community would benefit from the establishment of a new*
17 *organization to be known as “ICWERX”, the mission and*
18 *activities of which would incorporate lessons learned from*
19 *AFWERX of the Air Force (or such successor program), the*
20 *Defense Innovation Unit of the Department of Defense, In-*
21 *Q-Tel, and other programs sponsored by the Federal Gov-*
22 *ernment with a focus on accelerating the adoption of emerg-*
23 *ing technologies for mission-relevant applications or inno-*
24 *vation.*

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

3 **(1)** *A review of the existing avenues for small-*
4 *and medium-sized emerging technology companies to*
5 *provide to the intelligence community artificial intel-*
6 *ligence or other technology solutions, including an*
7 *identification, for each of the 5 years preceding the*
8 *year in which the report is submitted, of the annual*
9 *number of such companies that have provided the in-*
10 *telligence community with such solutions.*

11 **(2)** *A review of the existing processes by which*
12 *the heads of the elements of the intelligence commu-*
13 *nity acquire and transition commercial research of*
14 *small- and medium-sized emerging technology compa-*
15 *nies in a prototype or other early developmental*
16 *stage.*

17 **(3)** *An assessment of—*

18 **(A)** *whether the intelligence community is*
19 *currently postured to incorporate the techno-*
20 *logical innovations of emerging technology com-*
21 *panies, including in software and hardware; and*

22 **(B)** *any areas in which the intelligence*
23 *community lacks resources, authorities, per-*
24 *sonnel, expertise, or institutional mechanisms*
25 *necessary for such incorporation.*

1 (4) *An assessment of whether a potential*
2 *ICWERX would be positioned to—*

3 (A) *assist small emerging technology com-*
4 *panies, and potentially medium-sized emerging*
5 *technology companies, in accelerating the pro-*
6 *curement and fielding of innovative technologies;*
7 *and*

8 (B) *provide the intelligence community with*
9 *greater access to innovative companies at the*
10 *forefront of emerging technologies.*

11 (5) *An assessment of the potential costs and ben-*
12 *efits associated with the establishment of ICWERX in*
13 *accordance with subsection (a).*

14 **SEC. 6723. REQUIREMENTS AND REPORT ON WORKFORCE**
15 **NEEDS OF INTELLIGENCE COMMUNITY RE-**
16 **LATING TO SCIENCE, TECHNOLOGY, ENGI-**
17 **NEERING, AND MATH, AND RELATED AREAS.**

18 (a) *REQUIREMENTS.—The Director of National Intel-*
19 *ligence, in coordination with the heads of human capital*
20 *from each element of the intelligence community, shall—*

21 (1) *develop a plan for the recruitment and reten-*
22 *tion of personnel to positions the primary duties of*
23 *which involve the integration, maintenance, or use of*
24 *artificial intelligence (and the retention and training*
25 *of personnel serving in such positions), including*

1 *with respect to the authorities and requirements*
2 *under section 6732(b);*

3 *(2) develop a plan for the review and evaluation,*
4 *on a continuous basis, of the expertise necessary to ac-*
5 *celerate the adoption of artificial intelligence and*
6 *other emerging technology solutions; and*

7 *(3) coordinate and share information and best*
8 *practices relating to such recruitment and retention*
9 *within the element and across the intelligence commu-*
10 *nity.*

11 *(b) REPORT.—*

12 *(1) SUBMISSION.—Not later than January 1,*
13 *2024, the Director of National Intelligence, in coordi-*
14 *nation with heads of human capital from each ele-*
15 *ment of the intelligence community, shall submit to*
16 *the congressional intelligence committees, the Sub-*
17 *committee on Defense of the Committee on Appropria-*
18 *tions of the Senate, and the Subcommittee on Defense*
19 *of the Committee on Appropriations of the House of*
20 *Representatives a single report on the workforce needs*
21 *of each element of the intelligence community relating*
22 *to emerging technologies, with a specific focus on arti-*
23 *ficial intelligence.*

1 (2) *ELEMENTS.*—*The report under paragraph*
2 *(1) shall include, with respect to each element of the*
3 *intelligence community, the following:*

4 (A) *A description of the number and types*
5 *of personnel in work roles whose primary official*
6 *duties include artificial intelligence responsibil-*
7 *ities.*

8 (B) *A detailed description of the plans for*
9 *each element developed pursuant to subsection*
10 *(a).*

11 (3) *OTHER MATTERS.*—*The report under para-*
12 *graph (1) shall also include an assessment of the qual-*
13 *ity and sustainability of the talent pipeline of the in-*
14 *telligence community with respect to talent in emerg-*
15 *ing technologies, including artificial intelligence.*
16 *Such assessment shall include the following:*

17 (A) *A description of the education, recruit-*
18 *ment, and retention programs (including skills-*
19 *based training and career and technical edu-*
20 *cational programs) available to personnel of the*
21 *intelligence community, regardless of whether*
22 *such programs are administered by the head of*
23 *an element of the intelligence community or the*
24 *head of another Federal department or agency,*
25 *and an analysis of how such programs support*

1 *the quality and sustainability of such talent*
2 *pipeline.*

3 *(B) A description of the relevant authorities*
4 *available to the heads of the elements of the intel-*
5 *ligence community to promote the quality and*
6 *sustainability of such talent pipeline.*

7 *(C) An assessment of any gaps in authori-*
8 *ties, resources, recruitment or retention incen-*
9 *tives, skills-based training, or educational pro-*
10 *grams, that may negatively affect the quality or*
11 *sustainability of such talent pipeline.*

12 *(4) FORM.—The report under paragraph (1)*
13 *shall be submitted in classified or unclassified form,*
14 *as appropriate.*

15 *(c) INFORMATION ACCESS.—The heads of the elements*
16 *of the intelligence community shall furnish to the Director*
17 *of National Intelligence such information as may be nec-*
18 *essary for the development of the report under subsection*
19 *(b).*

20 ***Subtitle D—Talent, Education, and***
21 ***Training***

22 ***SEC. 6731. REPORT ON ESTABLISHMENT OF TECHNOLOGY***
23 ***ACQUISITION CADRE.***

24 *(a) REPORT.—Not later than 180 days after the date*
25 *of the enactment of this Act, the Director of National Intel-*

1 *ligence shall submit to the congressional intelligence com-*
2 *mittees, the Subcommittee on Defense of the Committee on*
3 *Appropriations of the Senate, and the Subcommittee on De-*
4 *fense of the Committee on Appropriations of the House of*
5 *Representatives a report containing a feasibility and advis-*
6 *ability study on establishing a cadre of personnel who are*
7 *experts in emerging technologies, software development, sys-*
8 *tems integration, and acquisition, to improve the adoption*
9 *of commercial solutions for emerging technologies across the*
10 *intelligence community, particularly as the technologies re-*
11 *late to artificial intelligence.*

12 (b) *ELEMENTS.*—*The study under subsection (a) shall*
13 *include the following:*

14 (1) *An examination regarding whether a cadre of*
15 *personnel described in subsection (a) would be an ef-*
16 *fective and efficient means to substantially improve*
17 *and accelerate the adoption of commercial artificial*
18 *intelligence and other emerging technology products*
19 *and services in support of the missions of the intel-*
20 *ligence community if the cadre has the capacity and*
21 *relevant expertise to—*

22 (A) *accelerate the adoption of emerging*
23 *technologies, including with respect to artificial*
24 *intelligence;*

1 (B) assist with software development and
2 acquisition; and

3 (C) develop training requirements for acqui-
4 sition professionals within the elements of the in-
5 telligence community.

6 (2) An assessment of—

7 (A) whether the establishment of the cadre
8 would require additional statutory authorities or
9 resources, including to recruit, hire, and retain
10 the talent and expertise needed to establish the
11 cadre;

12 (B) the benefits, costs, and risks associated
13 with the establishment of a cadre;

14 (C) a recommendation on whether to estab-
15 lish the cadre; and

16 (D) if a recommendation to establish the
17 cadre is made, a plan for implementation of the
18 cadre, including the proposed size of the cadre,
19 how the cadre would be resourced, managed, and
20 organized, and whether the cadre should be cen-
21 trally managed or reside at individual elements
22 of the intelligence community.

23 **SEC. 6732. EMERGING TECHNOLOGY EDUCATION AND**
24 **TRAINING.**

25 (a) TRAINING CURRICULUM.—

1 (1) *REQUIREMENT.*—No later than 270 days
2 after the date of the enactment of this Act, the Direc-
3 tor of National Intelligence and the Secretary of De-
4 fense, in consultation with the President of the De-
5 fense Acquisition University and the heads of the ele-
6 ments of the intelligence community that the Director
7 and Secretary determine appropriate, shall jointly es-
8 tablish a training curriculum for members of the ac-
9 quisition workforce in the Department of Defense (as
10 defined in section 101 of title 10, United States Code)
11 and the acquisition officials within the intelligence
12 community focused on improving the understanding
13 and awareness of contracting authorities and proce-
14 dures for the acquisition of emerging technologies.

15 (2) *PROVISION OF TRAINING.*—The Director shall
16 ensure that the training curriculum under paragraph
17 (1) is made available to each element of the intel-
18 ligence community not later than 60 days after the
19 completion of the curriculum.

20 (3) *REPORT.*—Not later than January 1, 2024,
21 the Director and Secretary shall jointly submit to the
22 congressional intelligence committees, the Committee
23 on Armed Services and the Subcommittee on Defense
24 of the Committee on Appropriations of the Senate,
25 and the Committee on Armed Services and the Sub-

1 *committee on Defense of the Committee on Appropriations of the House of Representatives a report containing an update on the status of the curriculum under paragraph (1).*

2 *(b) AGREEMENTS OFFICERS.—Not later than October*
3 *1, 2024, the Director of National Intelligence shall ensure*
4 *that at least 75 percent of the contracting staff within the*
5 *intelligence community whose primary responsibilities include the acquisition of emerging technologies shall have received the appropriate training to become warranted as*
6 *agreements officers who are given authority to execute and*
7 *administer the transactions authorized by paragraph (5)*
8 *of section 102A(n) of the National Security Act of 1947 (50*
9 *U.S.C. 3024(n)), as added by section 6711. The training*
10 *shall include—*

11 *(1) the appropriate courses offered by the Defense*
12 *Acquisition University;*

13 *(2) the training curriculum established under*
14 *subsection (a); and*

15 *(3) best practices for monitoring, identifying,*
16 *and procuring emerging technologies with potential*
17 *benefit to the intelligence community, including commercial services and products.*

18 *(c) ESTABLISHMENT OF EMERGING TECHNOLOGY*
19 *TRAINING ACTIVITIES.—*

1 (1) *REQUIREMENT.*—Not later than January 1,
2 2024, the Director of National Intelligence, in coordi-
3 nation with the heads of the elements of the intel-
4 ligence community that the Director determines rel-
5 evant, shall establish and implement training activi-
6 ties designed for appropriate mid-career and senior
7 managers across the intelligence community to train
8 the managers on how to identify, acquire, implement,
9 and manage emerging technologies as such tech-
10 nologies may be applied to the intelligence commu-
11 nity.

12 (2) *CERTIFICATION.*—Not later than 2 years
13 after the date on which the Director establishes the
14 training activities under paragraph (1), each head of
15 an element of the intelligence community shall certify
16 to the Director whether the managers of the element
17 described in paragraph (1) have successfully com-
18 pleted the education activities.

19 (3) *BRIEFING.*—Not later than January 1, 2024,
20 the Director of National Intelligence shall provide to
21 the congressional intelligence committees, the Sub-
22 committee on Defense of the Committee on Appropria-
23 tions of the Senate, and the Subcommittee on Defense
24 of the Committee on Appropriations of the House of

1 *Representatives a briefing regarding the training ac-*
2 *tivities established under paragraph (1), including—*

3 *(A) an overview of—*

4 *(i) the managers described in para-*
5 *graph (1) who participated in the training*
6 *activities; and*

7 *(ii) what technologies were included in*
8 *the training activities; and*

9 *(B) an identification of other incentives, ac-*
10 *tivities, resources, or programs the Director de-*
11 *termines may be necessary to ensure the man-*
12 *agers are generally trained in the most emerging*
13 *technologies and able to retain and incorporate*
14 *such technologies across the intelligence commu-*
15 *nity.*

16 ***Subtitle E—Other Matters***

17 ***SEC. 6741. IMPROVEMENTS TO USE OF COMMERCIAL SOFT-*** 18 ***WARE PRODUCTS.***

19 *(a) POLICY REGARDING PROCUREMENT OF COMMER-*
20 *CIAL SOFTWARE PRODUCTS.—Not later than 1 year after*
21 *the date of the enactment of this Act, the Director of Na-*
22 *tional Intelligence, in consultation with the heads of the ele-*
23 *ments of the intelligence community and appropriate non-*
24 *governmental experts that the Director determines relevant,*
25 *shall issue an intelligence community-wide policy to ensure*

1 *the procurement of commercial software products by the in-*
2 *telligence community is carried out—*

3 (1) *using, to the extent practicable, standardized*
4 *terminology; and*

5 (2) *in accordance with acquisition and operation*
6 *best practices reflecting modern software as a service*
7 *capabilities.*

8 (b) *ELEMENTS.—The policy issued under subsection*
9 *(a) shall include the following:*

10 (1) *Guidelines for the heads of the elements of the*
11 *intelligence community to determine which contracts*
12 *for commercial software products are covered by the*
13 *policy, including with respect to agreements, author-*
14 *izations to operate, and other acquisition activities.*

15 (2) *Guidelines for using standardized terms in*
16 *such contracts, modeled after commercial best prac-*
17 *tices, including common procedures and language re-*
18 *garding—*

19 (A) *terms for the responsible party and*
20 *timelines for system integration under the con-*
21 *tract;*

22 (B) *a mechanism included in each contract*
23 *to ensure the ability of the vendor to provide,*
24 *and the United States Government to receive,*
25 *continuous updates and version control for the*

1 *software, subject to appropriate security consid-*
2 *erations;*

3 *(C) automatic technological mechanisms for*
4 *security and data validation, including security*
5 *protocols that are predicated on commercial best*
6 *practices; and*

7 *(D) procedures to provide incentives, and a*
8 *technical framework, for system integration for*
9 *new commercial software solutions to fit within*
10 *existing workflows and information technology*
11 *infrastructure.*

12 *(3) Guidelines and a timeline for enforcing the*
13 *policy.*

14 *(c) REPORT.—Not later than January 1, 2025, and*
15 *annually thereafter through 2028, the Director of National*
16 *Intelligence, in coordination with the heads of the elements*
17 *of the intelligence community, shall submit to the congress-*
18 *sional intelligence committees, the Subcommittee on Defense*
19 *of 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 a report on the policy*
22 *issued under subsection (a), including the following with*
23 *respect to the period covered by the report:*

24 *(1) An evaluation of compliance with such policy*
25 *by each of the elements of the intelligence community.*

1 (2) *Additional recommendations to better coordi-*
2 *nate system integration throughout the intelligence*
3 *community using best practices.*

4 **SEC. 6742. CODE-FREE ARTIFICIAL INTELLIGENCE**
5 **ENABLEMENT TOOLS POLICY.**

6 (a) *DRAFT POLICY.*—*Not later than 1 year after the*
7 *date of the enactment of this Act, the Director of National*
8 *Intelligence, in consultation with the Director of the Central*
9 *Intelligence Agency, the Director of the National Security*
10 *Agency, the Director of the National Reconnaissance Office,*
11 *the Director of the National Geospatial-Intelligence Agency,*
12 *and the Director of the Defense Intelligence Agency, and*
13 *any additional heads of the elements of the intelligence com-*
14 *munity that the Director of National Intelligence deter-*
15 *mines appropriate, shall draft a potential policy to promote*
16 *the intelligence community-wide use of code-free artificial*
17 *intelligence enablement tools.*

18 (b) *ELEMENTS.*—*The draft policy under subsection (a)*
19 *shall include the following:*

20 (1) *The objective for the use by the intelligence*
21 *community of code-free artificial intelligence*
22 *enablement tools.*

23 (2) *A detailed set of incentives for using code-free*
24 *artificial intelligence enablement tools.*

1 (3) *A plan to ensure coordination throughout the*
2 *intelligence community, including consideration of*
3 *designating an official of each element of the intel-*
4 *ligence community to oversee implementation of the*
5 *policy and such coordination.*

6 (c) *SUBMISSION.*—*Not later than 180 days after the*
7 *date of the enactment of this Act, the Director of National*
8 *Intelligence shall submit to the congressional intelligence*
9 *committees, the Subcommittee on Defense of the Committee*
10 *on Appropriations of the Senate, and the Subcommittee on*
11 *Defense of the Committee on Appropriations of the House*
12 *of Representatives the following:*

13 (1) *The draft policy under subsection (a).*

14 (2) *A recommendation regarding the feasibility*
15 *and advisability of implementing the draft policy, in-*
16 *cluding an assessment of the costs and advantages*
17 *and disadvantages of such implementation.*

18 (3) *An assessment of whether any element of the*
19 *intelligence community already has a similar existing*
20 *policy.*

21 (4) *A specific plan and timeline of the steps that*
22 *would be necessary to implement the draft policy.*

23 (5) *An assessment of the personnel requirements,*
24 *budget requirements, and any other resource require-*

1 *ments, that would be necessary to implement the draft*
2 *policy in the timeline identified in paragraph (4).*

3 **TITLE LXVIII—OTHER MATTERS**

4 **SEC. 6801. IMPROVEMENTS RELATING TO CONTINUITY OF**
5 **PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
6 **BOARD MEMBERSHIP.**

7 *Paragraph (4) of section 1061(h) of the Intelligence*
8 *Reform and Terrorism Prevention Act of 2004 (42 U.S.C.*
9 *2000ee(h)) is amended to read as follows:*

10 “(4) *TERM.*—

11 “(A) *COMMENCEMENT.*—*Each member of*
12 *the Board shall serve a term of 6 years, com-*
13 *mencing on the date of the appointment of the*
14 *member to the Board.*

15 “(B) *REAPPOINTMENT.*—*A member may be*
16 *reappointed to one or more additional terms.*

17 “(C) *VACANCY.*—*A vacancy on the Board*
18 *shall be filled in the manner in which the origi-*
19 *nal appointment was made.*

20 “(D) *EXTENSION.*—*Upon the expiration of*
21 *the term of office of a member, the member may*
22 *continue to serve for up to one year after the*
23 *date of expiration, at the election of the mem-*
24 *ber—*

1 “(i) during the period preceding the re-
2 appointment of the member pursuant to
3 subparagraph (B); or

4 “(ii) until the member’s successor has
5 been appointed and qualified.”.

6 **SEC. 6802. MODIFICATION OF REQUIREMENT FOR OFFICE**
7 **TO ADDRESS UNIDENTIFIED ANOMALOUS**
8 **PHENOMENA.**

9 (a) *IN GENERAL.*—Section 1683 of the National De-
10 *fense Authorization Act for Fiscal Year 2022 (50 U.S.C.*
11 *3373), as amended by title XVI of this Act, is amended to*
12 *read as follows:*

13 **“SEC. 1683. ESTABLISHMENT OF ALL-DOMAIN ANOMALY**
14 **RESOLUTION OFFICE.**

15 “(a) *ESTABLISHMENT OF OFFICE.*—

16 “(1) *IN GENERAL.*—Not later than 120 days
17 after the date of the enactment of the Intelligence Au-
18 thorization Act for Fiscal Year 2023, the Secretary of
19 Defense, in coordination with the Director of National
20 Intelligence, shall establish an office within a compo-
21 nent of the Office of the Secretary of Defense, or with-
22 in a joint organization of the Department of Defense
23 and the Office of the Director of National Intelligence,
24 to carry out the duties of the Unidentified Aerial Phe-
25 nomena Task Force, as in effect on December 26,

1 *2021, and such other duties as are required by this*
2 *section, including those pertaining to unidentified*
3 *anomalous phenomena.*

4 “(2) *DESIGNATION.*—*The office established under*
5 *paragraph (1) shall be known as the ‘All-domain*
6 *Anomaly Resolution Office’ (in this section referred to*
7 *as the ‘Office’).*”

8 “(b) *DIRECTOR AND DEPUTY DIRECTOR OF THE OF-*
9 *FICE.*—

10 “(1) *APPOINTMENT OF DIRECTOR.*—*The head of*
11 *the Office shall be the Director of the All-domain*
12 *Anomaly Resolution Office (in this section referred to*
13 *as the ‘Director of the Office’), who shall be appointed*
14 *by the Secretary of Defense in consultation with the*
15 *Director of National Intelligence.*”

16 “(2) *APPOINTMENT OF DEPUTY DIRECTOR.*—*The*
17 *Deputy Director of the Office shall be appointed by*
18 *the Director of National Intelligence in coordination*
19 *with the Secretary of Defense.*”

20 “(3) *REPORTING.*—

21 “(A) *IN GENERAL.*—*The Director of the Of-*
22 *fice shall report directly to the Deputy Secretary*
23 *of Defense and the Principal Deputy Director of*
24 *National Intelligence.*”

1 “(B) *ADMINISTRATIVE AND OPERATIONAL*
2 *AND SECURITY MATTERS.*—*The Director of the*
3 *Office shall report—*

4 “(i) *to the Under Secretary of Defense*
5 *for Intelligence and Security on all admin-*
6 *istrative matters of the Office; and*

7 “(ii) *to the Deputy Secretary of De-*
8 *fense and the Principal Deputy Director of*
9 *National Intelligence on all operational and*
10 *security matters of the Office.*

11 “(c) *DUTIES.*—*The duties of the Office shall include*
12 *the following:*

13 “(1) *Developing procedures to synchronize and*
14 *standardize the collection, reporting, and analysis of*
15 *incidents, including adverse physiological effects, re-*
16 *garding unidentified anomalous phenomena across*
17 *the Department of Defense and the intelligence com-*
18 *munity, in coordination with the Director of National*
19 *Intelligence, which shall be provided to the congress-*
20 *sional defense committees, the congressional intel-*
21 *ligence committees, and congressional leadership.*

22 “(2) *Developing processes and procedures to en-*
23 *sure that such incidents from each component of the*
24 *Department and each element of the intelligence com-*
25 *munity are reported and stored in an appropriate*

1 *manner that allows for the integration of analysis of*
2 *such information.*

3 *“(3) Establishing procedures to require the time-*
4 *ly and consistent reporting of such incidents.*

5 *“(4) Evaluating links between unidentified*
6 *anomalous phenomena and adversarial foreign gov-*
7 *ernments, other foreign governments, or nonstate ac-*
8 *tors.*

9 *“(5) Evaluating the threat that such incidents*
10 *present to the United States.*

11 *“(6) Coordinating with other departments and*
12 *agencies of the Federal Government, as appropriate,*
13 *including the Federal Aviation Administration, the*
14 *National Aeronautics and Space Administration, the*
15 *Department of Homeland Security, the National Oce-*
16 *anic and Atmospheric Administration, the National*
17 *Science Foundation, and the Department of Energy.*

18 *“(7) As appropriate, and in coordination with*
19 *the Secretary of State, the Secretary of Defense, and*
20 *the Director of National Intelligence, consulting with*
21 *allies and partners of the United States to better as-*
22 *sess the nature and extent of unidentified anomalous*
23 *phenomena.*

1 “(8) *Preparing reports for Congress, in both clas-*
2 *sified and unclassified form, including under sub-*
3 *section (j).*

4 “(d) *RESPONSE TO AND FIELD INVESTIGATIONS OF*
5 *UNIDENTIFIED ANOMALOUS PHENOMENA.—*

6 “(1) *DESIGNATION.—The Secretary of Defense*
7 *and the Director of National Intelligence shall jointly*
8 *designate from within their respective organizations*
9 *an official, to be under the direction of the Director*
10 *of the Office, responsible for ensuring the appropriate*
11 *expertise, authorities, accesses, data, systems, plat-*
12 *forms, and capabilities are available for the rapid re-*
13 *sponse to, and support for, the conduct of field inves-*
14 *tigations of incidents involving unidentified anoma-*
15 *lous phenomena.*

16 “(2) *ABILITY TO RESPOND.—The Secretary of*
17 *Defense and the Director of National Intelligence shall*
18 *ensure field investigations are supported by personnel*
19 *with the requisite expertise, equipment, transpor-*
20 *tation, and other resources necessary to respond rap-*
21 *idly to incidents or patterns of observations involving*
22 *unidentified anomalous phenomena.*

23 “(e) *SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL*
24 *ANALYSES OF DATA ON UNIDENTIFIED ANOMALOUS PHE-*
25 *NOMENA.—*

1 “(1) *DESIGNATION.*—*The Secretary of Defense,*
2 *in coordination with the Director of National Intel-*
3 *ligence, shall designate one or more line organizations*
4 *that will be primarily responsible for scientific, tech-*
5 *anical, and operational analysis of data gathered by*
6 *field investigations conducted pursuant to subsection*
7 *(d) and data from other sources, including with re-*
8 *spect to the testing of materials, medical studies, and*
9 *development of theoretical models, to better under-*
10 *stand and explain unidentified anomalous phe-*
11 *nomena.*

12 “(2) *AUTHORITY.*—*The Secretary of Defense and*
13 *the Director of National Intelligence shall each issue*
14 *such directives as are necessary to ensure that each*
15 *line organization designated under paragraph (1) has*
16 *authority to draw on the special expertise of persons*
17 *outside the Federal Government with appropriate se-*
18 *curity clearances.*

19 “(f) *DATA; INTELLIGENCE COLLECTION.*—

20 “(1) *AVAILABILITY OF DATA AND REPORTING ON*
21 *UNIDENTIFIED ANOMALOUS PHENOMENA.*—

22 “(A) *AVAILABILITY OF DATA.*—*The Director*
23 *of National Intelligence, in coordination with the*
24 *Secretary of Defense, shall ensure that each ele-*
25 *ment of the intelligence community with data re-*

1 *lating to unidentified anomalous phenomena*
2 *makes such data available immediately to the*
3 *Office.*

4 “(B) *REPORTING.*—*The Director of Na-*
5 *tional Intelligence and the Secretary of Defense*
6 *shall each, in coordination with one another, en-*
7 *sure that military and civilian personnel of the*
8 *Department of Defense or an element of the intel-*
9 *ligence community, and contractor personnel of*
10 *the Department or such an element, have access*
11 *to procedures by which the personnel shall report*
12 *incidents or information, including adverse*
13 *physiological effects, involving or associated with*
14 *unidentified anomalous phenomena directly to*
15 *the Office.*

16 “(2) *INTELLIGENCE COLLECTION AND ANALYSIS*
17 *PLAN.*—*The Director of the Office, acting in coordina-*
18 *tion with the Secretary of Defense and the Director*
19 *of National Intelligence, shall supervise the develop-*
20 *ment and execution of an intelligence collection and*
21 *analysis plan to gain as much knowledge as possible*
22 *regarding the technical and operational characteris-*
23 *tics, origins, and intentions of unidentified anoma-*
24 *lous phenomena, including with respect to the devel-*
25 *opment, acquisition, deployment, and operation of*

1 *technical collection capabilities necessary to detect,*
2 *identify, and scientifically characterize unidentified*
3 *anomalous phenomena.*

4 “(3) *USE OF RESOURCES AND CAPABILITIES.*—
5 *In developing the plan under paragraph (2), the Di-*
6 *rector of the Office shall consider and propose, as ap-*
7 *propriate, the use of any resource, capability, asset,*
8 *or process of the Department and the intelligence*
9 *community.*

10 “(g) *SCIENCE PLAN.*—*The Director of the Office, on*
11 *behalf of the Secretary of Defense and the Director of Na-*
12 *tional Intelligence, shall supervise the development and exe-*
13 *cution of a science plan to develop and test, as practicable,*
14 *scientific theories to—*

15 “(1) *account for characteristics and performance*
16 *of unidentified anomalous phenomena that exceed the*
17 *known state of the art in science or technology, in-*
18 *cluding in the areas of propulsion, aerodynamic con-*
19 *trol, signatures, structures, materials, sensors, coun-*
20 *termeasures, weapons, electronics, and power genera-*
21 *tion; and*

22 “(2) *provide the foundation for potential future*
23 *investments to replicate or otherwise better under-*
24 *stand any such advanced characteristics and perform-*
25 *ance.*

1 “(h) *ASSIGNMENT OF PRIORITY.*—*The Director of Na-*
2 *tional Intelligence, in consultation with and with the rec-*
3 *ommendation of the Secretary of Defense, shall assign an*
4 *appropriate level of priority within the National Intel-*
5 *ligence Priorities Framework to the requirement to under-*
6 *stand, characterize, and respond to unidentified anomalous*
7 *phenomena.*

8 “(i) *DETAILEES FROM ELEMENTS OF THE INTEL-*
9 *LIGENCE COMMUNITY.*—*The heads of the Central Intel-*
10 *ligence Agency, the Defense Intelligence Agency, the Na-*
11 *tional Security Agency, the Department of Energy, the Na-*
12 *tional Geospatial-Intelligence Agency, the intelligence ele-*
13 *ments of the Army, the Navy, the Air Force, the Marine*
14 *Corps, and the Coast Guard, the Department of Homeland*
15 *Security, and such other elements of the intelligence commu-*
16 *nity as the Director of the Office considers appropriate may*
17 *provide to the Office a detailee of the element to be phys-*
18 *ically located at the Office.*

19 “(j) *HISTORICAL RECORD REPORT.*—

20 “(1) *REPORT REQUIRED.*—

21 “(A) *IN GENERAL.*—*Not later than 540*
22 *days after the date of the enactment of the Intel-*
23 *ligence Authorization Act for Fiscal Year 2023,*
24 *the Director of the Office shall submit to the con-*
25 *gressional defense committees, the congressional*

1 *intelligence committees, and congressional leader-*
2 *ship a written report detailing the historical*
3 *record of the United States Government relating*
4 *to unidentified anomalous phenomena, includ-*
5 *ing—*

6 *“(i) the records and documents of the*
7 *intelligence community;*

8 *“(ii) oral history interviews;*

9 *“(iii) open source analysis;*

10 *“(iv) interviews of current and former*
11 *Government officials;*

12 *“(v) classified and unclassified na-*
13 *tional archives including any records any*
14 *third party obtained pursuant to section*
15 *552 of title 5, United States Code; and*

16 *“(vi) such other relevant historical*
17 *sources as the Director of the Office con-*
18 *siders appropriate.*

19 *“(B) OTHER REQUIREMENTS.—The report*
20 *submitted under subparagraph (A) shall—*

21 *“(i) focus on the period beginning on*
22 *January 1, 1945, and ending on the date on*
23 *which the Director of the Office completes*
24 *activities under this subsection; and*

1 “(ii) include a compilation and
2 itemization of the key historical record of
3 the involvement of the intelligence commu-
4 nity with unidentified anomalous phe-
5 nomena, including—

6 “(I) any program or activity that
7 was protected by restricted access that
8 has not been explicitly and clearly re-
9 ported to Congress;

10 “(II) successful or unsuccessful ef-
11 forts to identify and track unidentified
12 anomalous phenomena; and

13 “(III) any efforts to obfuscate,
14 manipulate public opinion, hide, or
15 otherwise provide incorrect unclassified
16 or classified information about uniden-
17 tified anomalous phenomena or related
18 activities.

19 “(2) ACCESS TO RECORDS OF THE NATIONAL AR-
20 CHIVES AND RECORDS ADMINISTRATION.—The Archi-
21 vist of the United States shall make available to the
22 Office such information maintained by the National
23 Archives and Records Administration, including clas-
24 sified information, as the Director of the Office con-
25 siders necessary to carry out paragraph (1).

1 “(k) *ANNUAL REPORTS.*—

2 “(1) *REPORTS FROM DIRECTOR OF NATIONAL IN-*
3 *TELLIGENCE AND SECRETARY OF DEFENSE.*—

4 “(A) *REQUIREMENT.*—*Not later than 180*
5 *days after the date of the enactment of the Intel-*
6 *ligence Authorization Act for Fiscal Year 2023,*
7 *and annually thereafter for four years, the Direc-*
8 *tor of National Intelligence and the Secretary of*
9 *Defense shall jointly submit to the appropriate*
10 *congressional committees a report on unidenti-*
11 *fied anomalous phenomena.*

12 “(B) *ELEMENTS.*—*Each report submitted*
13 *under subparagraph (A) shall include, with re-*
14 *spect to the year covered by the report, the fol-*
15 *lowing information:*

16 “(i) *All reported unidentified anoma-*
17 *lous phenomena-related events that occurred*
18 *during the one-year period.*

19 “(ii) *All reported unidentified anoma-*
20 *lous phenomena-related events that occurred*
21 *during a period other than that one-year*
22 *period but were not included in an earlier*
23 *report.*

24 “(iii) *An analysis of data and intel-*
25 *ligence received through each reported un-*

1 *identified anomalous phenomena-related*
2 *event.*

3 “(iv) *An analysis of data relating to*
4 *unidentified anomalous phenomena collected*
5 *through—*

6 “(I) *geospatial intelligence;*

7 “(II) *signals intelligence;*

8 “(III) *human intelligence; and*

9 “(IV) *measurement and signature*
10 *intelligence.*

11 “(v) *The number of reported incidents*
12 *of unidentified anomalous phenomena over*
13 *restricted airspace of the United States dur-*
14 *ing the one-year period.*

15 “(vi) *An analysis of such incidents*
16 *identified under clause (v).*

17 “(vii) *Identification of potential aero-*
18 *space or other threats posed by unidentified*
19 *anomalous phenomena to the national secu-*
20 *arity of the United States.*

21 “(viii) *An assessment of any activity*
22 *regarding unidentified anomalous phe-*
23 *nomena that can be attributed to one or*
24 *more adversarial foreign governments.*

1 “(ix) Identification of any incidents or
2 patterns regarding unidentified anomalous
3 phenomena that indicate a potential adver-
4 sarial foreign government may have
5 achieved a breakthrough aerospace capa-
6 bility.

7 “(x) An update on the coordination by
8 the United States with allies and partners
9 on efforts to track, understand, and address
10 unidentified anomalous phenomena.

11 “(xi) An update on any efforts under-
12 way on the ability to capture or exploit dis-
13 covered unidentified anomalous phenomena.

14 “(xii) An assessment of any health-re-
15 lated effects for individuals that have en-
16 countered unidentified anomalous phe-
17 nomena.

18 “(xiii) The number of reported inci-
19 dents, and descriptions thereof, of unidenti-
20 fied anomalous phenomena associated with
21 military nuclear assets, including strategic
22 nuclear weapons and nuclear-powered ships
23 and submarines.

24 “(xiv) In consultation with the Admin-
25 istrator for Nuclear Security, the number of

1 reported incidents, and descriptions thereof,
2 of unidentified anomalous phenomena asso-
3 ciated with facilities or assets associated
4 with the production, transportation, or stor-
5 age of nuclear weapons or components
6 thereof.

7 “(xv) In consultation with the Chair-
8 man of the Nuclear Regulatory Commission,
9 the number of reported incidents, and de-
10 scriptions thereof, of unidentified anoma-
11 lous phenomena or drones of unknown ori-
12 gin associated with nuclear power gener-
13 ating stations, nuclear fuel storage sites, or
14 other sites or facilities regulated by the Nu-
15 clear Regulatory Commission.

16 “(xvi) The names of the line organiza-
17 tions that have been designated to perform
18 the specific functions under subsections (d)
19 and (e), and the specific functions for which
20 each such line organization has been as-
21 signed primary responsibility.

22 “(xvii) A summary of the reports re-
23 ceived using the mechanism for authorized
24 reporting established under section 1673 of

1 *the National Defense Authorization Act for*
2 *Fiscal Year 2023.*

3 “(2) *FORM.*—*Each report submitted under para-*
4 *graph (1) shall be submitted in unclassified form, but*
5 *may include a classified annex.*

6 “(l) *SEMIANNUAL BRIEFINGS.*—

7 “(1) *REQUIREMENT.*—*Not later than December*
8 *31, 2022, and not less frequently than semiannually*
9 *thereafter until December 31, 2026, the Director of the*
10 *Office shall provide to the appropriate congressional*
11 *committees classified briefings on unidentified anom-*
12 *alous phenomena.*

13 “(2) *FIRST BRIEFING.*—*The first briefing pro-*
14 *vided under paragraph (1) shall include all incidents*
15 *involving unidentified anomalous phenomena that*
16 *were reported to the Unidentified Aerial Phenomena*
17 *Task Force or to the Office established under sub-*
18 *section (a) after June 24, 2021, regardless of the date*
19 *of occurrence of the incident.*

20 “(3) *SUBSEQUENT BRIEFINGS.*—*Each briefing*
21 *provided subsequent to the first briefing described in*
22 *paragraph (2) shall include, at a minimum, all*
23 *events relating to unidentified anomalous phenomena*
24 *that occurred during the previous 180 days, and*

1 *events relating to unidentified anomalous phenomena*
2 *that were not included in an earlier briefing.*

3 “(4) *INSTANCES IN WHICH DATA WAS NOT*
4 *SHARED.—For each briefing period, the Director of*
5 *the Office shall jointly provide to the chairman or*
6 *chair and the ranking member or vice chairman of*
7 *the congressional committees specified in subpara-*
8 *graphs (A) and (D) of subsection (n)(1) an enumera-*
9 *tion of any instances in which data relating to un-*
10 *identified anomalous phenomena was not provided to*
11 *the Office because of classification restrictions on that*
12 *data or for any other reason.*

13 “(m) *TASK FORCE TERMINATION.—Not later than the*
14 *date on which the Secretary of Defense establishes the Office*
15 *under subsection (a), the Secretary shall terminate the Un-*
16 *identified Aerial Phenomena Task Force.*

17 “(n) *DEFINITIONS.—In this section:*

18 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES.—The term ‘appropriate congressional commit-*
20 *tees’ means the following:*

21 “(A) *The Committees on Armed Services of*
22 *the Senate and the House of Representatives.*

23 “(B) *The Committees on Appropriations of*
24 *the Senate and the House of Representatives.*

1 “(C) *The Committee on Foreign Relations*
2 *of the Senate and the Committee on Foreign Af-*
3 *airs of the House of Representatives.*

4 “(D) *The Select Committee on Intelligence*
5 *of the Senate and the Permanent Select Com-*
6 *mittee on Intelligence of the House of Represent-*
7 *atives.*

8 “(E) *The Committee on Homeland Security*
9 *and Governmental Affairs of the Senate and the*
10 *Committee on Homeland Security of the House*
11 *of Representatives.*

12 “(F) *The Committee on Commerce, Science,*
13 *and Transportation of the Senate and the Com-*
14 *mittee on Science, Space, and Technology of the*
15 *House of Representatives.*

16 “(2) *CONGRESSIONAL DEFENSE COMMITTEES.—*
17 *The term ‘congressional defense committees’ has the*
18 *meaning given such term in section 101(a) of title 10,*
19 *United States Code.*

20 “(3) *CONGRESSIONAL INTELLIGENCE COMMIT-*
21 *TEES.—The term ‘congressional intelligence commit-*
22 *tees’ has the meaning given such term in section 3 of*
23 *the National Security Act of 1947 (50 U.S.C. 3003).*

24 “(4) *CONGRESSIONAL LEADERSHIP.—The term*
25 *‘congressional leadership’ means—*

1 “(A) *the majority leader of the Senate;*

2 “(B) *the minority leader of the Senate;*

3 “(C) *the Speaker of the House of Represent-*
4 *atives; and*

5 “(D) *the minority leader of the House of*
6 *Representatives.*

7 “(5) *INTELLIGENCE COMMUNITY.*—*The term ‘in-*
8 *telligence community’ has the meaning given such*
9 *term in section 3 of the National Security Act of 1947*
10 *(50 U.S.C. 3003).*

11 “(6) *LINE ORGANIZATION.*—*The term ‘line orga-*
12 *nization’ means, with respect to a department or*
13 *agency of the Federal Government, an organization*
14 *that executes programs and activities to directly ad-*
15 *vance the core functions and missions of the depart-*
16 *ment or agency to which the organization is subordi-*
17 *nate, but, with respect to the Department of Defense,*
18 *does not include a component of the Office of the Sec-*
19 *retary of Defense.*

20 “(7) *TRANSMEDIUM OBJECTS OR DEVICES.*—*The*
21 *term ‘transmedium objects or devices’ means objects or*
22 *devices that are—*

23 “(A) *observed to transition between space*
24 *and the atmosphere, or between the atmosphere*
25 *and bodies of water; and*

1 “(B) not immediately identifiable.

2 “(8) UNIDENTIFIED ANOMALOUS PHENOMENA.—
3 The term ‘unidentified anomalous phenomena’
4 means—

5 “(A) airborne objects that are not imme-
6 diately identifiable;

7 “(B) transmedium objects or devices; and

8 “(C) submerged objects or devices that are
9 not immediately identifiable and that display
10 behavior or performance characteristics sug-
11 gesting that the objects or devices may be related
12 to the objects described in subparagraph (A).”.

13 (b) CLERICAL AMENDMENT.—The table of contents in
14 section 2(b) of such Act is amended by striking the item
15 relating to section 1683 of division A and inserting the fol-
16 lowing new item:

 “Sec. 1683. Establishment of All-domain Anomaly Resolution Office.”.

17 **SEC. 6803. COMPTROLLER GENERAL OF THE UNITED**
18 **STATES AUDITS AND BRIEFINGS ON UNIDEN-**
19 **TIFIED ANOMALOUS PHENOMENA HISTOR-**
20 **ICAL RECORD REPORT.**

21 (a) DEFINITIONS.—In this section, the terms “congres-
22 sional leadership” and “Office” have the meanings given
23 such terms in section 1683 of the National Defense Author-
24 ization Act for Fiscal Year 2022 (50 U.S.C. 3373), as
25 amended by section 6802.

1 **(b) AUDIT.**—

2 **(1) IN GENERAL.**—*Not later than 90 days after*
3 *the date of the enactment of this Act, the Comptroller*
4 *General of the United States shall identify appro-*
5 *priately cleared personnel of the Government Account-*
6 *ability Office to audit the historical record report*
7 *process described in section 1683 of the National De-*
8 *fense Authorization Act for Fiscal Year 2022 (50*
9 *U.S.C. 3373), as amended by section 6802, including*
10 *personnel to conduct work on-site as appropriate.*

11 **(2) PROVISION OF INFORMATION.**—*On a quar-*
12 *terly basis, and as appropriate and consistent with*
13 *Government Auditing Standards, the Comptroller*
14 *General of the United States shall provide the Office*
15 *with information on the findings of any audits con-*
16 *ducted by the personnel identified under paragraph*
17 *(1).*

18 **(c) VERBAL BRIEFINGS.**—*Not later than 180 days*
19 *after the date of the enactment of this Act, and semiannu-*
20 *ally thereafter, the Comptroller General of the United States*
21 *shall verbally brief the congressional intelligence commit-*
22 *tees, the congressional defense committees, and congressional*
23 *leadership on the progress of the Office with respect to the*
24 *historical record report described in section 1683 of the Na-*
25 *tional Defense Authorization Act for Fiscal Year 2022 (50*

1 *U.S.C. 3373), as amended by section 6802, and compliance*
2 *with legislative requirements.*

3 *(d) RULE OF CONSTRUCTION.—Nothing in this section*
4 *shall be construed to restrict access of a committee of Con-*
5 *gress under section 719(f) of title 31, United States Code,*
6 *to an audit under subsection (b).*

7 **SEC. 6804. REPORT ON PRECURSOR CHEMICALS USED IN**
8 **THE PRODUCTION OF SYNTHETIC OPIOIDS.**

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 the Judiciary, the Com-*
14 *mittee on Homeland Security and Governmental Af-*
15 *airs, the Committee on Foreign Relations, the Com-*
16 *mittee on Commerce, Science, and Transportation,*
17 *and the Committee on Appropriations of the Senate;*
18 *and*

19 *(3) the Committee on the Judiciary, the Com-*
20 *mittee on Homeland Security, the Committee on For-*
21 *oreign Affairs, the Committee on Energy and Com-*
22 *merce, and the Committee on Appropriations of the*
23 *House of Representatives.*

24 *(b) IN GENERAL.—Not later than 180 days after the*
25 *date of the enactment of this Act, the Director of National*

1 *Intelligence shall submit to the appropriate committees of*
2 *Congress a report on licit precursor chemicals originating*
3 *abroad, including in the People’s Republic of China and*
4 *any other country the Director considers appropriate, that*
5 *are bound for use in the illicit production of synthetic*
6 *opioids intended for distribution in the United States.*

7 (c) *FORM OF REPORT.*—*The report submitted under*
8 *subsection (b) shall be submitted in unclassified form, but*
9 *may include a classified annex produced consistent with the*
10 *protection of sources and methods.*

11 **SEC. 6805. ASSESSMENT AND REPORT ON MASS MIGRATION**
12 **IN THE WESTERN HEMISPHERE.**

13 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
14 *CONGRESS.*—*In this section, the term “appropriate com-*
15 *mittees of Congress” means—*

16 (1) *the congressional intelligence committees;*

17 (2) *the Committee on Foreign Relations, the*
18 *Committee on the Judiciary, the Committee on Home-*
19 *land Security and Governmental Affairs, and the*
20 *Committee on Appropriations of the Senate; and*

21 (3) *the Committee on Foreign Affairs, the Com-*
22 *mittee on the Judiciary, the Committee on Homeland*
23 *Security, and the Committee on Appropriations of the*
24 *House of Representatives.*

1 (b) *IN GENERAL.*—Not later than 90 days after the
2 date of the enactment of this Act, the Director of National
3 Intelligence shall assess, and submit to the appropriate com-
4 mittees of Congress a report on—

5 (1) *the threats to the interests of the United*
6 *States created or enhanced by, or associated with, the*
7 *mass migration of people within the Western Hemi-*
8 *sphere, particularly to the southern border of the*
9 *United States; and*

10 (2) *the use of or the threat of using mass migra-*
11 *tion in the Western Hemisphere by the regimes of*
12 *Daniel Ortega in Nicaragua, Nicolás Maduro in Ven-*
13 *ezuela, and the regime of Miguel Díaz-Canel and*
14 *Raúl Castro in Cuba—*

15 (A) *to effectively curate populations so that*
16 *people who remain in those countries are power-*
17 *less to meaningfully dissent; and*

18 (B) *to enable the increase of remittances*
19 *from migrants residing in the United States as*
20 *a result of the mass migration to help finance*
21 *the regimes in Nicaragua, Venezuela, and Cuba.*

22 (c) *FORM OF REPORT.*—The report submitted under
23 subsection (b) shall be submitted in unclassified form, but
24 may include a classified annex.

1 **SEC. 6806. REPORT ON INTERNATIONAL NORMS, RULES,**
2 **AND PRINCIPLES APPLICABLE IN SPACE.**

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 congressional defense committees;*

8 (3) *the Committee on Foreign Relations and the*
9 *Committee on Commerce, Science, and Transpor-*
10 *tation of the Senate; and*

11 (4) *the Committee on Foreign Affairs, the Com-*
12 *mittee on Science, Space, and Technology, and the*
13 *Committee on Energy and Commerce of the House of*
14 *Representatives.*

15 (b) *IN GENERAL.—Not later than 90 days after the*
16 *date of the enactment of this Act, the Chair of the National*
17 *Space Council, in consultation with the Director of Na-*
18 *tional Intelligence, the Secretary of State, the Secretary of*
19 *Defense, the Secretary of Commerce, the Administrator of*
20 *the National Aeronautics and Space Administration, and*
21 *the heads of any other agencies as the Chair considers nec-*
22 *essary, shall submit to the appropriate committees of Con-*
23 *gress a report on voluntary, non-legally binding responsible*
24 *international norms, rules, and principles applicable in*
25 *space.*

1 (c) *ELEMENTS.*—*The report submitted under sub-*
2 *section (b) shall—*

3 (1) *identify threats to the interests of the United*
4 *States in space that may be mitigated by voluntary,*
5 *non-legally binding responsible international norms,*
6 *rules, and principles;*

7 (2) *identify opportunities for the United States*
8 *to influence voluntary, non-legally binding respon-*
9 *sible international norms, rules, and principles appli-*
10 *cable in space, including through bilateral and multi-*
11 *lateral engagement;*

12 (3) *assess the willingness of space faring foreign*
13 *nations to adhere to voluntary, non-legally-binding*
14 *responsible international norms, rules, or principles*
15 *applicable in space;*

16 (4) *include a list and description of known or*
17 *suspected adversary offensive weapon systems that*
18 *could be used to degrade or destroy satellites in orbit*
19 *during the previous five years;*

20 (5) *include a list and description of known or*
21 *suspected adversary offensive weapon systems in de-*
22 *velopment that could be used to degrade or destroy*
23 *satellites that are anticipated to be put operational*
24 *during the course of the next five years; and*

1 (6) *include an analysis of the extent to which*
2 *adversary space faring foreign nations use civilian*
3 *and commercial space assets, and civilian and com-*
4 *mercial space relationship, to advance military and*
5 *intelligence programs and activities.*

6 (d) *INPUT FROM COMMERCIAL SPACE SECTOR.—In*
7 *identifying threats under subsection (c)(1), the Chair of the*
8 *National Space Council shall obtain input from the com-*
9 *mercial space sector.*

10 (e) *FORM.—The report submitted under subsection (b)*
11 *shall be submitted in unclassified form, but may include*
12 *a classified annex.*

13 **SEC. 6807. ASSESSMENTS OF THE EFFECTS OF SANCTIONS**
14 **IMPOSED WITH RESPECT TO THE RUSSIAN**
15 **FEDERATION’S INVASION OF UKRAINE.**

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 Foreign Relations, the*
21 *Committee on Banking, Housing, and Urban Affairs,*
22 *the Committee on Armed Services, and the Committee*
23 *on Appropriations of the Senate; and*

24 (3) *the Committee on Foreign Affairs, the Com-*
25 *mittee on Financial Services, the Committee on*

1 *Armed Services, the Committee on Ways and Means,*
2 *and the Committee on Appropriations of the House of*
3 *Representatives.*

4 *(b) IN GENERAL.—Not later than 180 days after the*
5 *date of the enactment of this Act, and every 180 days there-*
6 *after for 2 years, the Director of National Intelligence shall,*
7 *in coordination with the Secretary of State, the Secretary*
8 *of the Treasury, and the heads of such other government*
9 *agencies as the Director considers appropriate, submit to*
10 *the appropriate committees of Congress an assessment of the*
11 *cumulative and material effects of the sanctions imposed*
12 *by the United States, European countries, and the inter-*
13 *national community with respect to the Russian Federation*
14 *in response to the February 24, 2022, full-scale invasion*
15 *of Ukraine and subsequent actions by the Russian Federa-*
16 *tion.*

17 *(c) ELEMENTS.—Each assessment submitted under*
18 *subsection (b) shall include the following:*

19 *(1) A description of efforts by the Russian Fed-*
20 *eration to evade or circumvent sanctions imposed by*
21 *the United States, European countries, or the inter-*
22 *national community through direct or indirect en-*
23 *gagement or direct or indirect assistance from—*

24 *(A) the regimes in Cuba and Nicaragua*
25 *and the regime of Nicolás Maduro in Venezuela;*

1 (B) the People's Republic of China;
2 (C) the Islamic Republic of Iran; and
3 (D) any other country the Director con-
4 siders appropriate.

5 (2) An assessment of the cumulative effect of the
6 efforts described in paragraph (1), including on the
7 Russian Federation's strategic relationship with the
8 regimes and countries described in such paragraph.

9 (3) A description of the material effect of the
10 sanctions described in subsection (b), including the ef-
11 fect of those sanctions on individual sectors of the
12 economy of Russia, senior leadership, senior military
13 officers, state-sponsored actors, and other state-affili-
14 ated actors in the Russian Federation that are either
15 directly or incidentally subject to such sanctions.
16 Such description shall include a discussion of those
17 sanctions that had significant effects, as well as those
18 that had no observed effects.

19 (4) Methodologies for assessing the effects of dif-
20 ferent categories of financial and economic sanctions
21 on the targets of such action, including with respect
22 to specific industries, entities, individuals, and trans-
23 actions.

24 (5) A description of evasion techniques, includ-
25 ing the use of digital assets, used by the Government

1 *of Russia, entities and persons covered by the sanc-*
2 *tions, and by other governments, entities, and persons*
3 *who have assisted in the use of such techniques, in re-*
4 *sponse to the sanctions.*

5 *(6) A description of any developments by other*
6 *countries in creating alternative payment systems as*
7 *a result of the invasion of Ukraine.*

8 *(7) An assessment of how countries have assessed*
9 *the risk of holding reserves in United States dollars*
10 *since the February 24, 2022, invasion of Ukraine.*

11 *(8) If sufficient collection allows, an assessment*
12 *of the impact of any general licenses issued in rela-*
13 *tion to the sanctions described in subsection (b), in-*
14 *cluding—*

15 *(A) the extent to which authorizations for*
16 *internet-based communications have enabled con-*
17 *tinued monetization by Russian influence actors,*
18 *while not silencing human-right activists and*
19 *independent media; and*

20 *(B) the extent to which licenses authorizing*
21 *energy-related transactions have affected the*
22 *Russian Federation's ability to earn hard cur-*
23 *rency.*

1 (d) *FORM OF ASSESSMENTS.*—*Each assessment sub-*
2 *mitted under subsection (b) shall be submitted in unclassi-*
3 *fied form and include a classified annex.*

4 **SEC. 6808. ASSESSMENT OF IMPACT OF RUSSIA’S INVASION**
5 **OF UKRAINE ON FOOD SECURITY.**

6 (a) *DEFINITION OF APPROPRIATE COMMITTEES OF*
7 *CONGRESS.*—*In this section, the term “appropriate com-*
8 *mittees of Congress” means—*

9 (1) *the congressional intelligence committees;*

10 (2) *the Committee on Foreign Relations, the*
11 *Committee on Armed Services, and the Committee on*
12 *Appropriations of the Senate; and*

13 (3) *the Committee on Foreign Affairs, the Com-*
14 *mittee on Armed Services, and the Committee on Ap-*
15 *propriations of the House of Representatives.*

16 (b) *ASSESSMENT.*—

17 (1) *IN GENERAL.*—*Not later than 120 days after*
18 *the date of the enactment of this Act, the Director of*
19 *National Intelligence shall, in coordination with the*
20 *Assistant Secretary of State for Intelligence and Re-*
21 *search and such other heads of elements of the intel-*
22 *ligence community as the Director determines appro-*
23 *priate, submit to the appropriate committees of Con-*
24 *gress an assessment of the current and potential im-*

1 *pact of the invasion by Russia of Ukraine on global*
2 *food security.*

3 (2) *ELEMENTS.—The assessment under para-*
4 *graph (1) shall include the following:*

5 (A) *An assessment of the current and poten-*
6 *tial impact of the invasion by Russia of Ukraine*
7 *on food security, disaggregated by region.*

8 (B) *An analysis of the potential for polit-*
9 *ical instability and security crises to occur as a*
10 *result of such food insecurity, disaggregated by*
11 *region.*

12 (C) *A description of the factors that could*
13 *reduce or increase the effects of such food insecu-*
14 *rity on political stability and security,*
15 *disaggregated by region.*

16 (D) *An assessment of the efforts of Russia to*
17 *steal grain from illegally occupied territories in*
18 *Ukraine and a list of customers who have pur-*
19 *chased such stolen grain.*

20 (E) *An assessment of whether Russia has*
21 *taken intentional steps to cause a global food*
22 *shortage.*

23 (3) *FORM.—The assessment under paragraph (1)*
24 *shall be submitted in unclassified form, but may in-*
25 *clude a classified annex.*

1 (c) *BRIEFING*.—Not later than 30 days after the date
2 on which the assessment prepared under subsection (b)(1)
3 is completed, the Director of National Intelligence shall brief
4 the appropriate committees of Congress on the findings of
5 the Director with respect to the assessment.

6 **SEC. 6809. PILOT PROGRAM FOR DIRECTOR OF FEDERAL**
7 **BUREAU OF INVESTIGATION TO UNDERTAKE**
8 **AN EFFORT TO IDENTIFY INTERNATIONAL**
9 **MOBILE SUBSCRIBER IDENTITY-CATCHERS.**

10 Section 5725 of the Damon Paul Nelson and Matthew
11 Young Pollard Intelligence Authorization Act for Fiscal
12 Years 2018, 2019, and 2020 (50 U.S.C. 3024 note; Public
13 Law 116–92) is amended—

14 (1) in subsection (a), in the matter before para-
15 graph (1)—

16 (A) by striking “The Director of National
17 Intelligence and the Director of the Federal Bu-
18 reau of Investigation” and inserting “The Direc-
19 tor of the Federal Bureau of Investigation”;

20 (B) by inserting “the Director of National
21 Intelligence,” before “the Under Secretary”; and

22 (C) by striking “Directors determine” and
23 inserting “Director of the Federal Bureau of In-
24 vestigation determines”;

1 (2) *by redesignating subsections (b) and (c) as*
2 *subsections (d) and (e), respectively;*

3 (3) *by inserting after subsection (a) the fol-*
4 *lowing:*

5 “(b) *PILOT PROGRAM.—*

6 “(1) *IN GENERAL.—The Director of the Federal*
7 *Bureau of Investigation, in collaboration with the Di-*
8 *rector of National Intelligence, the Under Secretary of*
9 *Homeland Security for Intelligence and Analysis, and*
10 *the heads of such other Federal, State, or local agen-*
11 *cies as the Director of the Federal Bureau of Inves-*
12 *tigation determines appropriate, and in accordance*
13 *with applicable law and policy, shall conduct a pilot*
14 *program designed to implement subsection (a)(1)(A)*
15 *with respect to the National Capital Region.*

16 “(2) *COMMENCEMENT; COMPLETION.—The Direc-*
17 *tor of the Federal Bureau of Investigation shall—*

18 “(A) *commence carrying out the pilot pro-*
19 *gram required by paragraph (1) not later than*
20 *180 days after the date of the enactment of the*
21 *Intelligence Authorization Act for Fiscal Year*
22 *2023; and*

23 “(B) *complete the pilot program not later*
24 *than 2 years after the date on which the Director*

1 *commences carrying out the pilot program under*
2 *subparagraph (A).*

3 “(c) *NOTIFICATIONS REQUIRED.—The Director of the*
4 *Federal Bureau of Investigation shall notify the majority*
5 *leader of the Senate, the minority leader of the Senate, the*
6 *Speaker of the House of Representatives, the minority lead-*
7 *er of the House of Representatives, and the Capitol Police*
8 *Board of—*

9 “(1) *the placement of sensors designed to identify*
10 *International Mobile Subscriber Identity-catchers ca-*
11 *pable of conducting surveillance against the United*
12 *States Capitol or associated buildings and facilities;*
13 *and*

14 “(2) *the discovery of any International Mobile*
15 *Subscriber Identity-catchers capable of conducting*
16 *surveillance against the United States Capitol or as-*
17 *sociated buildings and facilities and any counter-*
18 *measures against such International Mobile Sub-*
19 *scriber Identity-catchers.”; and*

20 “(4) *in subsection (d), as redesignated by para-*
21 *graph (2)—*

22 “(A) *in the matter before paragraph (1), by*
23 *striking “Prior” and all that follows through*
24 *“Investigation” and inserting “Not later than*
25 *180 days after the date on which the Director of*

1 *the Federal Bureau of Investigation determines*
2 *that the pilot program required by subsection*
3 *(b)(1) is operational, the Director”;*

4 *(B) in paragraph (1), by striking “within*
5 *the United States”;* and

6 *(C) in paragraph (2), by striking “by the*
7 *intelligence community” and inserting “deployed*
8 *by the Federal Bureau of Investigation”.*

9 **SEC. 6810. DEPARTMENT OF STATE BUREAU OF INTEL-**
10 **LIGENCE AND RESEARCH ASSESSMENT OF**
11 **ANOMALOUS HEALTH INCIDENTS.**

12 *(a) APPROPRIATE COMMITTEES OF CONGRESS DE-*
13 *FINED.—In this section, the term “appropriate committees*
14 *of Congress” means—*

15 *(1) the congressional intelligence committees;*

16 *(2) the Committee on Armed Services, the Com-*
17 *mittee on Foreign Relations, and the Committee on*
18 *Appropriations of the Senate; and*

19 *(3) the Committee on Armed Services, the Com-*
20 *mittee on Foreign Affairs, and the Committee on Ap-*
21 *propriations of the House of Representatives.*

22 *(b) ASSESSMENT REQUIRED.—Not later than 90 days*
23 *after the date of the enactment of this Act, the Assistant*
24 *Secretary of State for Intelligence and Research shall sub-*
25 *mit to the appropriate committees of Congress an assess-*

1 *ment of the findings relating to the events that have been*
2 *collectively labeled as “anomalous health incidents”.*

3 *(c) CONTENTS.—The assessment submitted under sub-*
4 *section (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 National*
21 *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 Authoriza-*

1 *tion Act for Fiscal Year 2020 (50 U.S.C. 3369a) is amend-*
2 *ed—*

3 *(1) by striking subsection (d); and*

4 *(2) by redesignating subsection (e) as subsection*
5 *(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 2004*
10 *(6 U.S.C. 485) is amended—*

11 *(A) by striking subsection (h); and*

12 *(B) by redesignating subsections (i) through*
13 *(l) as subsections (h) through (k), respectively.*

14 *(2) CONFORMING AMENDMENT.—Section 210(b)*
15 *of the Homeland Security Act of 2002 (6 U.S.C.*
16 *124g(b)) is amended by striking “section 1016(i) of*
17 *the Intelligence Reform and Terrorism Prevention Act*
18 *of 2004 (6 U.S.C. 485(i))” and inserting “section*
19 *1016(h) of the Intelligence Reform and Terrorism*
20 *Prevention Act of 2004 (6 U.S.C. 485(h))”.*

21 *(d) PERIODIC REPORTS ON ACTIVITIES OF PRIVACY*
22 *OFFICERS AND CIVIL LIBERTIES OFFICERS.—Section*
23 *1062(f)(1) of the Intelligence Reform and Terrorism Preven-*
24 *tion Act of 2004 (42 U.S.C. 2000ee–1(f)(1)) is amended,*

1 *in the matter preceding subparagraph (A), by striking*
2 *“semiannually” and inserting “annually”.*

3 *(e) BRIEFING ON HIZBALLAH’S ASSETS AND ACTIVI-*
4 *TIES RELATED TO FUNDRAISING, FINANCING, AND MONEY*
5 *LAUNDERING WORLD-WIDE.—Section 204(b) of the*
6 *Hizballah International Financing Prevention Act of 2015*
7 *(Public Law 114–102; 129 Stat. 2212) is amended by strik-*
8 *ing “every 180 days” and inserting “annually”.*

9 *(f) INSPECTORS GENERAL REPORTS ON CLASSIFICA-*
10 *TION.—Section 6721(a) of the National Defense Authoriza-*
11 *tion Act for Fiscal Year 2020 (Public Law 116–92; 133*
12 *Stat. 2231) is amended by striking “per year in each of*
13 *the three” and inserting “every two years in each of the*
14 *six”.*

15 *(g) REPORT ON EFFORTS OF STATE SPONSORS OF*
16 *TERRORISM, OTHER FOREIGN COUNTRIES, OR ENTITIES*
17 *TO ILLICITLY ACQUIRE SATELLITES AND RELATED*
18 *ITEMS.—Section 1261(e)(1) of the National Defense Author-*
19 *ization Act for Fiscal Year 2013 (Public Law 112–239; 126*
20 *Stat. 2019) is amended by striking “annually” and insert-*
21 *ing “once every two years”.*

22 *(h) REPORTS AND BRIEFINGS ON DIRECTOR OF NA-*
23 *TIONAL INTELLIGENCE PROGRAM ON USE OF INTEL-*
24 *LIGENCE RESOURCES IN EFFORTS TO SANCTION FOREIGN*
25 *OPIOID TRAFFICKERS.—Section 7231(c) of the National*

1 *Defense Authorization Act for Fiscal Year 2020 (21 U.S.C.*
2 *2331(c)) is amended—*

3 *(1) in the subsection heading, by inserting “AND*
4 *BRIEFINGS” after “REPORTS”; and*

5 *(2) in paragraph (1)—*

6 *(A) by striking “(1) QUARTERLY REPORTS*
7 *ON PROGRAM.—Not later than” and inserting the*
8 *following:*

9 *“(1) REPORTS AND BRIEFINGS ON PROGRAM.—*

10 *“(A) ANNUAL REPORTS.—Not later than”;*

11 *(B) in subparagraph (A), as designated by*
12 *subparagraph (A) of this paragraph—*

13 *(i) by striking “every 90 days” and in-*
14 *serting “annually”;*

15 *(ii) by striking “90-day period” and*
16 *inserting “year”; and*

17 *(iii) by striking “under this para-*
18 *graph” and inserting “under this subpara-*
19 *graph”; and*

20 *(C) by adding at the end the following:*

21 *“(B) SEMIANNUAL BRIEFINGS.—On a semi-*
22 *annual basis, the Director of National Intel-*
23 *ligence and the Director of the Office of National*
24 *Drug Control Policy shall jointly brief the ap-*
25 *propriate congressional committees and leader-*

1 *ship on the status and accomplishments of the*
2 *program required by subsection (a).”.*

3 **SEC. 6812. INCREASED INTELLIGENCE-RELATED ENGINEER-**
4 **ING, RESEARCH, AND DEVELOPMENT CAPA-**
5 **BILITIES OF MINORITY INSTITUTIONS.**

6 *(a) PLAN.—*

7 *(1) REQUIREMENT.—The Director of National*
8 *Intelligence shall develop a plan to promote intel-*
9 *ligence-related engineering, research, and development*
10 *activities at covered institutions for the purpose of*
11 *contributing toward the research necessary to achieve*
12 *the intelligence advantage of the United States.*

13 *(2) ELEMENTS.—The plan under paragraph (1)*
14 *shall include the following:*

15 *(A) An assessment of opportunities to sup-*
16 *port engineering, research, and development at*
17 *covered institutions in computer sciences, includ-*
18 *ing artificial intelligence, quantum computing,*
19 *and machine learning, and synthetic biology and*
20 *an assessment of opportunities to support the as-*
21 *sociated workforce and physical research infra-*
22 *structure of such institutions.*

23 *(B) An assessment of opportunities to en-*
24 *hance the ability of covered institutions—*

1 (i) to participate in intelligence-related
2 engineering, research, and development ac-
3 tivities; and

4 (ii) to effectively compete for intel-
5 ligence-related engineering, research and de-
6 velopment contracts in support of the most
7 urgent research requirements of the intel-
8 ligence community.

9 (C) An assessment of the activities and in-
10 vestments the Director determines necessary—

11 (i) to expand opportunities for covered
12 institutions to partner with other research
13 organizations and educational institutions
14 that the intelligence community frequently
15 partners with to conduct research; and

16 (ii) to increase participation of covered
17 institutions in intelligence-related engineer-
18 ing, research, and development activities.

19 (D) Recommendations identifying actions
20 that may be taken by the Director, Congress, cov-
21 ered institutions, and other organizations to in-
22 crease participation of such institutions in intel-
23 ligence-related engineering, research, and devel-
24 opment activities and contracts.

1 (E) *Specific goals, incentives, and metrics*
2 *to increase and measure the capacity of covered*
3 *institutions to address the engineering, research,*
4 *and development needs of the intelligence com-*
5 *munity.*

6 (3) *CONSULTATION.*—*In developing the plan*
7 *under paragraph (1), the Director shall consult with*
8 *covered institutions and other departments or agen-*
9 *cies of the United States Government or private sector*
10 *organizations that the Director determines appro-*
11 *priate.*

12 (4) *REPORT.*—*Not later than 1 year after the*
13 *date of the enactment of this Act, the Director shall*
14 *submit to the congressional intelligence committees,*
15 *the Subcommittee on Defense of the Committee on Ap-*
16 *propriations of the Senate, and the Subcommittee on*
17 *Defense of the Committee on Appropriations of the*
18 *House of Representatives, and make publicly avail-*
19 *able on the internet website of the Director, a report*
20 *containing the plan under paragraph (1).*

21 (b) *ACTIVITIES TO SUPPORT RESEARCH AND ENGI-*
22 *NEERING CAPACITY.*—*Subject to the availability of appro-*
23 *priations for such purpose, the Director may establish a*
24 *program to award contracts, grants, or other agreements,*

1 *on a competitive basis, and to perform other appropriate*
2 *activities, for any of the following purposes:*

3 (1) *Developing the capability, including the*
4 *workforce and the research infrastructure, for covered*
5 *institutions to more effectively compete for intel-*
6 *ligence-related engineering, research, and development*
7 *activities and contracts.*

8 (2) *Any other purposes the Director determines*
9 *appropriate to enhance the capabilities of covered in-*
10 *stitutions to carry out intelligence-related engineer-*
11 *ing, research, and development activities and con-*
12 *tracts.*

13 (c) *INCREASED PARTNERSHIPS BETWEEN IARPA AND*
14 *COVERED INSTITUTIONS.—The Director shall establish*
15 *goals and incentives to encourage the Intelligence Advanced*
16 *Research Projects Activity to—*

17 (1) *partner with covered institutions to advance*
18 *the research and development needs of the intelligence*
19 *community through partnerships and collaborations*
20 *with the Intelligence Advanced Research Projects Ac-*
21 *tivity; and*

22 (2) *if the Director determines appropriate, foster*
23 *the establishment of similar relationships between*
24 *such institutions and other organizations that have*

1 *partnerships with the Intelligence Advanced Research*
2 *Projects Activity.*

3 *(d) COVERED INSTITUTION DEFINED.—In this section,*
4 *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 U.S.C.*
7 *1061)).*

8 *(2) An institution of higher education (as de-*
9 *defined in section 101 of the Higher Education Act of*
10 *1965(20 U.S.C. 1001)) not covered by paragraph (1)*
11 *at which not less than 50 percent of the total student*
12 *enrollment consists of students from ethnic groups*
13 *that are underrepresented in the fields of science and*
14 *engineering, as determined by the Director of Na-*
15 *tional 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 SECU-*
22 *RITY INVESTIGATION; PERIODIC REINVESTIGATION.—*
23 *The terms “authorized adjudicative agency”, “author-*
24 *ized investigative agency”, “personnel security inves-*
25 *tigation”, and “periodic reinvestigation” have the*

1 *meanings given those terms in section 3001(a) of the*
2 *Intelligence Reform and Terrorism Prevention Act of*
3 *2004 (50 U.S.C. 3341(a)).*

4 (2) *CONTINUOUS VETTING; COUNCIL; SECURITY*
5 *EXECUTIVE AGENT.—The terms “continuous vetting”,*
6 *“Council”, and “Security Executive Agent” have the*
7 *meanings given those terms in section 6601 of the*
8 *Damon Paul Nelson and Matthew Young Pollard In-*
9 *telligence Authorization Act for Fiscal Years 2018,*
10 *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 Secu-*
13 *rity 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 other*
21 *related information for the initiations, investigations*
22 *(including initial investigations and any required*
23 *periodic reinvestigations), and adjudications for per-*
24 *sonnel vetting purposes. Such analysis shall include*
25 *the following:*

1 (A) *The average periods of time taken (from*
2 *the date of an agency's receipt of a completed se-*
3 *curity clearance application to the date of the ul-*
4 *timate disposition and notification to the subject*
5 *and the employer of the subject) by each author-*
6 *ized investigative agency and authorized adju-*
7 *dicative agency, to the greatest extent prac-*
8 *ticable, to initiate investigations, conduct inves-*
9 *tigations, and adjudicate security clearances, as*
10 *compared with established timeliness objectives.*

11 (B) *The number of initial investigations*
12 *and periodic reinvestigations initiated and adju-*
13 *dicated by each authorized investigative agency*
14 *and authorized adjudicative agency, to the extent*
15 *practicable.*

16 (C) *The number of initial investigations*
17 *and periodic reinvestigations carried over to the*
18 *fiscal year covered by the report from a prior fis-*
19 *cal year by each authorized investigative agency*
20 *and authorized adjudicative agency, to the great-*
21 *est extent practicable.*

22 (D) *The number of initial investigations*
23 *and periodic reinvestigations that resulted in a*
24 *denial or revocation of a security clearance by*
25 *each authorized adjudicative agency.*

1 (E) *The costs to the executive branch relating to personnel security clearance initiations, investigations, adjudications, revocations, and continuous vetting with respect to such clearances.*

6 (F) *A discussion of any impediments, including with respect to resources, personnel, or authorities, to the timely processing of personnel security clearances.*

10 (G) *The number of individuals who hold a personnel security clearance and are enrolled in a program of continuous vetting with respect to such clearance, and the numbers and types of adverse actions taken by each authorized adjudicative agency as a result of such continuous vetting.*

17 (H) *The number of personnel security clearances awaiting or under investigation (including initial investigation and periodic reinvestigation) by the Director of the Defense Counterintelligence and Security Agency and each authorized investigative agency.*

23 (I) *Such other information as the Security Executive Agent may determine appropriate, including any recommendations to improve the ef-*

1 *fectiveness, timeliness, and efficiency of personnel*
2 *security clearance initiations, investigations,*
3 *and adjudications.*

4 *(2) An analysis of the status of the implementa-*
5 *tion of the Trusted Workforce 2.0 initiative sponsored*
6 *by the Council, including the following:*

7 *(A) A list of the policies issued by the Coun-*
8 *cil for the Trusted Workforce 2.0 initiative, and*
9 *a list of expected issuance dates for planned poli-*
10 *cies of the Council for such initiative.*

11 *(B) A list of the departments and agencies*
12 *of the executive branch that have identified a*
13 *senior implementation official to be accountable*
14 *for the implementation of the Trusted Workforce*
15 *2.0 initiative, in accordance with the memo-*
16 *randum on transforming Federal personnel vet-*
17 *ting issued by the Assistant to the President for*
18 *National Security Affairs on December 14, 2021,*
19 *including an identification of the position of*
20 *such senior implementation official within the*
21 *respective department or agency.*

22 *(C) A list of the departments and agencies*
23 *of the executive branch that have submitted im-*
24 *plementation plans, and subsequent progress re-*
25 *ports, with respect to the Trusted Workforce 2.0*

1 *initiative, as required by the memorandum spec-*
2 *ified in subparagraph (B).*

3 *(D) A summary of the progress that the de-*
4 *partments and agencies of the executive branch*
5 *have made implementing the Trusted Workforce*
6 *2.0 initiative.*

7 *(3) An analysis of the transfers between, and re-*
8 *ciprocal recognition among, the heads of the depart-*
9 *ments and agencies of the executive branch of security*
10 *clearance background investigations and determina-*
11 *tions and other investigations and determinations re-*
12 *lating to personnel vetting (including with respect to*
13 *trust, suitability, fitness, credentialing, and access).*
14 *Such analysis shall include, with respect to such in-*
15 *vestigations and determinations, the following:*

16 *(A) The number of employees for whom a*
17 *prior such investigation or determination was*
18 *recognized and accepted by the head of a depart-*
19 *ment or agency without the head requiring addi-*
20 *tional investigative or adjudicative steps,*
21 *disaggregated by department or agency, to the*
22 *greatest extent practicable.*

23 *(B) The number of employees for whom a*
24 *prior such investigation or determination was*
25 *not recognized or accepted by the head of a de-*

1 *partment or agency without the head requiring*
2 *additional investigative or adjudicative steps,*
3 *disaggregated by department or agency, to the*
4 *greatest extent practicable.*

5 *(C) The reasons most frequently cited by*
6 *such heads for the failure to recognize or accept*
7 *a prior such investigation or determination,*
8 *disaggregated by department or agency.*

9 *(D) The average number of days for the*
10 *head of a department or agency to recognize and*
11 *accept a prior such investigation or determina-*
12 *tion (from the date the head initiates the process*
13 *to consider the prior investigation or determina-*
14 *tion for recognition and acceptance, to the date*
15 *the head makes a final determination on such*
16 *recognition and acceptance), disaggregated by*
17 *agency, to the greatest extent practicable.*

18 *(4) A discussion of any impediments, con-*
19 *straints, and opportunities relating to—*

20 *(A) the timeliness of the personnel security*
21 *clearance process across the United States Gov-*
22 *ernment;*

23 *(B) the implementation of the Trusted*
24 *Workforce 2.0 initiative;*

1 (C) *the transfer and reciprocal recognition*
2 *of determinations relating to personnel vetting*
3 *between and among departments and agencies;*
4 *and*

5 (D) *the completeness and provision of data*
6 *from elements of the intelligence community,*
7 *pursuant to paragraphs (1), (2), and (3) of this*
8 *subsection.*

9 **SEC. 6814. REPORTS RELATING TO PROGRAMS OF RECORD**
10 **OF NATIONAL GEOSPATIAL-INTELLIGENCE**
11 **AGENCY.**

12 (a) *FINDINGS.—Congress finds the following:*

13 (1) *The comprehensive identification of National*
14 *Geospatial-Intelligence Agency programs and activi-*
15 *ties, to include significant, enduring programs deter-*
16 *mined by the Agency to be “programs of record”, is*
17 *a critical element for enabling budget auditability*
18 *and oversight by the Office of the Director of National*
19 *Intelligence, the Office of Management and Budget,*
20 *and the congressional intelligence committees.*

21 (2) *In order to improve how the National*
22 *Geospatial-Intelligence Agency justifies and oversees*
23 *resources in support of core missions and authorities,*
24 *the Agency has committed to establish a deliberate ac-*
25 *quisition structure, modeled after Department of De-*

1 *fense best practices, with programs and activities*
2 *aligned under a Program Executive Office structure.*

3 *(3) Establishing an effective Program Executive*
4 *Office structure at the National Geospatial-intel-*
5 *ligence Agency will ensure clearly articulated acquisi-*
6 *tion efforts that have defined requirements and pro-*
7 *gram scope with traceability from capabilities to*
8 *deliverables to Programs of Record to budget mate-*
9 *rials.*

10 *(b) REPORTS REQUIRED.—*

11 *(1) REPORTS TO CONGRESSIONAL INTELLIGENCE*
12 *COMMITTEES AND DEFENSE SUBCOMMITTEES OF CON-*
13 *GRESSIONAL APPROPRIATIONS COMMITTEES.—Not*
14 *later than February 1, 2023, the Director of the Na-*
15 *tional Geospatial-Intelligence Agency, consistent with*
16 *the protection of intelligence sources and methods,*
17 *shall submit to 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 Appropria-*
21 *tions of the House of Representatives reports on the*
22 *programs and activities of the Agency. Such reports*
23 *shall include, at a minimum, the following:*

24 *(A) An identification of any definition for*
25 *the term “program of record” used by the Agency*

1 *during the period beginning October 1, 2017,*
2 *and ending on the date of the submission of the*
3 *report.*

4 *(B) A detailed description of each current*
5 *program and activity of the Agency, including*
6 *each current program of record of the Agency.*

7 *(C) A detailed explanation of how funding*
8 *and other information relating to each such pro-*
9 *gram of record or other program or activity may*
10 *be located within the budget justification mate-*
11 *rials submitted to Congress.*

12 *(D) An in-process review of the program*
13 *element office planning and implementation ef-*
14 *forts.*

15 *(E) Identification of limitations and addi-*
16 *tional support required by the Agency to imple-*
17 *ment program element offices and related*
18 *changes to financial management systems.*

19 (2) *REPORT TO CONGRESSIONAL INTELLIGENCE*
20 *AND DEFENSE COMMITTEES.—*

21 *(A) DEFINITION OF APPROPRIATE CONGRES-*
22 *SIONAL COMMITTEES.—In this section, the term*
23 *“appropriate congressional committees” means—*

24 *(i) the congressional intelligence com-*
25 *mittees; and*

1 (ii) the Committee on Armed Services
2 and the Subcommittee on Defense of the
3 Committee on Appropriations of the Senate;
4 and

5 (iii) the Committee on Armed Services
6 and Subcommittee on Defense of the Com-
7 mittee on Appropriations of the House of
8 Representatives.

9 (B) *REPORT REQUIRED.*—Not later than
10 February 1, 2023, the Director of the National
11 Geospatial-Intelligence Agency, consistent with
12 the protection of intelligence sources and meth-
13 ods, shall submit to the appropriate congress-
14 sional committees a report on the programs and
15 activities of the Agency that are funded in full
16 or in part under the Military Intelligence Pro-
17 gram. Such report shall include, at a minimum,
18 the following:

19 (i) An identification of any definition
20 for the term “program of record” used by
21 the Agency during the period beginning Oc-
22 tober 1, 2017 and ending on the date of the
23 submission of the report.

24 (ii) A detailed description of each cur-
25 rent program and activity of the Agency

1 *funded in full or in part under the Military*
2 *Intelligence Program, including each cur-*
3 *rent program of record of the Agency funded*
4 *in full or in part under the Military Intel-*
5 *ligence Program.*

6 *(iii) A detailed explanation of how*
7 *funding and other information relating to*
8 *each such program of record or other pro-*
9 *gram or activity funded in full or in part*
10 *under the Military Intelligence Program*
11 *may be located within the budget justifica-*
12 *tion materials submitted to Congress.*

13 (3) *FORM.—Each report under this subsection*
14 *may be submitted in classified form.*

15 **SEC. 6815. PLAN REGARDING SOCIAL MEDIA DATA AND**
16 **THREAT ANALYSIS CENTER.**

17 (a) *DEFINITION OF APPROPRIATE CONGRESSIONAL*
18 *COMMITTEES.—In this section, the term “appropriate con-*
19 *gressional committees” has the meaning given that term in*
20 *section 5323(h) of the Damon Paul Nelson and Matthew*
21 *Young Pollard Intelligence Authorization Act for Fiscal*
22 *Years 2018, 2019, and 2020 (50 U.S.C. 3369(h)).*

23 (b) *PLAN.—Not later than 90 days after the date of*
24 *the enactment of this Act, the Director of National Intel-*
25 *ligence shall submit to the appropriate congressional com-*

1 *mittees a plan to operationalize the Social Media Data and*
2 *Threat Analysis Center in accordance with section 5323 of*
3 *the Damon Paul Nelson and Matthew Young Pollard Intel-*
4 *ligence Authorization Act for Fiscal Years 2018, 2019, and*
5 *2020 (50 U.S.C. 3369).*

6 (c) *ELEMENTS.—The plan under subsection (b) shall*
7 *include a description of how the Social Media Data and*
8 *Threat Analysis Center shall—*

9 (1) *coordinate with social media companies,*
10 *independent organizations and researchers, and other*
11 *public-facing internet-based platforms to determine—*

12 (A) *what categories of data and metadata*
13 *are useful indicators of internet-based foreign*
14 *malign influence activities; and*

15 (B) *how such data and metadata may be*
16 *shared effectively with the Center and with inde-*
17 *pendent organizations and researchers while pro-*
18 *tecting the privacy and civil liberties of United*
19 *States users of social media platforms and other*
20 *public-facing internet-based platforms; and*

21 (2) *develop criteria under which social media*
22 *companies and other public-facing internet-based*
23 *platforms share indicators of internet-based foreign*
24 *malign influence activities with the Center and inde-*

1 *pendent organizations and researchers, including a*
2 *description of—*

3 *(A) the timeliness and consistency of such*
4 *sharing of indicators;*

5 *(B) the categories of indicators to be shared;*
6 *and*

7 *(C) the protection, in consultation with the*
8 *head of the Office of Civil Liberties, Privacy, and*
9 *Transparency as may be appropriate, of pri-*
10 *vacancy, civil liberties, and constitutionally pro-*
11 *TECTED activities of users of social media plat-*
12 *forms and other public-facing internet-based*
13 *platforms.*

14 **SEC. 6816. REPORT ON USE OF PUBLICLY AVAILABLE SO-**
15 **CIAL MEDIA INFORMATION IN PERSONNEL**
16 **VETTING DETERMINATIONS.**

17 *(a) DEFINITIONS OF CONTINUOUS VETTING, COUNCIL,*
18 *AND SECURITY EXECUTIVE AGENT.—In this section, the*
19 *terms “continuous vetting”, “Council”, and “Security Ex-*
20 *ecutive Agent” have the meanings given those terms in sec-*
21 *tion 6601 of the Damon Paul Nelson and Matthew Young*
22 *Pollard Intelligence Authorization Act for Fiscal Years*
23 *2018, 2019, and 2020 (50 U.S.C. 3352).*

24 *(b) REPORT.—Not later than 180 days after the date*
25 *of the enactment of this Act, the Director of National Intel-*

1 *ligence, in coordination with other heads of the elements*
2 *of the intelligence community that the Director determines*
3 *appropriate, and in consultation with the other principal*
4 *members of the Council, shall submit to Congress a report*
5 *regarding the current and planned use of publicly available*
6 *social media information in the personnel vetting and secu-*
7 *rity clearance processes.*

8 *(c) ELEMENTS.—The report under subsection (b) shall*
9 *include the following:*

10 *(1) A description of how departments and agen-*
11 *cies of the United States Government have imple-*
12 *mented Security Executive Agent Directive 5 titled*
13 *“Collection, Use, and Retention of Publicly Available*
14 *Social Media Information in Personnel Security*
15 *Background Investigations and Adjudications”, and*
16 *relevant agency implementing guidance, including*
17 *Department of Defense Instruction 1325.06 titled*
18 *“Handling Protest, Extremist, and Criminal Gang*
19 *Activities among Members of the Armed Forces”.*

20 *(2) A description of how the use of publicly*
21 *available social media in personnel vetting deter-*
22 *minations and security clearance investigations and*
23 *adjudications is, or will be, captured in the National*
24 *Background Investigation Services system and other*

1 *information technology systems used in the personnel*
2 *vetting process.*

3 (3) *A description of how publicly available social*
4 *media information is used, and will be used, in con-*
5 *tinuous vetting and security clearances processes and*
6 *insider threat programs.*

7 (4) *A description of any privacy or civil liberties*
8 *concerns with the use of publicly available social*
9 *media information in personnel vetting or security*
10 *clearance determinations, including a discussion of*
11 *the risks, benefits, and drawbacks of allowing for the*
12 *voluntary provision of, or voluntary access to, non-*
13 *publicly available social media information in the*
14 *regular course of personnel vetting and security clear-*
15 *ance processes.*

16 (5) *A discussion of the extent to which officials*
17 *and entities of the United States Government respon-*
18 *sible for privacy and civil liberties matters, including*
19 *the Chief of the Office of Civil Liberties, Privacy, and*
20 *Transparency of the Office of the Director of National*
21 *Intelligence and the civil liberties officers of depart-*
22 *ments and agencies of the United States Government,*
23 *are involved in the development and operation of pro-*
24 *grams to use social media information in personnel*
25 *vetting and security clearance processes.*

1 (6) *A discussion of any impediments, con-*
2 *straints, risks, or drawbacks relating to the use of*
3 *publicly available social media information in per-*
4 *sonnel vetting and security clearance processes, in-*
5 *cluding—*

6 (A) *challenges associated with implementa-*
7 *tion of Security Executive Agent Directive 5, De-*
8 *partment of Defense Instruction 1325.06, and*
9 *other relevant guidance;*

10 (B) *the resources required, including with*
11 *respect to personnel, funding, and information*
12 *systems, to gather, assess, and make use of such*
13 *information; and*

14 (C) *an analysis of the costs and benefits of*
15 *the use of publicly available social media infor-*
16 *mation.*

17 (7) *An implementation plan for the future use of*
18 *publicly available social media information, based on*
19 *relevant findings under paragraphs (1) through (6).*

20 **SEC. 6817. REPORT ON STRENGTHENING WORKFORCE DI-**
21 **VERSITY PLANNING AND OVERSIGHT.**

22 (a) *REPORT.—Not later than 180 days after the date*
23 *of the enactment of this Act, the Director of National Intel-*
24 *ligence, in coordination with the heads of the elements of*
25 *the intelligence community, shall submit to the congres-*

1 *sional intelligence committees, the Subcommittee on Defense*
2 *of the Committee on Appropriations of the Senate, and the*
3 *Subcommittee on Defense of the Committee on Appropria-*
4 *tions of the House of Representatives a report discussing*
5 *steps to enhance the strategic planning for, measure the*
6 *progress of, and assess barriers to workforce diversity in the*
7 *intelligence community.*

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

10 (1) *A discussion of existing, updated, or new*
11 *guidance requiring all elements of the intelligence*
12 *community to maintain current and complete diver-*
13 *sity strategic plans that contain specific objectives,*
14 *timeframes, and responsibilities.*

15 (2) *A discussion of progress made by individual*
16 *elements toward maintaining such plans.*

17 (3) *A discussion of existing, updated, or new*
18 *guidance to ensure individual elements develop per-*
19 *formance measures to assess the contribution of activi-*
20 *ties toward achieving diversity goals and overall*
21 *progress.*

22 (4) *A discussion of progress made by individual*
23 *elements toward developing measures to assess*
24 *progress toward achieving diversity management ef-*
25 *forts.*

1 (5) *A discussion of existing, updated, or new*
2 *guidance ensuring that each element routinely identi-*
3 *fies and takes steps toward eliminating barriers to*
4 *workforce diversity.*

5 (6) *A discussion of steps taken by the Director*
6 *to ensure that individual elements are routinely com-*
7 *pleting required assessments to identify and eliminate*
8 *barriers to diversity.*

9 (7) *A discussion of steps taken by the Director*
10 *to establish specific implementation objectives and*
11 *timeframes for the elements that support intelligence*
12 *community-wide diversity goals to ensure the elements*
13 *are held accountable for making progress.*

14 **SEC. 6818. REPORT ON TRANSITION OF NATIONAL RECON-**
15 **NAISSANCE OFFICE TO DIGITAL ENGINEER-**
16 **ING ENVIRONMENT.**

17 (a) *FINDINGS.—Congress finds the following:*

18 (1) *Potential foreign adversaries are outpacing*
19 *the United States in the fielding of new generations*
20 *of space systems that dull the edge the United States*
21 *has enjoyed in space.*

22 (2) *A digital engineering environment, also*
23 *known as digital systems engineering, reduces the*
24 *time to field new space systems.*

1 (3) *Digital engineering environment tools enable*
2 *the rapid iterations of requirements and architectures*
3 *into digital system depictions capable of use by pri-*
4 *vate industry to further the design and development*
5 *of space systems.*

6 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that, to maintain a competitive advantage in space, the Na-*
8 *tional Reconnaissance Office should transition to a digital*
9 *engineering environment by not later than 3 years after the*
10 *date of the enactment of this Act.*

11 (c) *REPORT.—*

12 (1) *SUBMISSION.—Not later than 180 days after*
13 *the date of the enactment of this Act, the Director of*
14 *the National Reconnaissance Office shall submit to*
15 *the appropriate congressional committees a report*
16 *that contains the following:*

17 (A) *A plan for the transition of the Na-*
18 *tional Reconnaissance Office to a digital engi-*
19 *neering environment.*

20 (B) *An identification of the date by which*
21 *such transition shall be completed.*

22 (C) *A description of the metrics the Director*
23 *plans to use to measure progress made with re-*
24 *spect to such transition and resulting efficiencies*
25 *gained.*

1 (D) *A description of the initial pilot pro-*
2 *grams of the National Reconnaissance Office re-*
3 *lating to digital engineering and the plans to ex-*
4 *pand such pilot programs in scale and scope*
5 *with respect to acquisition carried out under*
6 *such pilot programs.*

7 (E) *A description of any training require-*
8 *ments or certifications necessary to advance a*
9 *digital engineering environment within the Na-*
10 *tional Reconnaissance Office.*

11 (F) *A description of how the Director plans*
12 *to incorporate input and best practices from pri-*
13 *vate industry to facilitate and accelerate the*
14 *transition of the National Reconnaissance Office*
15 *to a digital engineering environment.*

16 (2) *FORM.—The report under paragraph (1)*
17 *shall be submitted in unclassified form, but may in-*
18 *clude a classified annex.*

19 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
20 *FINED.—In this section, the term “appropriate congres-*
21 *sional committees” means—*

22 (1) *the congressional intelligence committees; and*

23 (2) *the congressional defense committees (as de-*
24 *finied in section 101(a)(16) of title 10, United States*
25 *Code).*

1 **SEC. 6819. BRIEFING ON DEPARTMENT OF HOMELAND SE-**
2 **CURITY INTELLIGENCE ACTIVITIES.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.—The term “appropriate congressional commit-*
6 *tees” means the following:*

7 (A) *The congressional intelligence commit-*
8 *tees.*

9 (B) *The Committee on Homeland Security*
10 *and Governmental Affairs and the Committee on*
11 *Appropriations of the Senate.*

12 (C) *The Committee on Homeland Security*
13 *and the Committee on Appropriations of the*
14 *House of Representatives.*

15 (2) *COMPONENT OF THE DEPARTMENT OF HOME-*
16 *LAND SECURITY.—The term “component of the De-*
17 *partment of Homeland Security” means the following*
18 *components of the Department of Homeland Security:*

19 (A) *The Cybersecurity and Infrastructure*
20 *Security Agency Threat Management Division.*

21 (B) *The Federal Emergency Management*
22 *Agency Protection and National Preparedness,*
23 *Office of Counterterrorism and Security Pre-*
24 *paredness.*

25 (C) *The Transportation Security Adminis-*
26 *tration Office of Intelligence and Analysis.*

1 (D) *The United States Citizenship and Im-*
2 *migration Services Fraud Detection and Na-*
3 *tional Security Directorate, Field Operations Di-*
4 *rectorate, and Collateral Duty Intelligence.*

5 (E) *The United States Customs and Border*
6 *Protection Office of Intelligence.*

7 (F) *The United States Immigration and*
8 *Customs Enforcement Homeland Security Inves-*
9 *tigations, Office of Intelligence, and Special*
10 *Agent in Charge Intelligence Program.*

11 (3) *INTELLIGENCE ACTIVITY.*—*The term “intel-*
12 *ligence activity” shall be interpreted consistent with*
13 *how such term is used in section 502 of the National*
14 *Security Act of 1947 (50 U.S.C. 3092).*

15 (b) *BRIEFING ON INTELLIGENCE ACTIVITIES.*—*Con-*
16 *sistent with section 501 of the National Security Act of 1947*
17 *(50 U.S.C. 3091), not later than 30 days after the date of*
18 *the enactment of this Act, the Chief Intelligence Officer of*
19 *the Department of Homeland Security shall provide the ap-*
20 *propriate congressional committees a briefing on the intel-*
21 *ligence activities of elements of the Department of Home-*
22 *land Security that are not elements of the intelligence com-*
23 *munity. Such briefing shall include the following:*

24 (1) *A comprehensive description of all intel-*
25 *ligence activities conducted during the period begin-*

1 *ning on January 1, 2018, and ending on the date of*
2 *the briefing, by any component of the Department of*
3 *Homeland Security that conducts intelligence activi-*
4 *ties.*

5 *(2) With respect to each such intelligence activi-*
6 *ty, a description of the activity, including, at a min-*
7 *imum—*

8 *(A) the nature of the activity;*

9 *(B) the component undertaking the activity;*

10 *(C) the legal authority for such activity;*

11 *and*

12 *(D) the source of funding for such activity.*

13 *(3) A description and the quantity of any types*
14 *of finished intelligence products, or intelligence infor-*
15 *mation reports, produced or contributed to by a com-*
16 *ponent of the Department of Homeland Security that*
17 *conducts intelligence activities during the period spec-*
18 *ified in paragraph (1).*

19 *(4) An identification of any external or internal*
20 *guidelines, policies, processes, practices, or programs*
21 *governing the collection, retention, analysis, or dis-*
22 *semination by such a component of information re-*
23 *garding United States citizens, lawful permanent*
24 *residents of the United States, or individuals located*
25 *within the United States.*

1 (c) *FORM.*—*The briefing under subsection (b) may be*
2 *provided in classified form.*

3 (d) *ADDITIONAL BRIEFINGS.*—*Not later than 1 year*
4 *after the date on which the Chief Intelligence Officer pro-*
5 *vides the briefing under subsection (b) and not less fre-*
6 *quently than once each year thereafter, the Chief Intel-*
7 *ligence Officer shall provide the appropriate congressional*
8 *committees a briefing on any new intelligence activities*
9 *commenced by any component of the Department of Home-*
10 *land Security and any that have been terminated.*

11 **SEC. 6820. REPORT ON DECLASSIFICATION EFFORTS OF**
12 **CENTRAL INTELLIGENCE AGENCY.**

13 *Not later than 270 days after the date of the enactment*
14 *of this Act, the Inspector General of the Central Intelligence*
15 *Agency shall submit to the congressional intelligence com-*
16 *mittees, the Subcommittee on Defense of the Committee on*
17 *Appropriations of the Senate, and the Subcommittee on De-*
18 *fense of the Committee on Appropriations of the House of*
19 *Representatives a report on the declassification efforts of the*
20 *Central Intelligence Agency. Such report shall include—*

21 (1) *an identification of the resources that are*
22 *dedicated to such efforts; and*

23 (2) *an assessment as to whether such resources*
24 *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 subsection
9 (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 analyt-*
19 *ical demands (including with respect to acquisition*
20 *and operational mission requirements of the Space*
21 *Force, the Department of Defense, the intelligence*
22 *community, and other national customers) while*
23 *being assigned as a subordinate to Space Operations*
24 *Command, a Field Command, including—*

25 (A) *an assessment of the ability of the Cen-*
26 *ter to respond to the broadest space intelligence*

1 *requirements as compared to a service specific*
2 *need; and*

3 *(B) a review specifically addressing any*
4 *perceived mission misalignment, potential miti-*
5 *gating measures, or other structural organization*
6 *concerns.*

7 *(3) An assessment of—*

8 *(A) the current resourcing posture, includ-*
9 *ing any additional personnel required as a result*
10 *of subordination to a Field Command; and*

11 *(B) the resourcing posture if the Center*
12 *were aligned to the Director of Intelligence, Sur-*
13 *veillance, and Reconnaissance of the Space Force*
14 *as described in paragraph (1).*

15 *(4) Lessons learned since unit activation, includ-*
16 *ing 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 Armed*
2 *Force.*

3 (c) *FORM.*—*The report under subsection (a) shall be*
4 *submitted in unclassified form, but may include a classified*
5 *annex.*

6 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*In*
7 *this section, the term “appropriate congressional commit-*
8 *tees” means the following:*

9 (1) *The congressional intelligence committees.*

10 (2) *The congressional defense committees (as de-*
11 *finied in section 101(a)(16) of title 10, United States*
12 *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 Appro-*
22 *priations of the Senate; and*

23 (3) *the Committee on Armed Services and the*
24 *Subcommittee on Defense of the Committee on Appro-*
25 *priations 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 Intel-
3 ligence and the Under Secretary of Defense for Intelligence
4 and Security, in coordination with the heads of other ele-
5 ments of the intelligence community, shall submit to the ap-
6 propriate committees of Congress a report on the implemen-
7 tation by the intelligence community of Executive Order
8 13556 (44 U.S.C. 3501 note; relating to controlled unclassi-
9 fied information).

10 (c) *SENSE OF CONGRESS.*—It is the sense of Congress
11 that the National Security Council should accelerate the
12 process of revising or replacing Executive Order 13556.

13 **SEC. 6823. NATIONAL MUSEUM OF INTELLIGENCE AND SPE-**
14 **CIAL OPERATIONS.**

15 (a) *RECOGNITION.*—The privately-funded museum to
16 honor the intelligence community and special operations
17 forces that is planned to be constructed in Ashburn, Vir-
18 ginia, may be recognized, upon completion, as the “Na-
19 tional Museum of Intelligence and Special Operations”.

20 (b) *PURPOSES.*—The purpose of recognizing the Na-
21 tional Museum of Intelligence and Special Operations
22 under subsection (a) are to—

23 (1) *commemorate the members of the intelligence*
24 *community and special operations forces who have*

1 *been critical to securing the Nation against enemies*
2 *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-*
6 *crecy as well as openly, to keep the United States and*
7 *its values and way of life secure; and*

8 *(3) foster a greater understanding of the intel-*
9 *ligence community and special operations forces to*
10 *ensure a common understanding, dispel myths, recog-*
11 *nize those who are not otherwise able to be publicly*
12 *recognized, and increase science, technology, engineer-*
13 *ing, and math education through museum programs*
14 *designed to promote more interest and greater diver-*
15 *sity in recruiting with respect to the intelligence and*
16 *special operations career field.*

17 **SEC. 6824. TECHNICAL CORRECTIONS.**

18 *(a) NATIONAL SECURITY ACT OF 1947.—The National*
19 *Security Act of 1947 (50 U.S.C. 3001 et seq.), as amended*
20 *by this Act, is further amended as follows:*

21 *(1) In section 105(a)(1) (50 U.S.C. 3038(a)(1)),*
22 *by striking “chairman” and inserting “Chairman”.*

23 *(2) In section 113B(b) (50 U.S.C. 3049a(b))—*
24 *(A) in paragraph (1)(A), by striking*
25 *“Under Secretary of Defense for Intelligence”*

1 *and inserting “Under Secretary of Defense for*
2 *Intelligence and Security”;* and

3 *(B) in paragraph (4), by striking “section*
4 *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 *(3) In section 118(a) (50 U.S.C. 3055(a)), by*
8 *striking “a annual” and inserting “an annual”.*

9 *(4) In section 301(j) (50 U.S.C. 3071(j)), by*
10 *striking “and includes” and inserting “and includ-*
11 *ing”.*

12 *(5) In section 506G(c) (50 U.S.C. 3103(c)), by*
13 *striking “pursuant section” and inserting “pursuant*
14 *to section”.*

15 *(6) In section 507(a)(1) (50 U.S.C. 3106(a)(1)),*
16 *by striking “Generals” and inserting “General”.*

17 *(7) In section 1024(g)(7)(A) (50 U.S.C.*
18 *3224(g)(7)(A)), by striking “places” and inserting*
19 *“place”.*

20 *(8) In section 1104(b)(1)(B) (50 U.S.C.*
21 *3234(b)(1)(B)), by striking the period at the end and*
22 *inserting a semicolon.*

23 *(b) DAMON PAUL NELSON AND MATTHEW YOUNG POL-*
24 *LARD INTELLIGENCE AUTHORIZATION ACT FOR FISCAL*
25 *YEARS 2018, 2019, AND 2020.—The Damon Paul Nelson*

1 *and Matthew Young Pollard Intelligence Authorization Act*
2 *for Fiscal Years 2018, 2019, and 2020 (division E of Public*
3 *Law 116–92) is amended—*

4 (1) *in section 5704(b)(1) (50 U.S.C.*
5 *3334b(b)(1)), by striking “, and subject to paragraph*
6 *(3)”;*

7 (2) *in section 6316 (50 U.S.C. 3334b note), by*
8 *striking “congressional committees” and inserting*
9 *“congressional intelligence committees”; and*

10 (3) *in section 6604 (50 U.S.C. 3352c), by strik-*
11 *ing “subsections (b) and (c)” both places it appears*
12 *and inserting “subsections (a) and (b)”.*

13 (c) *INTELLIGENCE AUTHORIZATION ACT FOR FISCAL*
14 *YEAR 2012.—Section 309(a)(5) of the Intelligence Author-*
15 *ization Act for Fiscal Year 2012 (50 U.S.C. 3334e) is*
16 *amended by striking “section 3542(b)” and inserting “sec-*
17 *tion 3552”.*

18 (d) *PUBLIC INTEREST DECLASSIFICATION ACT OF*
19 *2000.—The Public Interest Declassification Act of 2000 (50*
20 *U.S.C. 3355 et seq.) is amended—*

21 (1) *in section 703(a)(2) (50 U.S.C. 3355a(a)(2)),*
22 *by striking “Executive Order 12958” and inserting*
23 *“Executive Order 13526”;*

24 (2) *in section 704(e)(3) (50 U.S.C. 3355b(e)(3)),*
25 *by striking the comma before “shall”;*

1 (3) in section 705(c) (50 U.S.C. 3355c(c)), by
 2 striking “section 103(c)(6) of the National Security
 3 Act of 1947 (50 U.S.C. 403–3(c)(6))” and inserting
 4 “section 102A(i) of the National Security Act of 1947
 5 (50 U.S.C. 3024(i))”; and

6 (4) in section 706 (50 U.S.C. 3355d), by striking
 7 “Executive Order No. 12958” both places it appears
 8 and inserting “Executive Order 13526”.

9 ***DIVISION G—HOMELAND***
 10 ***SECURITY***
 11 ***TITLE LXXI—HOMELAND***
 12 ***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 ADMINISTRATION***
 4 ***OF NONPROFIT SECURITY GRANT PRO-***
 5 ***GRAM OF THE DEPARTMENT OF HOMELAND***
 6 ***SECURITY.***

7 *(a) IN GENERAL.—Section 2009 of the Homeland Security*
 8 *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;*

11 *(2) in subsection (b)—*

12 *(A) in the matter preceding paragraph (1),*

13 *by striking “(a)”;* and

14 *(B) by amending paragraph (2) to read as*
 15 *follows:*

16 *“(2) determined by the Secretary to be at risk of*
 17 *terrorist attacks or other threats.”;*

1 (3) *in subsection (c)*—

2 (A) *by redesignating paragraphs (1), (2),*
3 *and (3) as subparagraphs (A), (B), and (E), re-*
4 *spectively, and moving such subparagraphs, as*
5 *so redesignated, two ems to the right;*

6 (B) *in the matter preceding subparagraph*
7 *(A), as so redesignated, by striking “The recipi-*
8 *ent” and inserting the following:*

9 “*(1) IN GENERAL.—The recipient*”;

10 (C) *in subparagraph (A), as so redesign-*
11 *ated, by striking “equipment and inspection*
12 *and screening systems” and inserting “equip-*
13 *ment, inspection and screening systems, and al-*
14 *teration or remodeling of existing buildings or*
15 *physical facilities”;*

16 (D) *by inserting after subparagraph (B), as*
17 *so redesignated, the following new subpara-*
18 *graphs:*

19 “*(C) Facility security personnel costs.*

20 “*(D) Expenses directly related to the ad-*
21 *ministration of the grant, except that those ex-*
22 *penses may not exceed 5 percent of the amount*
23 *of the grant.”; and*

24 (E) *by adding at the end the following new*
25 *paragraphs:*

1 “(2) *RETENTION*.—*Each State through which a*
2 *recipient receives a grant under this section may re-*
3 *tain not more than 5 percent of each grant for ex-*
4 *penditures directly related to the administration of the*
5 *grant.*

6 “(3) *OUTREACH AND TECHNICAL ASSISTANCE*.—

7 “(A) *IN GENERAL*.—*If the Administrator es-*
8 *tablishes target allocations in determining award*
9 *amounts under the Program, a State may re-*
10 *quest a project to use a portion of the target allo-*
11 *cation for outreach and technical assistance if*
12 *the State does not receive enough eligible appli-*
13 *cations from nonprofit organizations located out-*
14 *side high-risk urban areas.*

15 “(B) *PRIORITY*.—*Any outreach or technical*
16 *assistance described in subparagraph (A) should*
17 *prioritize underserved communities and non-*
18 *profit organizations that are traditionally*
19 *underrepresented in the Program.*

20 “(C) *PARAMETERS*.—*In determining grant*
21 *guidelines under subsection (g), the Adminis-*
22 *trator may determine the parameters for out-*
23 *reach and technical assistance.”;*

24 (4) *in subsection (e)*—

1 (A) by striking “2020 through 2024” and
2 inserting “2022 through 2028”;

3 (B) by striking “on the expenditure” and
4 inserting “on the following:

5 “(1) The expenditure”; and

6 (C) by adding at the end the following new
7 paragraphs:

8 “(2) The number of applications submitted by el-
9 igible nonprofit organizations to each State.

10 “(3) The number of applications submitted by
11 each State to the Administrator.

12 “(4) The operations of the program office of the
13 Program, including staffing resources and efforts with
14 respect to subparagraphs (A) through (D) of sub-
15 section (c)(1).”; and

16 (5) by striking subsection (f) and inserting the
17 following new subsections:

18 “(f) ADMINISTRATION.—Not later than 120 days after
19 the date of enactment of this subsection, the Administrator
20 shall ensure that within the Federal Emergency Manage-
21 ment Agency a program office for the Program (in this sub-
22 section referred to as the ‘program office’) shall—

23 “(1) be headed by a senior official of the Agency;

24 and

1 “(2) administer the Program (including, where
2 appropriate, in coordination with States), including
3 relating to—

4 “(A) outreach, engagement, education, and
5 technical assistance and support to eligible non-
6 profit organizations described in subsection (b),
7 with particular attention to those organizations
8 in underserved communities, before, during, and
9 after the awarding of grants, including web-
10 based training videos for eligible nonprofit orga-
11 nizations that provide guidance on preparing an
12 application and the environmental planning and
13 historic preservation process;

14 “(B) the establishment of mechanisms to en-
15 sure program office processes are conducted in
16 accordance with constitutional, statutory, and
17 regulatory requirements that protect civil rights
18 and civil liberties and advance equal access for
19 members of underserved communities;

20 “(C) the establishment of mechanisms for
21 the Administrator to provide feedback to eligible
22 nonprofit organizations that do not receive
23 grants;

1 “(D) the establishment of mechanisms to
2 identify and collect data to measure the effective-
3 ness of grants under the Program;

4 “(E) the establishment and enforcement of
5 standardized baseline operational requirements
6 for States, including requirements for States to
7 eliminate or prevent any administrative or oper-
8 ational obstacles that may impact eligible non-
9 profit organizations described in subsection (b)
10 from receiving grants under the Program;

11 “(F) carrying out efforts to prevent waste,
12 fraud, and abuse, including through audits of
13 grantees; and

14 “(G) promoting diversity in the types and
15 locations of eligible nonprofit organizations that
16 are applying for grants under the Program.

17 “(g) GRANT GUIDELINES.—For each fiscal year, before
18 awarding grants under this section, the Administrator—

19 “(1) shall publish guidelines, including a notice
20 of funding opportunity or similar announcement, as
21 the Administrator determines appropriate; and

22 “(2) may prohibit States from closing applica-
23 tion processes before the publication of those guide-
24 lines.

1 “(h) *PAPERWORK REDUCTION ACT.*—Chapter 35 of
2 *title 44, United States Code (commonly known as the ‘Pa-*
3 *perwork Reduction Act’), shall not apply to any changes*
4 *to the application materials, Program forms, or other core*
5 *Program documentation intended to enhance participation*
6 *by eligible nonprofit organizations in the Program.*

7 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—

8 “(1) *IN GENERAL.*—There is authorized to be ap-
9 propriated \$360,000,000 for each of fiscal years 2023
10 through 2028 for grants under this section, of
11 which—

12 “(A) \$180,000,000 each such fiscal year
13 shall be for recipients in high-risk urban areas
14 that receive funding under section 2003; and

15 “(B) \$180,000,000 each such fiscal year
16 shall be for recipients in jurisdictions that do not
17 so receive such funding.

18 “(2) *OPERATIONS AND SUPPORT.*—There is au-
19 thorized to be appropriated \$18,000,000 for each of
20 fiscal years 2023 through 2028 for Operations and
21 Support at the Federal Emergency Management
22 Agency for costs incurred for the management and
23 administration (including evaluation) of this sec-
24 tion.”.

25 “(b) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Adminis-
3 trator shall seek to enter into a contract or other
4 agreement with an independent research organization
5 pursuant to which the organization will conduct a
6 study that analyzes and reports on the following:

7 (A) *The effectiveness of the Nonprofit Secu-*
8 *rity Grant Program established under section*
9 *2009(a) of the Homeland Security Act 2002 (6*
10 *U.S.C. 609a(a)), as amended by subsection (a),*
11 *for preparedness against terrorist attacks or*
12 *other threats.*

13 (B) *The risk-based formula and allocations*
14 *under such Program.*

15 (C) *The risk profile of and any identifiable*
16 *factors leading to the low participation of tradi-*
17 *tionally underrepresented groups and States*
18 *under such Program.*

19 (2) *SUBMISSION.*—The report required under
20 paragraph (1) shall be submitted to the Committee on
21 Homeland Security and Governmental Affairs of the
22 Senate, the Committee on Homeland Security of the
23 House of Representatives, and the Committees on Ap-
24 propriations of the Senate and the House of Rep-
25 resentatives.

1 (3) *FUNDING.*—*The Administrator may use*
2 *funding authorized under subsection (j) of section*
3 *2009 of the Homeland Security Act of 2002 (6 U.S.C.*
4 *609a)), as amended by subsection (a), to carry out*
5 *this subsection.*

6 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—
7 *Section 2008 of the Homeland Security Act of 2002 (6*
8 *U.S.C. 609) is amended—*

9 (1) *in subsection (c) by striking “sections 2003*
10 *and 2004” and inserting “sections 2003, 2004, and*
11 *2009”; and*

12 (2) *in subsection (e), by striking “section 2003 or*
13 *2004” and inserting “section 2003, 2004, or 2009”.*

14 **SEC. 7102. PRESERVATION OF HOMELAND SECURITY CAPA-**
15 **BILITIES.**

16 (a) *DEFINITIONS.*—*In this section:*

17 (1) *ADMINISTRATOR.*—*The term “Adminis-*
18 *trator” means the Administrator of the Federal*
19 *Emergency Management Agency.*

20 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
21 *TEES.*—*The term “appropriate congressional commit-*
22 *tees” means the Committee on Homeland Security*
23 *and Governmental Affairs of the Senate and the Com-*
24 *mittee on Homeland Security of the House of Rep-*
25 *resentatives.*

1 (3) *COVERED HOMELAND SECURITY CAPA-*
2 *BILITY.—The term “covered homeland security capa-*
3 *bility” means a homeland security capability related*
4 *to preventing, preparing for, protecting against, or*
5 *responding to acts of terrorism that—*

6 (A) *was developed or otherwise supported*
7 *through grant funding under the UASI before the*
8 *current fiscal year; and*

9 (B) *is at risk of being reduced or eliminated*
10 *without additional Federal financial assistance.*

11 (4) *COVERED URBAN AREA.—The term “covered*
12 *urban area” means an urban area that—*

13 (A) *during the current fiscal year did not*
14 *receive grant funding under the UASI; and*

15 (B) *requires continued Federal assistance*
16 *for the purpose of preserving a covered homeland*
17 *security capability.*

18 (5) *SECRETARY.—The term “Secretary” means*
19 *the Secretary of Homeland Security.*

20 (6) *UASI.—The term “UASI” means the Urban*
21 *Area Security Initiative under section 2003 of the*
22 *Homeland Security Act of 2002 (6 U.S.C. 604).*

23 (b) *REPORT AND PROPOSAL.—*

24 (1) *SUBMISSION TO CONGRESS.—Not later than*
25 *18 months after the date of the enactment of this Act,*

1 *the Secretary, acting through the Administrator, shall*
2 *submit to the appropriate congressional committees a*
3 *report regarding covered homeland security capabili-*
4 *ties, including a proposal relating to providing Fed-*
5 *eral assistance to covered urban areas to preserve such*
6 *capabilities that is informed by the survey informa-*
7 *tion collected pursuant to subsection (c)—*

8 *(A) under which the Administrator would*
9 *make Federal financial assistance available for*
10 *at least three consecutive fiscal years to covered*
11 *urban areas; and*

12 *(B) that would allow covered urban areas to*
13 *transition to other sources funding for such cov-*
14 *ered homeland security capabilities.*

15 *(2) REQUIREMENTS RELATING TO UASI*
16 *FUNDS.—The proposal required under paragraph (1)*
17 *shall contain the following:*

18 *(A) A prohibition on a covered urban area*
19 *that receives Federal financial assistance de-*
20 *scribed in paragraph (1)(A) during a fiscal year*
21 *from also receiving funds under the UASI dur-*
22 *ing such fiscal year.*

23 *(B) A requirement for a covered urban area*
24 *to submit to the Administrator notice of whether*
25 *such covered urban area would elect to receive—*

1 (i) *Federal financial assistance under*
2 *paragraph (1)(A); or*

3 (ii) *funding under the UASI.*

4 (3) *ANALYSIS.—The report required under para-*
5 *graph (1) shall include the following:*

6 (A) *An analysis of whether providing addi-*
7 *tional Federal financial assistance, as described*
8 *in paragraph (1)(A), would allow covered urban*
9 *areas to preserve covered homeland security ca-*
10 *pabilities on a long-term basis.*

11 (B) *An analysis of whether legislative*
12 *changes to the UASI are necessary to ensure*
13 *urban areas receiving funds under the UASI are*
14 *able to preserve covered homeland security capa-*
15 *bilities on a long-term basis.*

16 (4) *OTHER CONTENTS OF PROPOSAL.—The pro-*
17 *posal required under paragraph (1) shall—*

18 (A) *set forth eligibility criteria for covered*
19 *urban areas to receive Federal assistance de-*
20 *scribed in paragraph (1)(A);*

21 (B) *identify annual funding levels that*
22 *would be required to provide such Federal assist-*
23 *ance, in accordance with the survey required*
24 *under subsection (c); and*

1 (C) consider a range of approaches to make
2 such Federal assistance available to covered
3 urban areas, including—

4 (i) modifications to the UASI in a
5 manner that would not affect the avail-
6 ability of funding to urban areas under the
7 UASI;

8 (ii) the establishment of a competitive
9 grant program;

10 (iii) the establishment of a formula
11 grant program; and

12 (iv) a timeline for the implementation
13 of any such approach and, if necessary, a
14 legislative proposal to authorize any such
15 approach.

16 (c) SURVEY.—In developing the proposal required
17 under subsection (b), the Administrator shall, to ascertain
18 the scope of Federal financial assistance required, survey
19 the following:

20 (1) Urban areas that did not receive grant fund-
21 ing under the UASI during the current fiscal year
22 concerning covered homeland security capabilities
23 that are at risk of being reduced or eliminated with-
24 out additional Federal financial assistance.

1 (2) *Urban areas that received grant funding*
2 *under the UASI during the current fiscal year, but*
3 *did not receive such funding during at least one fiscal*
4 *year of the seven fiscal years immediately preceding*
5 *the current fiscal year.*

6 (3) *Any other urban areas the Secretary deter-*
7 *mines appropriate.*

8 (d) *EXEMPTION.—The Secretary may exempt the Ad-*
9 *ministrator from the requirements of subchapter I of chap-*
10 *ter 35 of title 44, United States Code (commonly referred*
11 *to as the “Paperwork Reduction Act”), for purposes of car-*
12 *rying out subsection (c) if the Secretary determines that*
13 *complying with such requirements would delay the develop-*
14 *ment of the proposal required under subsection (b).*

15 (e) *RULE OF CONSTRUCTION.—Nothing in this section*
16 *may be construed as directing or authorizing the Adminis-*
17 *trator to implement the proposal required under subsection*
18 *(b).*

19 **SEC. 7103. SCHOOL AND DAYCARE PROTECTION.**

20 (a) *IN GENERAL.—Not later than 180 days after the*
21 *date of the enactment of this Act and annually thereafter,*
22 *the Secretary of Homeland Security shall submit to the*
23 *Committee on Homeland Security of the House of Rep-*
24 *resentatives and the Committee on Homeland Security and*

1 *Governmental Affairs of the Senate a report regarding the*
2 *following:*

3 (1) *The Department of Homeland Security’s ac-*
4 *tivities, policies, and plans to enhance the security of*
5 *early childhood education programs, elementary*
6 *schools, and secondary schools during the preceding*
7 *year that includes information on the Department’s*
8 *activities through the Federal School Safety Clearing-*
9 *house.*

10 (2) *Information on all structures or efforts with-*
11 *in the Department intended to bolster coordination*
12 *among departmental components and offices involved*
13 *in carrying out paragraph (1) and, with respect to*
14 *each structure or effort, specificity on which compo-*
15 *nents and offices are involved and which component*
16 *or office leads such structure or effort.*

17 (3) *A detailed description of the measures used*
18 *to ensure privacy rights, civil rights, and civil lib-*
19 *erties protections in carrying out these activities.*

20 (b) *BRIEFING.*—*Not later than 30 days after the sub-*
21 *mission of each report required under subsection (a), the*
22 *Secretary of Homeland Security shall provide to the Com-*
23 *mittee on Homeland Security and Governmental Affairs of*
24 *the Senate and the Committee on Homeland Security of the*
25 *House of Representatives a briefing regarding such report*

1 *and the status of efforts to carry out plans included in such*
2 *report for the preceding year.*

3 (c) *DEFINITIONS.—In this section, the terms “early*
4 *childhood education program”, “elementary school”, and*
5 *“secondary school” have the meanings given such terms in*
6 *section 8101 of the Elementary and Secondary Education*
7 *Act of 1965 (20 U.S.C. 7801).*

8 **SEC. 7104. CYBERSECURITY GRANTS FOR SCHOOLS.**

9 (a) *IN GENERAL.—Section 2220 of the Homeland Se-*
10 *curity Act of 2002 (6 U.S.C. 665f) is amended by adding*
11 *at the end the following new subsection:*

12 “(e) *GRANTS AND COOPERATIVE AGREEMENTS.—The*
13 *Director may award financial assistance in the form of*
14 *grants or cooperative agreements to States, local govern-*
15 *ments, institutions of higher education (as such term is de-*
16 *finied in section 101 of the Higher Education Act of 1965*
17 *(20 U.S.C. 1001)), nonprofit organizations, and other non-*
18 *Federal entities as determined appropriate by the Director*
19 *for the purpose of funding cybersecurity and infrastructure*
20 *security education and training programs and initiatives*
21 *to—*

22 “(1) *carry out the purposes of CETAP; and*

23 “(2) *enhance CETAP to address the national*
24 *shortfall of cybersecurity professionals.”.*

1 (b) *BRIEFINGS*.—Paragraph (2) of subsection (c) of
2 section 2220 of the Homeland Security Act of 2002 (6
3 U.S.C. 665f) is amended—

4 (1) by redesignating subparagraphs (C) and (D)
5 as subparagraphs (D) and (E) respectively; and

6 (2) by inserting after subparagraph (B) the fol-
7 lowing new subparagraph:

8 “(C) information on any grants or coopera-
9 tive agreements made pursuant to subsection (e),
10 including how any such grants or cooperative
11 agreements are being used to enhance cybersecu-
12 rity education for underserved populations or
13 communities;”.

14 **SEC. 7105. TRANSNATIONAL CRIMINAL INVESTIGATIVE**
15 **UNIT STIPEND.**

16 (a) *SHORT TITLE*.—This section may be cited as the
17 “*Transnational Criminal Investigative Unit Stipend Act*”.

18 (b) *STIPENDS FOR TRANSNATIONAL CRIMINAL INVES-*
19 *TIGATIVE UNITS*.—

20 (1) *IN GENERAL*.—Subtitle H of title VIII of the
21 *Homeland Security Act of 2002* (6 U.S.C. 451 et seq.)
22 is amended by adding at the end the following:

1 **“SEC. 890C. TRANSNATIONAL CRIMINAL INVESTIGATIVE**
2 **UNITS.**

3 “(a) *IN GENERAL.*—*The Secretary, with the concur-*
4 *rence of the Secretary of State, shall operate Transnational*
5 *Criminal Investigative Units within Homeland Security*
6 *Investigations.*

7 “(b) *COMPOSITION.*—*Each Transnational Criminal*
8 *Investigative Unit shall be composed of trained foreign law*
9 *enforcement officials who shall collaborate with Homeland*
10 *Security Investigations to investigate and prosecute indi-*
11 *viduals involved in transnational criminal activity.*

12 “(c) *VETTING REQUIREMENT.*—

13 “(1) *IN GENERAL.*—*Before entry into a*
14 *Transnational Criminal Investigative Unit, and at*
15 *periodic intervals while serving in such a unit, for-*
16 *ign law enforcement officials shall be required to*
17 *pass certain security evaluations, which may include*
18 *a background check, a polygraph examination, a uri-*
19 *nalysis test, or other measures that the Secretary de-*
20 *termines to be appropriate.*

21 “(2) *LEAHY VETTING REQUIRED.*—*No member of*
22 *a foreign law enforcement unit may join a*
23 *Transnational Criminal Investigative Unit if the Sec-*
24 *retary, in coordination with the Secretary of State,*
25 *has credible information that such foreign law en-*
26 *forcement unit has committed a gross violation of*

1 *human rights, consistent with the limitations set forth*
2 *in section 620M of the Foreign Assistance Act of 1961*
3 *(22 U.S.C. 2378d).*

4 “(3) *APPROVAL AND CONCURRENCE.—The estab-*
5 *lishment and continued support of the Transnational*
6 *Criminal Investigative Units who are assigned under*
7 *paragraph (1)—*

8 “(A) *shall be performed with the approval*
9 *of the chief of mission to the foreign country to*
10 *which the personnel are assigned;*

11 “(B) *shall be consistent with the duties and*
12 *powers of the Secretary of State and the chief of*
13 *mission for a foreign country under section 103*
14 *of the Omnibus Diplomatic Security and*
15 *Antiterrorism Act of 1986 (22 U.S.C. 4802) and*
16 *section 207 of the Foreign Service Act of 1980*
17 *(22 U.S.C. 3927), respectively; and*

18 “(C) *shall not be established without the*
19 *concurrence of the Assistant Secretary of State*
20 *for International Narcotics and Law Enforce-*
21 *ment Affairs.*

22 “(4) *REPORT.—The Executive Associate Director*
23 *of Homeland Security Investigations shall submit a*
24 *report to the Committee on Foreign Relations of the*
25 *Senate, the Committee on Homeland Security and*

1 *Governmental Affairs of the Senate, the Committee on*
2 *the Judiciary of the Senate, the Committee on For-*
3 *oreign Affairs of the House of Representatives, the Com-*
4 *mittee on Homeland Security of the House of Rep-*
5 *resentatives, and the Committee on the Judiciary of*
6 *the House of Representatives that describes—*

7 *“(A) the procedures used for vetting*
8 *Transnational Criminal Investigative Unit*
9 *members to include compliance with the vetting*
10 *required under this subsection; and*

11 *“(B) any additional measures that should*
12 *be implemented to prevent personnel in vetted*
13 *units from being compromised by criminal orga-*
14 *nizations.*

15 *“(d) MONETARY STIPEND.—The Executive Associate*
16 *Director of Homeland Security Investigations is authorized*
17 *to pay vetted members of a Transnational Criminal Inves-*
18 *tigative Unit a monetary stipend in an amount associated*
19 *with their duties dedicated to unit activities.*

20 *“(e) ANNUAL BRIEFING.—The Executive Associate Di-*
21 *rector of Homeland Security Investigations, during the 5-*
22 *year period beginning on the date of the enactment of this*
23 *section, shall provide an annual unclassified briefing to the*
24 *congressional committees referred to in subsection (c)(4),*

1 *which may include a classified session, if necessary, that*
2 *identifies—*

3 “(1) *the number of vetted members of*
4 *Transnational Criminal Investigative Unit in each*
5 *country;*

6 “(2) *the amount paid in stipends to such mem-*
7 *bers, disaggregated by country;*

8 “(3) *relevant enforcement statistics, such as ar-*
9 *rests and progress made on joint investigations, in*
10 *each such country; and*

11 “(4) *whether any vetted members of the*
12 *Transnational Criminal Investigative Unit in each*
13 *country were involved in any unlawful activity, in-*
14 *cluding human rights abuses or significant acts of*
15 *corruption.”.*

16 (2) *CLERICAL AMENDMENT.—The table of con-*
17 *tents for the Homeland Security Act of 2002 (Public*
18 *Law 107–296) is amended by inserting after the item*
19 *relating to section 890B the following:*

“Sec. 890C. Transnational Criminal Investigative Units.”.

20 **SEC. 7106. CHEMICAL SECURITY ANALYSIS CENTER.**

21 (a) *IN GENERAL.—Title III of the Homeland Security*
22 *Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding*
23 *at the end the following new section:*

1 **“SEC. 323. CHEMICAL SECURITY ANALYSIS CENTER.**

2 “(a) *IN GENERAL.*—*The Secretary, acting through the*
3 *Under Secretary for Science and Technology, shall des-*
4 *ignate the laboratory described in subsection (b) as an addi-*
5 *tional laboratory pursuant to the authority under section*
6 *308(c)(2), which shall be used to conduct studies, analyses,*
7 *and research to assess and address domestic chemical secu-*
8 *urity events.*

9 “(b) *LABORATORY DESCRIBED.*—*The laboratory de-*
10 *scribed in this subsection is the laboratory known, as of the*
11 *date of enactment of this section, as the Chemical Security*
12 *Analysis Center.*

13 “(c) *LABORATORY ACTIVITIES.*—*Pursuant to the au-*
14 *thority under section 302(4), the Chemical Security Anal-*
15 *ysis Center shall—*

16 “(1) *identify and develop approaches and miti-*
17 *gation strategies to domestic chemical security*
18 *threats, including the development of comprehensive,*
19 *research-based definable goals relating to such ap-*
20 *proaches and mitigation strategies;*

21 “(2) *provide an enduring science-based chemical*
22 *threat and hazard analysis capability;*

23 “(3) *provide expertise regarding risk and con-*
24 *sequence modeling, chemical sensing and detection,*
25 *analytical chemistry, acute chemical toxicology, syn-*
26 *thetic chemistry and reaction characterization, and*

1 *nontraditional chemical agents and emerging chem-*
2 *ical threats;*

3 “(4) *staff and operate a technical assistance pro-*
4 *gram that provides operational support and subject*
5 *matter expertise, design and execute laboratory and*
6 *field tests, and provide a comprehensive knowledge re-*
7 *pository of chemical threat information that is con-*
8 *tinuously updated with data from scientific, intel-*
9 *ligence, operational, and private sector sources;*

10 “(5) *consult, as appropriate, with the Count-*
11 *ering Weapons of Mass Destruction Office of the De-*
12 *partment to mitigate, prepare, and respond to*
13 *threats, hazards, and risks associated with domestic*
14 *chemical security events; and*

15 “(6) *carry out such other activities authorized*
16 *under this section as the Secretary determines appro-*
17 *priate.*

18 “(d) *SPECIAL RULE.—Nothing in this section amends,*
19 *alters, or affects—*

20 “(1) *the responsibilities of the Countering Weap-*
21 *ons of Mass Destruction Office of the Department; or*

22 “(2) *the activities or requirements authorized to*
23 *other entities within the Federal Government, includ-*
24 *ing the activities and requirements of the Environ-*
25 *mental Protection Agency under section 112(r) of the*

1 *Clean Air Act (42 U.S.C. 7412(r)), the Toxic Sub-*
2 *stances Control Act (15 U.S.C. 2601 et seq.), and the*
3 *Comprehensive Environmental Response, Compensa-*
4 *tion, and Liability Act of 1980 (commonly referred to*
5 *as ‘Superfund’; 42 U.S.C. 9601 et seq.).”.*

6 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
7 *table of contents in section 1(b) of the Homeland Security*
8 *Act of 2002 is amended by inserting after the item relating*
9 *to section 322 the following new item:*

“Sec. 323. Chemical Security Analysis Center.”.

10 ***Subtitle B—Strengthening DHS***
11 ***Management, Policymaking, and***
12 ***Operations***

13 ***SEC. 7111. JOINT TASK FORCES OF THE DEPARTMENT OF***
14 ***HOMELAND SECURITY.***

15 (a) *SHORT TITLE.—This section may be cited as the*
16 *“DHS Joint Task Forces Reauthorization Act of 2022”.*

17 (b) *DHS JOINT TASK FORCES.—Subsection (b) of sec-*
18 *tion 708 of the Homeland Security Act of 2002 (6 U.S.C.*
19 *348) is amended—*

20 (1) *by amending paragraph (8) to read as fol-*
21 *lows:*

22 “(8) *JOINT TASK FORCE STAFF.—*

23 “(A) *IN GENERAL.—Each Joint Task Force*
24 *shall have a staff, composed of personnel from*
25 *relevant components and offices of the Depart-*

1 *ment, to assist the Director of such Joint Task*
2 *Force in carrying out the mission and respon-*
3 *sibilities of such Joint Task Force.*

4 “(B) *REPORT.*—*The Secretary shall include*
5 *in the report submitted under paragraph*
6 *(6)(F)—*

7 “(i) *the number of personnel of each*
8 *component or office permanently assigned to*
9 *each Joint Task Force; and*

10 “(ii) *the number of personnel of each*
11 *component or office assigned on a tem-*
12 *porary basis to each Joint Task Force.”;*

13 (2) *in paragraph (9)—*

14 (A) *in the heading, by striking “ESTAB-*
15 *LISHMENT” and inserting “MISSION; ESTABLISH-*
16 *MENT”;*

17 (B) *by amending subparagraph (A) to read*
18 *as follows:*

19 “(A) *using leading practices in performance*
20 *management and lessons learned by other law*
21 *enforcement task forces and joint operations, es-*
22 *tablish—*

23 “(i) *the mission, strategic goals, and*
24 *objectives of each Joint Task Force;*

1 “(ii) the criteria for terminating each
2 Joint Task Force; and

3 “(iii) outcome-based and other appro-
4 priate performance metrics for evaluating
5 the effectiveness of each Joint Task Force
6 with respect to the mission, strategic goals,
7 and objectives established pursuant to clause
8 (i), including—

9 “(I) targets for each Joint Task
10 Force to achieve by not later than one
11 and three years after such establish-
12 ment; and

13 “(II) a description of the method-
14 ology used to establish such metrics;”;
15 (C) in subparagraph (B)—

16 (iii) by striking “date of the enactment
17 of this section” and insert “date of the en-
18 actment of the DHS Joint Task Forces Re-
19 authorization Act of 2022”;

20 (iv) by inserting “mission, strategic
21 goals, objectives, and” before “metrics”; and

22 (v) by striking the period at the end
23 and inserting “; and”; and

24 (D) by amending subparagraph (C) to read
25 as follows:

1 “(C) not later than one year after the date
2 of the enactment of the DHS Joint Task Forces
3 Reauthorization Act of 2022 and annually there-
4 after, submit to the committees specified in sub-
5 paragraph (B) a report that contains informa-
6 tion on the progress in implementing the out-
7 come-based and other appropriate performance
8 metrics established pursuant to subparagraph
9 (A)(iii).”;

10 (3) in paragraph (11)—

11 (A) in the heading, by inserting “OR TERMI-
12 NATION” after “FORMATION”; and

13 (B) by amending subparagraph (A) to read
14 as follows:

15 “(A) *IN GENERAL.*—Not later than seven
16 days after establishing or terminating a Joint
17 Task Force under this subsection, the Secretary
18 shall submit to the majority leader of the Senate,
19 the minority leader of the Senate, the Speaker of
20 the House of Representatives, the majority leader
21 of the House of Representatives, the minority
22 leader of the House of Representatives, and the
23 Committee on Homeland Security and the Com-
24 mittee on Transportation and Infrastructure of
25 the House of Representatives and the Committee

1 *on Homeland Security and Governmental Af-*
2 *fairs and the Committee on Commerce, Science,*
3 *and Transportation of the Senate a notification*
4 *regarding such establishment or termination, as*
5 *the case may be. The contents of any such notifi-*
6 *cation shall include the following:*

7 “(i) *The criteria and conditions re-*
8 *quired to establish or terminate the Joint*
9 *Task Force at issue.*

10 “(ii) *The primary mission, strategic*
11 *goals, objectives, and plan of operations of*
12 *such Joint Task Force.*

13 “(iii) *If such notification is a notifica-*
14 *tion of termination, information on the ef-*
15 *fectiveness of such Joint Task Force as*
16 *measured by the outcome-based performance*
17 *metrics and other appropriate performance*
18 *metrics established pursuant to paragraph*
19 *(9)(A)(iii).*

20 “(iv) *The funding and resources re-*
21 *quired to establish or terminate such Joint*
22 *Task Force.*

23 “(v) *The number of personnel of each*
24 *component or office permanently assigned to*
25 *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, and*
22 *January 31, 2021, the Inspector General of*
23 *the Department” and inserting “one year*
24 *after the date of the enactment of the DHS*
25 *Joint Task Forces Reauthorization Act of*

1 2022, the Comptroller General of the United
2 States”; and

3 (ii) by inserting “an assessment of the
4 effectiveness of the Secretary’s utilization of
5 the authority provided under this section for
6 the purposes specified in subsection (b)(2)
7 as among the range of options available to
8 the Secretary to conduct joint operations
9 among departmental components and offices
10 and” before “a review of the Joint Task
11 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 uti-
19 lized to determine whether to establish or
20 terminate each Joint Task Force; and

21 “(ii) an assessment of the effectiveness
22 of oversight over each Joint Task Force,
23 with specificity regarding the Secretary’s
24 utilization of outcome-based or other appro-
25 priate performance metrics (established pur-

1 *suant to paragraph (9)(A)(iii)) to evaluate*
2 *the effectiveness of each Joint Task Force in*
3 *measuring progress with respect to the mis-*
4 *sion, strategic goals, and objectives (estab-*
5 *lished pursuant to paragraph (9)(A)(i)) of*
6 *such Joint Task Force.”; and*

7 (5) *in paragraph (13), by striking “2022” and*
8 *inserting “2024”.*

9 **SEC. 7112. HOMELAND PROCUREMENT REFORM ACT.**

10 (a) *IN GENERAL.*—*Subtitle D of title VIII of the*
11 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is*
12 *amended by adding at the end the following new section:*

13 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**
14 **LATED TO NATIONAL SECURITY INTERESTS.**

15 “(a) *DEFINITIONS.*—*In this section:*

16 “(1) *COVERED ITEM.*—*The term ‘covered item’*
17 *means any of the following:*

18 “(A) *Footwear provided as part of a uni-*
19 *form.*

20 “(B) *Uniforms.*

21 “(C) *Holsters and tactical pouches.*

22 “(D) *Patches, insignia, and embellishments.*

23 “(E) *Chemical, biological, radiological, and*
24 *nuclear protective gear.*

1 “(F) *Body armor components intended to*
2 *provide ballistic protection for an individual,*
3 *consisting of 1 or more of the following:*

4 “(i) *Soft ballistic panels.*

5 “(ii) *Hard ballistic plates.*

6 “(iii) *Concealed armor carriers worn*
7 *under a uniform.*

8 “(iv) *External armor carriers worn*
9 *over a uniform.*

10 “(G) *Any other item of clothing or protec-*
11 *tive equipment as determined appropriate by the*
12 *Secretary.*

13 “(2) *FRONTLINE OPERATIONAL COMPONENT.—*
14 *The term ‘frontline operational component’ means*
15 *any of the following entities of the Department:*

16 “(A) *U.S. Customs and Border Protection.*

17 “(B) *U.S. Immigration and Customs En-*
18 *forcement.*

19 “(C) *The United States Secret Service.*

20 “(D) *The Transportation Security Adminis-*
21 *tration.*

22 “(E) *The Federal Protective Service.*

23 “(F) *The Federal Emergency Management*
24 *Agency.*

1 “(G) *The Federal Law Enforcement Train-*
2 *ing Centers.*

3 “(H) *The Cybersecurity and Infrastructure*
4 *Security Agency.*

5 “(b) *REQUIREMENTS.—*

6 “(1) *IN GENERAL.—The Secretary shall ensure*
7 *that any procurement of a covered item for a front-*
8 *line operational component meets the following cri-*
9 *teria:*

10 “(A)(i) *To the maximum extent possible,*
11 *not less than one-third of funds obligated in a*
12 *specific fiscal year for the procurement of such*
13 *covered items shall be covered items that are*
14 *manufactured or supplied in the United States*
15 *by entities that qualify as small business con-*
16 *cerns, as such term is described under section 3*
17 *of the Small Business Act (15 U.S.C. 632).*

18 “(ii) *Covered items may only be supplied*
19 *pursuant to subparagraph (A) to the extent that*
20 *United States entities that qualify as small busi-*
21 *ness concerns—*

22 “(I) *are unable to manufacture covered*
23 *items in the United States; and*

24 “(II) *meet the criteria identified in*
25 *subparagraph (B).*

1 “(B) Each contractor with respect to the
2 procurement of such a covered item, including
3 the end-item manufacturer of such a covered
4 item—

5 “(i) is an entity registered with the
6 System for Award Management (or suc-
7 cessor system) administered by the General
8 Services Administration; and

9 “(ii) is in compliance with ISO
10 9001:2015 of the International Organiza-
11 tion for Standardization (or successor
12 standard) or a standard determined appro-
13 priate by the Secretary to ensure the quality
14 of products and adherence to applicable
15 statutory and regulatory requirements.

16 “(C) Each supplier of such a covered item
17 with an insignia (such as any patch, badge, or
18 emblem) and each supplier of such an insignia,
19 if such covered item with such insignia or such
20 insignia, as the case may be, is not produced,
21 applied, or assembled in the United States,
22 shall—

23 “(i) store such covered item with such
24 insignia or such insignia in a locked area;

1 “(ii) report any pilferage or theft of
2 such covered item with such insignia or
3 such insignia occurring at any stage before
4 delivery of such covered item with such in-
5 signia or such insignia; and

6 “(iii) destroy any such defective or un-
7 usable covered item with insignia or insig-
8 nia in a manner established by the Sec-
9 retary, and maintain records, for three
10 years after the creation of such records, of
11 such destruction that include the date of
12 such destruction, a description of the cov-
13 ered item with insignia or insignia de-
14 stroyed, the quantity of the covered item
15 with insignia or insignia destroyed, and the
16 method of destruction.

17 “(2) WAIVER.—

18 “(A) IN GENERAL.—In the case of a na-
19 tional emergency declared by the President under
20 the National Emergencies Act (50 U.S.C. 1601 et
21 seq.) or a major disaster declared by the Presi-
22 dent under section 401 of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5170), the Secretary may waive a re-
25 quirement in subparagraph (A), (B) or (C) of

1 *paragraph (1) if the Secretary determines there*
2 *is an insufficient supply of a covered item that*
3 *meets such requirement.*

4 “(B) NOTICE.—Not later than 60 days after
5 the date on which the Secretary determines a
6 waiver under subparagraph (A) is necessary, the
7 Secretary shall provide to the Committee on
8 Homeland Security and Governmental Affairs
9 and the Committee on Appropriations of the
10 Senate and the Committee on Homeland Secu-
11 rity, the Committee on Oversight and Reform,
12 and the Committee on Appropriations of the
13 House of Representatives notice of such deter-
14 mination, which shall include the following:

15 “(i) Identification of the national
16 emergency or major disaster declared by the
17 President.

18 “(ii) Identification of the covered item
19 for which the Secretary intends to issue the
20 waiver.

21 “(iii) A description of the demand for
22 the covered item and corresponding lack of
23 supply from contractors able to meet the
24 criteria described in subparagraph (B) or
25 (C) of paragraph (1).

1 “(c) *PRICING.*—*The Secretary shall ensure that covered*
2 *items are purchased at a fair and reasonable price, con-*
3 *sistent with the procedures and guidelines specified in the*
4 *Federal Acquisition Regulation.*

5 “(d) *REPORT.*—*Not later than one year after the date*
6 *of the enactment of this section and annually thereafter, the*
7 *Secretary shall provide to the Committee on Homeland Se-*
8 *curity, the Committee on Oversight and Reform, the Com-*
9 *mittee on Small Business, and the Committee on Appro-*
10 *priations of the House of Representatives, and the Com-*
11 *mittee on Homeland Security and Governmental Affairs,*
12 *the Committee on Small Business and Entrepreneurship,*
13 *and the Committee on Appropriations of the Senate a brief-*
14 *ing on instances in which vendors have failed to meet dead-*
15 *lines for delivery of covered items and corrective actions*
16 *taken by the Department in response to such instances.*

17 “(e) *EFFECTIVE DATE.*—*This section applies with re-*
18 *spect to a contract entered into by the Department or any*
19 *frontline operational component on or after the date that*
20 *is 180 days after the date of the enactment of this section.”.*

21 (b) *STUDY.*—

22 (1) *IN GENERAL.*—*Not later than 18 months*
23 *after the date of the enactment of this Act, the Sec-*
24 *retary of Homeland Security shall submit to the Com-*
25 *mittee on Homeland Security and Governmental Af-*

1 *fairs of the Senate and the Committee on Homeland*
2 *Security of the House of Representatives a study of*
3 *the adequacy of uniform allowances provided to em-*
4 *ployees of frontline operational components (as such*
5 *term is defined in section 836 of the Homeland Secu-*
6 *rity Act of 2002, as added by subsection (a)).*

7 (2) *REQUIREMENTS.—The study conducted*
8 *under paragraph (1) shall—*

9 (A) *be informed by a Department-wide sur-*
10 *vey of employees from across the Department of*
11 *Homeland Security who receive uniform allow-*
12 *ances that seeks to ascertain what, if any, im-*
13 *provements could be made to the current uniform*
14 *allowances and what, if any, impacts current al-*
15 *lowances have had on employee morale and re-*
16 *tention;*

17 (B) *assess the adequacy of the most recent*
18 *increase made to the uniform allowance for first*
19 *year employees; and*

20 (C) *consider increasing by 50 percent, at*
21 *minimum, the annual allowance for all other*
22 *employees.*

23 (c) *ADDITIONAL REPORT.—*

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

1 *Homeland Security shall provide a report with rec-*
2 *ommendations on how the Department of Homeland*
3 *Security could procure additional items from domes-*
4 *tic sources and bolster the domestic supply chain for*
5 *items related to national security to—*

6 *(A) the Committee on Homeland Security*
7 *and Governmental Affairs, the Committee on*
8 *Small Business and Entrepreneurship, and the*
9 *Committee on Appropriations of the Senate; and*

10 *(B) the Committee on Homeland Security,*
11 *the Committee on Oversight and Reform, the*
12 *Committee on Small Business, and the Com-*
13 *mittee on Appropriations of the House of Rep-*
14 *resentatives.*

15 *(2) CONTENTS.—The report required under*
16 *paragraph (1) shall include the following:*

17 *(A) A review of the compliance of the De-*
18 *partment of Homeland Security with the re-*
19 *quirements under section 604 of title VI of divi-*
20 *sion A of the American Recovery and Reinvest-*
21 *ment Act of 2009 (6 U.S.C. 453b) to buy certain*
22 *items related to national security interests from*
23 *sources in the United States.*

1 (B) *An assessment of the capacity of the De-*
2 *partment of Homeland Security to procure the*
3 *following items from domestic sources:*

4 (i) *Personal protective equipment and*
5 *other items necessary to respond to a pan-*
6 *demic such as that caused by COVID–19.*

7 (ii) *Helmets that provide ballistic pro-*
8 *tection and other head protection and com-*
9 *ponents.*

10 (iii) *Rain gear, cold weather gear, and*
11 *other environmental and flame resistant*
12 *clothing.*

13 (d) *CLERICAL AMENDMENT.—The table of contents in*
14 *section 1(b) of the Homeland Security Act of 2002 (Public*
15 *Law 107–296; 116 Stat. 2135) is amended by inserting*
16 *after the item relating to section 835 the following:*

 “Sec. 836. *Requirements to buy certain items related to national security inter-*
 ests.”.

17 **SEC. 7113. DAILY PUBLIC REPORT OF COVERED CONTRACT**
18 **AWARDS.**

19 (a) *DAILY CONTRACT REPORTING REQUIREMENTS.—*

20 (1) *REPORT.—*

21 (A) *IN GENERAL.—The Secretary shall post,*
22 *maintain, and update in accordance with para-*
23 *graph (2), on a publicly available website of the*

1 *Department, a daily report of all covered con-*
2 *tract awards.*

3 *(B) CONTENTS.—Each report under this*
4 *paragraph shall include, for each covered con-*
5 *tract award, information relating to the fol-*
6 *lowing:*

7 *(i) The contract number, modification*
8 *number, or delivery order number.*

9 *(ii) The contract type.*

10 *(iii) The amount obligated for the*
11 *award.*

12 *(iv) The total contract value for the*
13 *award, including all options.*

14 *(v) The description of the purpose for*
15 *the award.*

16 *(vi) The number of proposals or bids*
17 *received.*

18 *(vii) The name and address of the ven-*
19 *dor, and whether the vendor is a small busi-*
20 *ness.*

21 *(viii) The period and primary place of*
22 *performance for the award.*

23 *(ix) Whether the award is multiyear.*

24 *(x) The contracting office.*

1 (2) *UPDATE.*—*The Secretary shall make updates*
2 *referred to in paragraph (1) not later than five busi-*
3 *ness days after the date on which a covered contract*
4 *is authorized or modified.*

5 (3) *EFFECTIVE DATE.*—*Paragraph (1) shall take*
6 *effect on the date that is 180 days after the date of*
7 *the enactment of this Act.*

8 (b) *UNDEFINITIZED CONTRACT ACTION OR DEFINI-*
9 *TIZED AMOUNT.*—*If a covered contract award reported*
10 *under subsection (a) includes an undefinitized contract ac-*
11 *tion, the Secretary shall—*

12 (1) *report the estimated total contract value for*
13 *the award and the amount obligated upon award;*
14 *and*

15 (2) *once there is a definitized amount for the*
16 *award, update the total contract value and amount*
17 *obligated.*

18 (c) *EXEMPTION.*—*Each report required under sub-*
19 *section (a) shall not include covered contract awards for*
20 *which synopsis was exempted under section 5.202(a)(1) of*
21 *the Federal Acquisition Regulation, or any successor there-*
22 *to.*

23 (d) *DEFINITIONS.*—*In this section:*

24 (1) *COVERED CONTRACT AWARD.*—*The term*
25 *“covered contract award”—*

1 (A) means a contract action of the Depart-
2 ment with a total contract value of not less than
3 \$4,000,000, including unexercised options; and

4 (B) includes—

5 (i) contract awards governed by the
6 Federal Acquisition Regulation;

7 (ii) modifications to a contract award
8 that increase the total value, expand the
9 scope of work, or extend the period of per-
10 formance;

11 (iii) orders placed on a multiple-award
12 or multiple-agency contract that includes
13 delivery or quantity terms that are indefi-
14 nite;

15 (iv) other transaction authority agree-
16 ments; and

17 (v) contract awards made with other
18 than full and open competition.

19 (2) *DEFINITIZED AMOUNT.*—The term “defini-
20 tized amount” means the final amount of a covered
21 contract award after agreement between the Depart-
22 ment and the contractor at issue.

23 (3) *DEPARTMENT.*—The term “Department”
24 means the Department of Homeland Security.

1 (4) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Homeland Security.*

3 (5) *SMALL BUSINESS.*—*The term “small busi-*
4 *ness” means an entity that qualifies as a small busi-*
5 *ness concern, as defined under section 3 of the Small*
6 *Business Act (15 U.S.C. 632).*

7 (6) *TOTAL CONTRACT VALUE.*—*The term “total*
8 *contract value” means the total amount of funds ex-*
9 *pected to be provided to the contractor at issue under*
10 *the terms of the contract through the full period of*
11 *performance.*

12 (7) *UNDEFINITIZED CONTRACT ACTION.*—*The*
13 *term “undefinitized contract action” means any con-*
14 *tract action for which the contract terms, specifica-*
15 *tions, or price is not established prior to the start of*
16 *the performance of the covered contract award.*

17 (e) *SUNSET.*—*This section shall cease to have force or*
18 *effect on the date that is five years after the date of the*
19 *enactment of this Act.*

20 **SEC. 7114. PREFERENCE FOR UNITED STATES INDUSTRY.**

21 *Section 308 of the Homeland Security Act of 2002 (6*
22 *U.S.C. 188) is amended by adding at the end the following*
23 *new subsection:*

24 “(d) *PREFERENCE FOR UNITED STATES INDUSTRY.*—

25 “(1) *DEFINITIONS.*—*In this subsection:*

1 “(A) *COUNTRY OF CONCERN.*—*The term*
2 *‘country of concern’ means a country that—*

3 “(i) *is a covered nation, as such term*
4 *is defined in section 4872(d) of title 10,*
5 *United States Code; or*

6 “(ii) *the Secretary determines is en-*
7 *gaged in conduct that is detrimental to the*
8 *national security of the United States.*

9 “(B) *NONPROFIT ORGANIZATION; SMALL*
10 *BUSINESS FIRM; SUBJECT INVENTION.*—*The*
11 *terms ‘nonprofit organization’, ‘small business*
12 *firm’, and ‘subject invention’ have the meanings*
13 *given such terms in section 201 of title 35,*
14 *United States Code.*

15 “(C) *MANUFACTURED SUBSTANTIALLY IN*
16 *THE UNITED STATES.*—*The term ‘manufactured*
17 *substantially in the United States’ means an*
18 *item is a domestic end product.*

19 “(D) *DOMESTIC END PRODUCT.*—*The term*
20 *‘domestic end product’ has the meaning given*
21 *such term in section 25.003 of title 48, Code of*
22 *Federal Regulations, or any successor thereto.*

23 “(3) *WAIVERS.*—

24 “(A) *IN GENERAL.*—*Subject to subpara-*
25 *graph (B), in individual cases, the requirements*

1 *under section 204 of title 35, United States Code,*
2 *may be waived by the Secretary upon a showing*
3 *by the small business firm, nonprofit organiza-*
4 *tion, or assignee that reasonable but unsuccessful*
5 *efforts have been made to grant licenses on simi-*
6 *lar terms to potential licensees that would be*
7 *likely to manufacture substantially in the United*
8 *States or that under the circumstances domestic*
9 *manufacture is not commercially feasible.*

10 “(B) *CONDITIONS ON WAIVERS GRANTED BY*
11 *DEPARTMENT.—*

12 “(i) *BEFORE GRANT OF WAIVER.—Be-*
13 *fore granting a waiver under subparagraph*
14 *(A), the Secretary shall comply with the*
15 *procedures developed and implemented by*
16 *the Department pursuant to section*
17 *70923(b)(2) of the Build America, Buy*
18 *America Act (enacted as subtitle A of title*
19 *IX of division G of Public Law 117–58).*

20 “(ii) *PROHIBITION ON GRANTING CER-*
21 *TAIN WAIVERS.—The Secretary may not*
22 *grant a waiver under subparagraph (A) if,*
23 *as a result of such waiver, products embody-*
24 *ing the applicable subject invention, or pro-*
25 *duced through the use of the applicable sub-*

1 *ject invention, would be manufactured sub-*
2 *stantially in a country of concern.”.*

3 **SEC. 7115. DEPARTMENT OF HOMELAND SECURITY MEN-**
4 **TOR-PROTÉGÉ PROGRAM.**

5 (a) *IN GENERAL.*—*Subtitle H of title VIII of the*
6 *Homeland Security Act of 2002 (6 U.S.C. 451 et seq.), as*
7 *amended by subtitle A, is further amended by adding at*
8 *the end the following new section:*

9 **“SEC. 890D. MENTOR-PROTÉGÉ PROGRAM.**

10 “(a) *ESTABLISHMENT.*—*There is established in the De-*
11 *partment a mentor-protégé program (in this section re-*
12 *ferred to as the ‘Program’)* *under which a mentor firm en-*
13 *ters into an agreement with a protégé firm for the purpose*
14 *of assisting the protégé firm to compete for prime contracts*
15 *and subcontracts of the Department.*

16 “(b) *ELIGIBILITY.*—*The Secretary shall establish cri-*
17 *teria for mentor firms and protégé firms to be eligible to*
18 *participate in the Program, including a requirement that*
19 *a firm is not included on any list maintained by the Fed-*
20 *eral Government of contractors that have been suspended*
21 *or debarred.*

22 “(c) *PROGRAM APPLICATION AND APPROVAL.*—

23 “(1) *APPLICATION.*—*The Secretary, acting*
24 *through the Office of Small and Disadvantaged Busi-*
25 *ness Utilization of the Department, shall establish a*

1 *process for submission of an application jointly by a*
2 *mentor firm and the protégé firm selected by the men-*
3 *tor firm. The application shall include each of the fol-*
4 *lowing:*

5 *“(A) A description of the assistance to be*
6 *provided by the mentor firm, including, to the*
7 *extent available, the number and a brief descrip-*
8 *tion of each anticipated subcontract to be award-*
9 *ed to the protégé firm.*

10 *“(B) A schedule with milestones for achiev-*
11 *ing the assistance to be provided over the period*
12 *of participation in the Program.*

13 *“(C) An estimate of the costs to be incurred*
14 *by the mentor firm for providing assistance*
15 *under the Program.*

16 *“(D) Attestations that Program partici-*
17 *pants will submit to the Secretary reports at*
18 *times specified by the Secretary to assist the Sec-*
19 *retary in evaluating the protégé firm’s develop-*
20 *mental progress.*

21 *“(E) Attestations that Program partici-*
22 *pants will inform the Secretary in the event of*
23 *a change in eligibility or voluntary withdrawal*
24 *from the Program.*

1 “(2) *APPROVAL.*—Not later than 60 days after
2 receipt of an application pursuant to paragraph (1),
3 the head of the Office of Small and Disadvantaged
4 Business Utilization shall notify applicants of ap-
5 proval or, in the case of disapproval, the process for
6 resubmitting an application for reconsideration.

7 “(3) *RESCISSION.*—The head of the Office of
8 Small and Disadvantaged Business Utilization may
9 rescind the approval of an application under this
10 subsection if it determines that such action is in the
11 best interest of the Department.

12 “(d) *PROGRAM DURATION.*—A mentor firm and
13 protégé firm approved under subsection (c) shall enter into
14 an agreement to participate in the Program for a period
15 of not less than 36 months.

16 “(e) *PROGRAM BENEFITS.*—A mentor firm and protégé
17 firm that enter into an agreement under subsection (d) may
18 receive the following Program benefits:

19 “(1) With respect to an award of a contract that
20 requires a subcontracting plan, a mentor firm may
21 receive evaluation credit for participating in the Pro-
22 gram.

23 “(2) With respect to an award of a contract that
24 requires a subcontracting plan, a mentor firm may
25 receive credit for a protégé firm performing as a first

1 *tier subcontractor or a subcontractor at any tier in*
2 *an amount equal to the total dollar value of any sub-*
3 *contracts awarded to such protégé firm.*

4 *“(3) A protégé firm may receive technical, man-*
5 *agerial, financial, or any other mutually agreed upon*
6 *benefit from a mentor firm, including a subcontract*
7 *award.*

8 *“(f) REPORTING.—Not later than one year after the*
9 *date of the enactment of this section and annually there-*
10 *after, the head of the Office of Small and Disadvantaged*
11 *Business Utilization shall submit to the Committee on*
12 *Homeland Security and Governmental Affairs and the*
13 *Committee on Small Business and Entrepreneurship of the*
14 *Senate and the Committee on Homeland Security and the*
15 *Committee on Small Business of the House of Representa-*
16 *tives a report that—*

17 *“(1) identifies each agreement between a mentor*
18 *firm and a protégé firm entered into under this sec-*
19 *tion, including the number of protégé firm partici-*
20 *pants that are—*

21 *“(A) small business concerns;*

22 *“(B) small business concerns owned and*
23 *controlled by veterans;*

24 *“(C) small business concerns owned and*
25 *controlled by service-disabled veterans;*

1 “(D) *qualified HUBZone small business*
2 *concerns;*

3 “(E) *small business concerns owned and*
4 *controlled by socially and economically dis-*
5 *advantaged individuals;*

6 “(F) *small business concerns owned and*
7 *controlled by women;*

8 “(G) *historically Black colleges and univer-*
9 *sities; and*

10 “(H) *minority-serving institutions;*

11 “(2) *describes the type of assistance provided by*
12 *mentor firms to protégé firms;*

13 “(3) *identifies contracts within the Department*
14 *in which a mentor firm serving as the prime con-*
15 *tractor provided subcontracts to a protégé firm under*
16 *the Program; and*

17 “(4) *assesses the degree to which there has been—*

18 “(A) *an increase in the technical capabili-*
19 *ties of protégé firms; and*

20 “(B) *an increase in the quantity and esti-*
21 *mated value of prime contract and subcontract*
22 *awards to protégé firms for the period covered by*
23 *the report.*

24 “(g) *RULE OF CONSTRUCTION.—Nothing in this sec-*
25 *tion may be construed to limit, diminish, impair, or other-*

1 *wise affect the authority of the Department to participate*
2 *in any program carried out by or requiring approval of*
3 *the Small Business Administration or adopt or follow any*
4 *regulation or policy that the Administrator of the Small*
5 *Business Administration may promulgate, except that, to*
6 *the extent that any provision of this section (including sub-*
7 *section (h)) conflicts with any other provision of law, regu-*
8 *lation, or policy, this section shall control.*

9 “(h) *DEFINITIONS.—In this section:*

10 “(1) *HISTORICALLY BLACK COLLEGE OR UNIVER-*
11 *SITY.—The term ‘historically Black college or univer-*
12 *sity’ has the meaning given the term ‘part B institu-*
13 *tion’ in section 322 of the Higher Education Act of*
14 *1965 (20 U.S.C. 1061).*

15 “(2) *MENTOR FIRM.—The term ‘mentor firm’*
16 *means a for-profit business concern that is not a*
17 *small business concern that—*

18 “(A) *has the ability to assist and commits*
19 *to assisting a protégé to compete for Federal*
20 *prime contracts and subcontracts; and*

21 “(B) *satisfies any other requirements im-*
22 *posed by the Secretary.*

23 “(3) *MINORITY-SERVING INSTITUTION.—The*
24 *term ‘minority-serving institution’ means an institu-*
25 *tion of higher education described in section 317 of*

1 *the Higher Education Act of 1965 (20 U.S.C.*
2 *1067q(a)).*

3 “(4) *PROTÉGÉ FIRM.*—*The term ‘protégé firm’*
4 *means a small business concern, a historically Black*
5 *college or university, or a minority-serving institu-*
6 *tion that—*

7 “(A) *is eligible to enter into a prime con-*
8 *tract or subcontract with the Department; and*

9 “(B) *satisfies any other requirements im-*
10 *posed by the Secretary.*

11 “(5) *SMALL BUSINESS ACT DEFINITIONS.*—*The*
12 *terms ‘small business concern’, ‘small business concern*
13 *owned and controlled by veterans’, ‘small business*
14 *concern owned and controlled by service-disabled vet-*
15 *erans’, ‘qualified HUBZone small business concern’,*
16 *‘and small business concern owned and controlled by*
17 *women’ have the meanings given such terms, respec-*
18 *tively, under section 3 of the Small Business Act (15*
19 *U.S.C. 632). The term ‘small business concern owned*
20 *and controlled by socially and economically disadvan-*
21 *taged individuals’ has the meaning given such term*
22 *in section 8(d)(3)(C) of the Small Business Act (15*
23 *U.S.C. 637(d)(3)(C)).”.*

24 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
25 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by inserting after the item relating to section 890C*
2 *(as added by subtitle A) the following new item:*

“Sec. 890D. Mentor-protégé program.”.

3 **SEC. 7116. DHS ECONOMIC SECURITY COUNCIL.**

4 *(a) ESTABLISHMENT OF THE COUNCIL.—*

5 *(1) DEFINITIONS.—In this subsection:*

6 *(A) COUNCIL.—The term “Council” means*
7 *the council established under paragraph (2).*

8 *(B) DEPARTMENT.—The term “Depart-*
9 *ment” means the Department of Homeland Secu-*
10 *rity.*

11 *(C) ECONOMIC SECURITY.—The term “eco-*
12 *nom ic security” has the meaning given such*
13 *term in section 890B(c)(2) of the Homeland Se-*
14 *curity Act of 2002 (6 U.S.C. 474(c)(2)).*

15 *(D) SECRETARY.—The term “Secretary”*
16 *means the Secretary of Homeland Security.*

17 *(2) ESTABLISHMENT.—In accordance with the*
18 *mission of the Department under section 101(b) of the*
19 *Homeland Security Act of 2002 (6 U.S.C. 111(b)),*
20 *and in particular paragraph (1)(F) of such section,*
21 *the Secretary shall establish a standing council of De-*
22 *partment component heads or their designees, to carry*
23 *out the duties described in paragraph (3).*

24 *(3) DUTIES OF THE COUNCIL.—Pursuant to the*
25 *scope of the mission of the Department as described*

1 *in paragraph (2), the Council shall provide to the*
2 *Secretary advice and recommendations on matters of*
3 *economic security, including relating to the following:*

4 *(A) Identifying concentrated risks for trade*
5 *and economic security.*

6 *(B) Setting priorities for securing the trade*
7 *and economic security of the United States.*

8 *(C) Coordinating Department-wide activity*
9 *on trade and economic security matters.*

10 *(D) With respect to the development of the*
11 *continuity of the economy plan of the President*
12 *under section 9603 of the William M. (Mac)*
13 *Thornberry National Defense Authorization Act*
14 *of Fiscal Year 2021 (6 U.S.C. 322).*

15 *(E) Proposing statutory and regulatory*
16 *changes impacting trade and economic security.*

17 *(F) Any other matters the Secretary con-*
18 *siders appropriate.*

19 *(4) CHAIR AND VICE CHAIR.—The Under Sec-*
20 *retary for Strategy, Policy, and Plans of the Depart-*
21 *ment—*

22 *(A) shall serve as Chair of the Council; and*

23 *(B) may designate a Council member as a*
24 *Vice Chair.*

1 (5) *MEETINGS.*—*The Council shall meet not less*
2 *frequently than quarterly, as well as—*

3 (A) *at the call of the Chair; or*

4 (B) *at the direction of the Secretary.*

5 (6) *BRIEFINGS.*—*Not later than 180 days after*
6 *the date of the enactment of this Act and every 180*
7 *days thereafter for four years, the Council shall brief*
8 *the Committee on Homeland Security and Govern-*
9 *mental Affairs of the Senate, the Committee on Home-*
10 *land Security of the House of Representatives, the*
11 *Committee on Finance of the Senate, the Committee*
12 *on Ways and Means of the House of Representatives,*
13 *the Committee on Commerce, Science, and Transpor-*
14 *tation of the Senate, and Committee on Energy and*
15 *Commerce of the House of Representatives on the ac-*
16 *tions and activities of the Council.*

17 (b) *ASSISTANT SECRETARY.*—*Section 709 of the*
18 *Homeland Security Act of 2002 (6 U.S.C. 349) is amend-*
19 *ed—*

20 (1) *by redesignating subsection (g) as subsection*
21 *(h); and*

22 (2) *by inserting after subsection (f) the following*
23 *new subsection:*

24 “(g) *ASSISTANT SECRETARY.*—

1 “(1) *IN GENERAL.*—*There is established within*
2 *the Office of Strategy, Policy, and Plans an Assistant*
3 *Secretary, who shall assist the Secretary in carrying*
4 *out the duties under paragraph (2) and the respon-*
5 *sibilities under paragraph (3). Notwithstanding sec-*
6 *tion 103(a)(1), the Assistant Secretary established*
7 *under this paragraph shall be appointed by the Presi-*
8 *dent without the advice and consent of the Senate.*

9 “(2) *DUTIES.*—*At the direction of the Secretary,*
10 *the Assistant Secretary established under paragraph*
11 *(1) shall be responsible for policy formulation regard-*
12 *ing matters relating to economic security and trade,*
13 *as such matters relate to the mission and the oper-*
14 *ations of the Department.*

15 “(3) *ADDITIONAL RESPONSIBILITIES.*—*In addi-*
16 *tion to the duties specified in paragraph (2), the As-*
17 *stant Secretary established under paragraph (1), at*
18 *the direction of the Secretary, may—*

19 “(A) *oversee—*

20 “(i) *coordination of supply chain pol-*
21 *icy; and*

22 “(ii) *assessments and reports to Con-*
23 *gress related to critical economic security*
24 *domains;*

1 “(B) coordinate with stakeholders in other
2 Federal departments and agencies and non-
3 governmental entities with trade and economic
4 security interests, authorities, and responsibil-
5 ities; and

6 “(C) perform such additional duties as the
7 Secretary or the Under Secretary of Strategy,
8 Policy, and Plans may prescribe.

9 “(4) DEFINITIONS.—In this subsection:

10 “(A) CRITICAL ECONOMIC SECURITY DO-
11 MAIN.—The term ‘critical economic security do-
12 main’ means any infrastructure, industry, tech-
13 nology, or intellectual property (or combination
14 thereof) that is essential for the economic security
15 of the United States.

16 “(B) ECONOMIC SECURITY.—The term ‘eco-
17 nomic security’ has the meaning given such term
18 in section 890B(c)(2).”.

19 (c) RULE OF CONSTRUCTION.—Nothing in this section
20 or the amendments made by this section may be construed
21 to affect or diminish the authority otherwise granted to any
22 other officer of the Department of Homeland 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 referred
7 to as the “Director”) of the Department of Homeland Secu-
8 rity is authorized to hold an annual cybersecurity competi-
9 tion to be known as the “Department of Homeland Security
10 Cybersecurity and Infrastructure Security Agency’s Presi-
11 dent’s Cup Cybersecurity Competition” (in this section re-
12 ferred to as the “competition”) for the purpose of identi-
13 fying, challenging, and competitively awarding prizes, in-
14 cluding cash prizes, to the United States Government’s best
15 cybersecurity practitioners and teams across offensive and
16 defensive cybersecurity disciplines.

17 (b) *ELIGIBILITY.*—To be eligible to participate in the
18 competition, an individual shall be a Federal civilian em-
19 ployee or member of the uniformed services (as such term
20 is defined in section 2101(3) of title 5, United States Code)
21 and shall comply with any rules promulgated by the Direc-
22 tor regarding the competition.

23 (c) *COMPETITION ADMINISTRATION.*—The Director
24 may enter into a grant, contract, cooperative agreement,
25 or other agreement with a private sector for-profit or non-

1 *profit entity or State or local government agency to admin-*
2 *ister the competition.*

3 (d) *COMPETITION PARAMETERS.—Each competition*
4 *shall incorporate the following elements:*

5 (1) *Cybersecurity skills outlined in the National*
6 *Initiative for Cybersecurity Education Framework, or*
7 *any successor framework.*

8 (2) *Individual and team events.*

9 (3) *Categories demonstrating offensive and defen-*
10 *sive cyber operations, such as software reverse engi-*
11 *neering and exploitation, network operations,*
12 *forensics, big data analysis, cyber analysis, cyber de-*
13 *fense, cyber exploitation, secure programming, obfus-*
14 *cated coding, or cyber-physical systems.*

15 (4) *Any other elements related to paragraphs (1),*
16 *(2), or (3), as determined necessary by the Director.*

17 (e) *USE OF FUNDS.—*

18 (1) *IN GENERAL.—In order to further the goals*
19 *and objectives of the competition, the Director may*
20 *use amounts made available to the Director for the*
21 *competition for reasonable expenses for the following:*

22 (A) *Advertising, marketing, and promoting*
23 *the competition.*

24 (B) *Meals for participants and organizers*
25 *of the competition if attendance at the meal dur-*

1 *ing the competition is necessary to maintain the*
2 *integrity of the competition.*

3 *(C) Promotional items, including merchan-*
4 *dise and apparel.*

5 *(D) Consistent with section 4503 of title 5,*
6 *United States Code, necessary expenses for the*
7 *honorary recognition of competition partici-*
8 *pants, including members of the uniformed serv-*
9 *ices.*

10 *(E) Monetary and nonmonetary awards for*
11 *competition participants, including members of*
12 *the uniformed services, subject to subsection (f).*

13 *(2) APPLICATION.—This subsection shall apply*
14 *to amounts appropriated on or after the date of the*
15 *enactment of this Act.*

16 *(f) PRIZE LIMITATION.—*

17 *(1) AWARDS BY THE DIRECTOR.—The Director*
18 *may make one or more awards per competition, ex-*
19 *cept that the amount or value of each shall not exceed*
20 *\$10,000.*

21 *(2) AWARDS BY THE SECRETARY OF HOMELAND*
22 *SECURITY.—The Secretary of Homeland Security*
23 *may make one or more awards per competition, ex-*
24 *cept the amount or the value of each shall not exceed*
25 *\$25,000.*

1 (3) *REGULAR PAY.*—A monetary award under
2 this section shall be in addition to the regular pay of
3 the recipient.

4 (4) *OVERALL YEARLY AWARD LIMIT.*—The total
5 amount or value of awards made under this Act dur-
6 ing a fiscal year may not exceed \$100,000.

7 (g) *REPORTING REQUIREMENTS.*—The Director shall
8 annually provide to the Committee on Homeland Security
9 of the House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the Senate
11 a report that includes the following with respect to each
12 competition conducted in the preceding year:

13 (1) *A description of available amounts.*

14 (2) *A description of authorized expenditures.*

15 (3) *Information relating to participation.*

16 (4) *Information relating to lessons learned, and*
17 *how such lessons may be applied to improve cyberse-*
18 *curity operations and recruitment of the Cybersecu-*
19 *rity and Infrastructure Security Agency of the De-*
20 *partment of Homeland Security.*

21 **SEC. 7122. INDUSTRIAL CONTROL SYSTEMS CYBERSECU-**
22 **RITY TRAINING.**

23 (a) *IN GENERAL.*—Subtitle A of title XXII of the
24 *Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is*
25 *amended by adding at the end the following new section:*

1 **“SEC. 2220E. INDUSTRIAL CONTROL SYSTEMS CYBERSECURITY TRAINING INITIATIVE.**
2

3 “(a) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*The Industrial Control Systems Cybersecurity Training Initiative (in this section referred to as the ‘Initiative’) is established within the Agency.*

8 “(2) *PURPOSE.*—*The purpose of the Initiative is to develop and strengthen the skills of the cybersecurity workforce related to securing industrial control systems.*

12 “(b) *REQUIREMENTS.*—*In carrying out the Initiative, the Director shall—*

14 “(1) *ensure the Initiative includes—*

15 “(A) *virtual and in-person trainings and courses provided at no cost to participants;*

17 “(B) *trainings and courses available at different skill levels, including introductory level courses;*

20 “(C) *trainings and courses that cover cyber defense strategies for industrial control systems, including an understanding of the unique cyber threats facing industrial control systems and the mitigation of security vulnerabilities in industrial control systems technology; and*

1 “(D) appropriate consideration regarding
2 the availability of trainings and courses in dif-
3 ferent regions of the United States; and

4 “(2) engage in—

5 “(A) collaboration with the National Lab-
6 oratories of the Department of Energy in accord-
7 ance with section 309;

8 “(B) consultation with Sector Risk Manage-
9 ment Agencies;

10 “(C) as appropriate, consultation with pri-
11 vate sector entities with relevant expertise, such
12 as vendors of industrial control systems tech-
13 nologies; and

14 “(3) consult, to the maximum extent practicable,
15 with commercial training providers and academia to
16 minimize the potential for duplication of other train-
17 ing opportunities.

18 “(c) REPORTS.—

19 “(1) IN GENERAL.—Not later than one year after
20 the date of the enactment of this section and annually
21 thereafter, the Director shall submit to the Committee
22 on Homeland Security of the House of Representa-
23 tives and the Committee on Homeland Security and
24 Governmental Affairs of the Senate a report on the
25 Initiative.

1 “(2) *CONTENTS.*—*Each report submitted under*
2 *paragraph (1) shall include the following:*

3 “(A) *A description of the courses provided*
4 *under the Initiative.*

5 “(B) *A description of outreach efforts to*
6 *raise awareness of the availability of such*
7 *courses.*

8 “(C) *The number of participants in each*
9 *course.*

10 “(D) *Voluntarily provided information on*
11 *the demographics of participants in such courses,*
12 *including by sex, race, and place of residence.*

13 “(E) *Information on the participation in*
14 *such courses of workers from each critical infra-*
15 *structure sector.*

16 “(F) *Plans for expanding access to indus-*
17 *trial control systems education and training, in-*
18 *cluding expanding access to women and under-*
19 *represented populations, and expanding access to*
20 *different regions of the United States.*

21 “(G) *Recommendations regarding how to*
22 *strengthen the state of industrial control systems*
23 *cybersecurity education and training.”.*

24 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
25 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by inserting after the item relating to section*
2 *2220D the following new item:*

“Sec. 2220E. Industrial Control Systems Cybersecurity Training Initiative.”.

3 **SEC. 7123. NATIONAL COMPUTER FORENSICS INSTITUTE**
4 **REAUTHORIZATION.**

5 *Section 822 of the Homeland Security Act of 2002 (6*
6 *U.S.C. 383) is amended—*

7 *(1) in subsection (a)—*

8 *(A) in the subsection heading, by striking*
9 *“IN GENERAL” and inserting “IN GENERAL;*
10 *MISSION”;*

11 *(B) by striking “2017 through 2022” and*
12 *inserting “2023 through 2028”; and*

13 *(C) by striking the second sentence and in-*
14 *serting “The Institute’s mission shall be to edu-*
15 *cate, train, and equip State, local, territorial,*
16 *and Tribal law enforcement officers, prosecutors,*
17 *and judges, as well as participants in the United*
18 *States Secret Service’s network of cyber fraud*
19 *task forces who are Federal employees, members*
20 *of the uniformed services, or State, local, Tribal,*
21 *or territorial employees, regarding the investiga-*
22 *tion and prevention of cybersecurity incidents,*
23 *electronic crimes, and related cybersecurity*
24 *threats, including through the dissemination of*
25 *homeland security information, in accordance*

1 *with relevant Federal law regarding privacy,*
2 *civil rights, and civil liberties protections.”;*

3 *(2) by amending subsection (b) to read as fol-*
4 *lows:*

5 *“(b) CURRICULUM.—In furtherance of subsection (a),*
6 *all education and training of the Institute shall be con-*
7 *ducted in accordance with relevant Federal law regarding*
8 *privacy, civil rights, and civil liberties protections. Edu-*
9 *cation and training provided pursuant to subsection (a)*
10 *shall relate to the following:*

11 *“(1) Investigating and preventing cybersecurity*
12 *incidents, electronic crimes, and related cybersecurity*
13 *threats, including relating to instances involving il-*
14 *licit use of digital assets and emerging trends in cy-*
15 *bersecurity and electronic crime.*

16 *“(2) Conducting forensic examinations of com-*
17 *puters, mobile devices, and other information systems.*

18 *“(3) Prosecutorial and judicial considerations*
19 *related to cybersecurity incidents, electronic crimes,*
20 *related cybersecurity threats, and forensic examina-*
21 *tions of computers, mobile devices, and other informa-*
22 *tion systems.*

23 *“(4) Methods to obtain, process, store, and admit*
24 *digital evidence in court.”.*

25 *(3) in subsection (c)—*

1 (A) by striking “cyber and electronic crime
2 and related threats is shared with State, local,
3 tribal, and territorial law enforcement officers
4 and prosecutors” and inserting “cybersecurity
5 incidents, electronic crimes, and related cyberse-
6 curity threats is shared with recipients of edu-
7 cation and training provided pursuant to sub-
8 section (a)”; and

9 (B) by adding at the end the following new
10 sentence: “When selecting participants for such
11 training, the Institute shall prioritize, to the ex-
12 tent reasonable and practicable, providing edu-
13 cation and training to individuals from geo-
14 graphically-diverse jurisdictions throughout the
15 United States, and the Institute shall prioritize,
16 to the extent reasonable and practicable, State,
17 local, tribal, and territorial law enforcement offi-
18 cers, prosecutors, judges, and other employees.”;
19 (4) in subsection (d)—

20 (A) by striking “State, local, tribal, and
21 territorial law enforcement officers” and insert-
22 ing “recipients of education and training pro-
23 vided pursuant to subsection (a)”; and

24 (B) by striking “necessary to conduct cyber
25 and electronic crime and related threat inves-

1 *tigations and computer and mobile device foren-*
2 *sic examinations” and inserting “for inves-*
3 *tigating and preventing cybersecurity incidents,*
4 *electronic crimes, and related cybersecurity*
5 *threats, and for forensic examinations of com-*
6 *puters, mobile devices, and other information*
7 *systems”;*

8 *(5) in subsection (e)—*

9 *(A) by amending the heading to read as fol-*
10 *lows: “CYBER FRAUD TASK FORCES”;*

11 *(B) by striking “Electronic Crime” and in-*
12 *serting “Cyber Fraud”;*

13 *(C) by striking “State, local, tribal, and ter-*
14 *ritorial law enforcement officers” and inserting*
15 *“recipients of education and training provided*
16 *pursuant to subsection (a)”;* and

17 *(D) by striking “at” and inserting “by”;*

18 *and*

19 *(6) by inserting after subsection (f) the following*
20 *new subsections:*

21 *“(g) EXPENSES.—The Director of the United States*
22 *Secret Service may pay for all or a part of the education,*
23 *training, or equipment provided by the Institute, including*
24 *relating to the travel, transportation, and subsistence ex-*

1 *penses of recipients of education and training provided pur-*
2 *suant to subsection (a).*

3 “(h) *ANNUAL REPORTS TO CONGRESS.*—

4 “(1) *IN GENERAL.*—*The Secretary shall include*
5 *in the annual report required under section 1116 of*
6 *title 31, United States Code, information regarding*
7 *the activities of the Institute, including, where pos-*
8 *sible, the following:*

9 “(A) *An identification of jurisdictions with*
10 *recipients of the education and training provided*
11 *pursuant to subsection (a) during such year.*

12 “(B) *Information relating to the costs asso-*
13 *ciated with that education and training.*

14 “(C) *Any information regarding projected*
15 *future demand for the education and training*
16 *provided pursuant to subsection (a).*

17 “(D) *Impacts of the activities of the Insti-*
18 *tute on the capability of jurisdictions to inves-*
19 *tigate and prevent cybersecurity incidents, elec-*
20 *tronic crimes, and related cybersecurity threats.*

21 “(E) *A description of the nomination proc-*
22 *ess for potential recipients of the information*
23 *and training provided pursuant to subsection*
24 *(a).*

1 “(F) Any other issues determined relevant
2 by the Secretary.

3 “(2) EXCEPTION.—Any information required
4 under paragraph (1) that is submitted as part of the
5 annual budget submitted by the President to Congress
6 under section 1105 of title 31, United States Code, is
7 not required to be included in the report required
8 under paragraph (1).

9 “(i) DEFINITIONS.—In this section:

10 “(1) CYBERSECURITY THREAT.—The term ‘cy-
11 bersecurity threat’ has the meaning given such term
12 in section 102 of the Cybersecurity Act of 2015 (en-
13 acted as division N of the Consolidated Appropria-
14 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
15 1501)).

16 “(2) INCIDENT.—The term ‘incident’ has the
17 meaning given such term in section 2209(a).

18 “(3) INFORMATION SYSTEM.—The term ‘informa-
19 tion system’ has the meaning given such term in sec-
20 tion 102 of the Cybersecurity Act of 2015 (enacted as
21 division N of the Consolidated Appropriations Act,
22 2016 (Public Law 114–113; 6 U.S.C. 1501(9))).”.

1 **SEC. 7124. REPORT ON CYBERSECURITY ROLES AND RE-**
2 **SPONSIBILITIES OF THE DEPARTMENT OF**
3 **HOMELAND SECURITY.**

4 (a) *IN GENERAL.*—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Homeland
6 Security, in coordination with the Director of the Cyberse-
7 curity and Infrastructure Security Agency of the Depart-
8 ment of Homeland Security, shall submit to the Committee
9 on Homeland Security of the House of Representatives and
10 the Committee on Homeland Security and Governmental
11 Affairs of the Senate a report on the roles and responsibil-
12 ities of the Department and its components relating to cyber
13 incident response.

14 (b) *CONTENTS.*—The report required under subsection
15 (a) shall include the following:

16 (1) *A review of how the cyber incident response*
17 *plans under section 2210(c) of the Homeland Security*
18 *Act of 2002 (6 U.S.C. 660(c)) are utilized in the Fed-*
19 *eral Government’s response to a cyber incident.*

20 (2) *An explanation of the roles and responsibil-*
21 *ities of the Department of Homeland Security and its*
22 *components with responsibility for, or in support of,*
23 *the Federal Government’s response to a cyber inci-*
24 *dent, including primary responsibility for working*
25 *with impacted private sector entities.*

1 (3) *An explanation of which and how authorities*
2 *of the Department and its components are utilized in*
3 *the Federal Government's response to a cyber inci-*
4 *dent.*

5 (4) *Recommendations to provide further clarity*
6 *for roles and responsibilities of the Department and*
7 *its components relating to cyber incident response.*

8 ***Subtitle D—Enhancing Transpor-***
9 ***tation and Border Security Op-***
10 ***erations***

11 ***SEC. 7131. TSA REACHING ACROSS NATIONALITIES, SOCI-***
12 ***ETIES, AND LANGUAGES TO ADVANCE TRAV-***
13 ***ELER EDUCATION.***

14 (a) *IN GENERAL.*—*Not later than 180 days after the*
15 *date of the enactment of this Act, the Administrator of the*
16 *Transportation Security Administration (TSA) shall sub-*
17 *mit to the Committee on Homeland Security of the House*
18 *of Representatives and the Committee on Commerce,*
19 *Science, and Transportation of the Senate a plan to ensure*
20 *that TSA material disseminated in major airports can be*
21 *better understood by more people accessing such airports.*

22 (b) *CONTENTS.*—*The plan required under subsection*
23 (i) *shall include the following:*

24 (1) *An identification of the most common lan-*
25 *guages other than English that are the primary lan-*

1 *guages of individuals that travel through or work in*
2 *each major airport.*

3 *(2) A plan to improve—*

4 *(A) TSA materials to communicate infor-*
5 *mation in languages identified pursuant to*
6 *paragraph (1); and*

7 *(B) the communication of TSA material to*
8 *individuals with vision or hearing impairments*
9 *or other possible barriers to understanding such*
10 *material.*

11 *(c) CONSIDERATIONS.—In developing the plan re-*
12 *quired under subsection (a), the Administrator of the TSA,*
13 *acting through the Office of Civil Rights and Liberties, Om-*
14 *budsman, and Traveler Engagement of the TSA, shall take*
15 *into consideration data regarding the following:*

16 *(1) International enplanements.*

17 *(2) Local populations surrounding major air-*
18 *ports.*

19 *(3) Languages spoken by members of Indian*
20 *Tribes within each service area population in which*
21 *a major airport is located.*

22 *(d) IMPLEMENTATION.—Not later than 180 days after*
23 *the submission of the plan required under subsection (a),*
24 *the Administrator of the TSA, in consultation with the*

1 *owner or operator of each major airport, shall implement*
2 *such plan.*

3 (e) *GAO REVIEW.*—*Not later than one year after the*
4 *implementation pursuant to subsection (d) of the plan re-*
5 *quired under subsection (a), the Comptroller General of the*
6 *United States shall submit to the Committee on Homeland*
7 *Security of the House of Representatives and the Committee*
8 *on Commerce, Science, and Transportation of the Senate*
9 *a review of such implementation.*

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

11 (1) *AIRPORT.*—*The term “airport” has the*
12 *meaning given such term in section 40102 of title 49,*
13 *United States Code.*

14 (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*
15 *has the meaning given the term “Indian tribe” in sec-*
16 *tion 102 of the Federally Recognized Indian Tribe*
17 *List Act of 1994 (25 U.S.C. 5130), individually iden-*
18 *tified (including parenthetically) in the list published*
19 *most recently as of the date of the enactment of this*
20 *Act pursuant to section 104 of that Act (25 U.S.C.*
21 *5131).*

22 (3) *MAJOR AIRPORTS.*—*The term “major air-*
23 *ports” means Category X and Category I airports.*

24 (4) *NON-TRAVELING INDIVIDUAL.*—*The term*
25 *“non-traveling individual” has the meaning given*

1 *such term in section 1560.3 of title 49, Code of Fed-*
2 *eral Regulations.*

3 (5) *TSA MATERIAL.*—*The term “TSA material”*
4 *means signs, videos, audio messages, websites, press*
5 *releases, social media postings, and other communica-*
6 *tions published and disseminated by the Adminis-*
7 *trator of the TSA in Category X and Category I air-*
8 *ports for use by both traveling and non-traveling in-*
9 *dividuals.*

10 **SEC. 7132. ONE-STOP PILOT PROGRAM.**

11 (a) *DEFINITIONS.*—*In this section:*

12 (1) *ADMINISTRATOR.*—*The term “Adminis-*
13 *trator” means the Administrator of the Transpor-*
14 *tation Security Administration.*

15 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.*—*The term “appropriate congressional commit-*
17 *tees” means—*

18 (A) *the Committee on Homeland Security*
19 *and Committee on Foreign Affairs of the House*
20 *of Representatives; and*

21 (B) *the Committee on Homeland Security*
22 *and Governmental Affairs, the Committee on*
23 *Commerce, Science, and Transportation, and the*
24 *Committee on Foreign Relations of the Senate.*

1 (3) *TSA.*—*The term “TSA” means the Trans-*
2 *portation Security Administration of the Department*
3 *of Homeland Security.*

4 (b) *IMPLEMENTATION.*—*Notwithstanding 44901(a) of*
5 *title 49, United States Code, the Administrator, in coordi-*
6 *nation with the Commissioner of U.S. Customs and Border*
7 *Protection and the Secretary of State, may implement a*
8 *pilot program at not more than six foreign last point of*
9 *departure airports to permit passengers and their accessible*
10 *property arriving on direct flights or flight segments origi-*
11 *nating at such participating foreign airports to continue*
12 *on additional flights or flight segments originating in the*
13 *United States without additional security re-screening if—*

14 (1) *the initial screening was conducted in ac-*
15 *cordance with an aviation security screening agree-*
16 *ment described in subsection (e);*

17 (2) *passengers arriving from participating for-*
18 *ign airports are unable to access their checked bag-*
19 *gage until the arrival at their final destination; and*

20 (3) *upon arrival in the United States, passengers*
21 *arriving from participating foreign airports do not*
22 *come into contact with other arriving international*
23 *passengers, those passengers’ property, or other per-*
24 *sons who have not been screened or subjected to other*

1 *appropriate security controls required for entry into*
2 *the airport's sterile area.*

3 *(c) REQUIREMENTS FOR PILOT PROGRAM.—In car-*
4 *rying out this section, the Administrator shall ensure that*
5 *there is no reduction in the level of security or specific TSA*
6 *aviation security standards or requirements for screening*
7 *passengers and their property prior to boarding an inter-*
8 *national flight bound for the United States, including spe-*
9 *cific aviation security standards and requirements regard-*
10 *ing the following:*

11 *(1) High risk passengers and their property.*

12 *(2) Weapons, explosives, and incendiaries.*

13 *(3) Screening passengers and property transfer-*
14 *ring at a foreign last point of departure airport from*
15 *another airport and bound for the United States, and*
16 *addressing any commingling of such passengers and*
17 *property with passengers and property screened under*
18 *the pilot program described in subsection (b).*

19 *(4) Insider risk at foreign last point of departure*
20 *airports.*

21 *(d) RE-SCREENING OF CHECKED BAGGAGE.—Subject*
22 *to subsection (f), the Administrator may determine whether*
23 *checked baggage arriving from participating foreign air-*
24 *ports referenced in subsection (b) that screen using an ex-*
25 *plosives detection system must be re-screened in the United*

1 *States by an explosives detection system before such baggage*
2 *continues on any additional flight or flight segment.*

3 *(e) AVIATION SECURITY SCREENING AGREEMENT.—*

4 *(1) IN GENERAL.—An aviation security screen-*
5 *ing agreement described in this subsection is a treaty,*
6 *executive agreement, or non-binding instrument en-*
7 *tered into with a foreign country that delineates and*
8 *implements security standards and protocols utilized*
9 *at a foreign last point of departure airport that are*
10 *determined by the Administrator—*

11 *(A) to be comparable to those of the United*
12 *States; and*

13 *(B) sufficiently effective to enable passengers*
14 *and their accessible property to deplane into*
15 *sterile areas of airports in the United States*
16 *without the need for re-screening.*

17 *(2) NON-DELEGATION.—The authority to ap-*
18 *prove an aviation security screening agreement may*
19 *not be delegated below the level of the Secretary of*
20 *State, the Secretary of Homeland Security, or the Ad-*
21 *ministrator.*

22 *(f) RE-SCREENING REQUIREMENT.—*

23 *(1) IN GENERAL.—If the Administrator deter-*
24 *mines that a foreign country participating in the*
25 *aviation security screening agreement has not main-*

1 *tained and implemented security standards and pro-*
2 *ocols comparable to those of the United States at for-*
3 *oreign last point of departure airports at which a pilot*
4 *program has been established in accordance with this*
5 *section, the Administrator shall ensure that pas-*
6 *sengers and their property arriving from such air-*
7 *ports are re-screened in the United States, including*
8 *by using explosives detection systems in accordance*
9 *with section 44901(d)(1) of title 49, United States*
10 *Code, and implementing regulations and directives,*
11 *before such passengers and their property are per-*
12 *mitted into sterile areas of airports in the United*
13 *States.*

14 (2) *CONSULTATION.*—*If the Administrator has*
15 *reasonable grounds to believe the other party to an*
16 *aviation security screening agreement has not com-*
17 *plied with such agreement, the Administrator shall*
18 *request immediate consultation with such party.*

19 (3) *SUSPENSION OR TERMINATION OF AGREE-*
20 *MENT.*—*If a satisfactory resolution between TSA and*
21 *a foreign country is not reached within 45 days after*
22 *a consultation request under paragraph (2) or in the*
23 *case of the foreign country's continued or egregious*
24 *failure to maintain the security standards and proto-*
25 *cols described in paragraph (1), the President, or*

1 *with the concurrence of the Secretary of State, the*
2 *Secretary of Homeland Security or the Adminis-*
3 *trator, as appropriate, shall suspend or terminate the*
4 *aviation security screening agreement with such coun-*
5 *try, as determined appropriate by the President, the*
6 *Secretary of Homeland Security, or the Adminis-*
7 *trator. The Administrator shall notify the appro-*
8 *priate congressional committees of such consultation*
9 *and suspension or termination, as the case may be,*
10 *not later than seven days after such consultation and*
11 *suspension or termination.*

12 *(g) BRIEFINGS TO CONGRESS.—Not later than 45 days*
13 *before an aviation security screening agreement described*
14 *in subsection (e) enters into force, the Administrator, in co-*
15 *ordination with the Secretary of State, shall submit to the*
16 *appropriate congressional committees the following:*

17 (1) *An aviation security threat assessment for*
18 *the country in which such foreign last point of depar-*
19 *ture airport is located.*

20 (2) *Information regarding any corresponding*
21 *mitigation efforts to address any security issues iden-*
22 *tified in such threat assessment, including any plans*
23 *for joint covert testing.*

24 (3) *Information on potential security*
25 *vulnerabilities associated with commencing a pilot*

1 *program at such foreign last point of departure air-*
2 *port pursuant to subsection (b) and mitigation plans*
3 *to address such potential security vulnerabilities.*

4 (4) *An assessment of the impacts such pilot pro-*
5 *gram will have on aviation security.*

6 (5) *An assessment of the screening performed at*
7 *such foreign last point of departure airport, including*
8 *the feasibility of TSA personnel monitoring screening,*
9 *security protocols, and standards.*

10 (6) *Information regarding identifying the entity*
11 *or entities responsible for screening passengers and*
12 *property at such foreign last point of departure air-*
13 *port.*

14 (7) *The name of the entity or local authority and*
15 *any contractor or subcontractor.*

16 (8) *Information regarding the screening require-*
17 *ments relating to such aviation security screening*
18 *agreement.*

19 (9) *Details regarding information sharing mech-*
20 *anisms between the TSA and such foreign last point*
21 *of departure airport, screening authority, or entity*
22 *responsible for screening provided for under such*
23 *aviation security screening agreement.*

24 (10) *A copy of the aviation security screening*
25 *agreement, which shall identify the foreign last point*

1 of departure airport or airports at which a pilot pro-
2 gram under this section is to be established.

3 (h) *CERTIFICATIONS RELATING TO THE PILOT PRO-*
4 *GRAM FOR ONE-STOP SECURITY.*—For each aviation secu-
5 rity screening agreement described in subsection (e), the Ad-
6 ministrator, in coordination with the Secretary of State,
7 shall submit to the appropriate congressional committees
8 the following:

9 (1)(A) A certification that such agreement satis-
10 fies all of the requirements specified in subsection (c);
11 or

12 (B) in the event that one or more of such re-
13 quirements are not so satisfied, a description of the
14 unsatisfied requirement and information on what ac-
15 tions the Administrator will take to ensure that such
16 remaining requirements are satisfied before such
17 agreement enters into force.

18 (2) A certification that TSA and U.S. Customs
19 and Border Protection have ensured that any nec-
20 essary physical modifications or appropriate mitiga-
21 tions exist in the domestic one-stop security pilot pro-
22 gram airport prior to receiving international pas-
23 sengers from a last point of departure airport under
24 the aviation security screening agreement.

1 (3) *A certification that a foreign last point of de-*
2 *parture airport covered by an aviation security*
3 *screening agreement has an operation to screen all*
4 *checked bags as required by law, regulation, or inter-*
5 *national agreement, including the full utilization of*
6 *explosives detection systems to the extent applicable.*

7 (4) *A certification that the Administrator con-*
8 *sulted with stakeholders, including air carriers, avia-*
9 *tion nonprofit labor organizations, airport operators,*
10 *relevant interagency partners, and other stakeholders*
11 *that the Administrator determines appropriate.*

12 (i) *REPORT TO CONGRESS.*—*Not later than five years*
13 *after the date of the enactment of this Act, the Secretary*
14 *of Homeland Security, in coordination with the Adminis-*
15 *trator, shall submit to the appropriate congressional com-*
16 *mittees a report regarding the implementation of the pilot*
17 *program authorized under this section, including informa-*
18 *tion relating to the following:*

19 (1) *The impact of such program on homeland se-*
20 *curity and international aviation security, including*
21 *any benefits and challenges of such program.*

22 (2) *The impact of such program on passengers,*
23 *airports, and air carriers, including any benefits and*
24 *challenges of such program.*

1 (3) *The impact and feasibility of continuing*
2 *such program or expanding it into a more permanent*
3 *program, including any benefits and challenges of*
4 *such continuation or expansion.*

5 (j) *RULE OF CONSTRUCTION.—Nothing in this section*
6 *may be construed as limiting the authority of U.S. Customs*
7 *and Border Protection to inspect persons and baggage ar-*
8 *iving in the United States in accordance with applicable*
9 *law.*

10 (k) *SUNSET.—The pilot program authorized under*
11 *this section shall terminate on the date that is six years*
12 *after the date of the enactment of this Act.*

13 **SEC. 7133. REPORT ON EFFORTS OF THE DEPARTMENT OF**
14 **HOMELAND SECURITY TO DETER VEHICULAR**
15 **TERRORIST ATTACKS (DARREN DRAKE).**

16 (a) *IN GENERAL.—Not later than one year after the*
17 *date of the enactment of this Act, the Secretary of Homeland*
18 *Security shall submit to Congress a report on the efforts*
19 *of the Department of Homeland Security to deter vehicular*
20 *terrorist attacks, including engagement with the private sec-*
21 *tor and other stakeholders. Such report shall include assess-*
22 *ment of the following:*

23 (1) *The impact of such engagement on efforts to*
24 *protect the United States against terrorist attacks.*

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 fol-*
5 *lowing:*

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 OPER-*
16 *ATIONS STRATEGIC PLAN.*—

17 (1) *IN GENERAL.*—*Not later than 180 days after*
18 *the date of the enactment of this Act, the Commis-*
19 *sioner of U.S. Customs and Border Protection, in co-*
20 *ordination with the Under Secretary for Science and*
21 *Technology, and, as appropriate, other officials of the*
22 *Department of Homeland Security, shall develop a*
23 *counter illicit cross-border tunnel operations strategic*
24 *plan (in this section referred to as the “strategic*
25 *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 remediate*
6 *illicit cross-border tunnels in a manner that,*
7 *among other considerations, reduces the impact*
8 *of such activities on surrounding communities.*

9 (C) *Processes to share relevant illicit cross-*
10 *border tunnel location, operations, and technical*
11 *information.*

12 (D) *Indicators of specific types of illicit*
13 *cross-border tunnels found in each U.S. Border*
14 *Patrol sector identified through operations to be*
15 *periodically disseminated to U.S. Border Patrol*
16 *sector chiefs to educate field personnel.*

17 (E) *A counter illicit cross-border tunnel op-*
18 *erations resource needs assessment that includes*
19 *consideration of the following:*

20 (i) *Technology needs.*

21 (ii) *Staffing needs, including the fol-*
22 *lowing:*

23 (I) *A position description for*
24 *counter illicit cross-border tunnel oper-*
25 *ations personnel.*

1 (II) *Any specialized skills re-*
2 *quired of such personnel.*

3 (III) *The number of such full time*
4 *personnel, disaggregated by U.S. Bor-*
5 *der Patrol sector.*

6 (2) *REPORT TO CONGRESS ON STRATEGIC*
7 *PLAN.—Not later than one year after the development*
8 *of the strategic plan, the Commissioner of U.S. Cus-*
9 *toms and Border Protection shall submit to the Com-*
10 *mittee on Homeland Security of the House of Rep-*
11 *resentatives and the Committee on Homeland Secu-*
12 *rity and Governmental Affairs of the Senate a report*
13 *on the implementation of the strategic plan.*

14 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
15 *authorized to be appropriated to the Commissioner of U.S.*
16 *Customs and Border Protection \$1,000,000 for each of fiscal*
17 *years 2023 and 2024 to carry out—*

18 (1) *the development of the strategic plan; and*

19 (2) *remediation operations of illicit cross-border*
20 *tunnels in accordance with the strategic plan to the*
21 *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 the
7 *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 U.S.C.
14 *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 antagonists,*
18 *including naloxone” and inserting “, opioid receptor*
19 *antagonists, including naloxone, and containment de-*
20 *vices”.*

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. Customs*
25 *and Border Protection are at risk of potential synthetic*
26 *opioid exposure in the course of their duties, the head of*

1 *such component shall carry out the responsibilities under*
2 *section 416 of the Homeland Security Act of 2002 (6 U.S.C.*
3 *216) in the same manner and to the same degree as the*
4 *Commissioner of U.S. Customs and Border Protection car-*
5 *ries 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 date*
11 *of the enactment of this Act, the Secretary of Homeland Se-*
12 *curity, in consultation with the Attorney General, the Sec-*
13 *retary of Health and Human Services, and the Director of*
14 *the Office of National Drug Control Policy, shall research*
15 *additional technological solutions to—*

16 (1) *target and detect illicit fentanyl, fentanyl*
17 *analogs, and precursor chemicals, including low-pu-*
18 *urity fentanyl, especially in counterfeit pressed tablets,*
19 *and illicit pill press molds; and*

20 (2) *enhance detection of such counterfeit pressed*
21 *tablets through nonintrusive, noninvasive, and other*
22 *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 the*
4 *Director of the Office of National Drug Control Pol-*
5 *icy, shall establish a program to collect available data*
6 *and develop metrics to measure how technologies and*
7 *strategies used by the Department of Homeland Secu-*
8 *rity, U.S. Customs and Border Protection, U.S. Im-*
9 *migration and Customs Enforcement, and other rel-*
10 *evant Federal agencies have helped detect trafficked il-*
11 *licit fentanyl, fentanyl analogs, and precursor chemi-*
12 *cals or deter illicit fentanyl, fentanyl analogs, and*
13 *precursor chemicals from being trafficked into the*
14 *United States at and between land, air, and sea ports*
15 *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 appro-*
2 *priate by the Secretary of Homeland Security.*

3 (3) *UPDATES.*—*The Secretary of Homeland Se-*
4 *curity, as appropriate and in the coordination with*
5 *the officials referred to in paragraph (1), may update*
6 *the data and metrics program established pursuant to*
7 *paragraph (1).*

8 (4) *REPORTS.*—

9 (A) *SECRETARY OF HOMELAND SECU-*
10 *RITY.*—*Not later than one year after the date of*
11 *the enactment of this Act and biennially there-*
12 *after, the Secretary of Homeland Security, in*
13 *consultation with the Attorney General, the Sec-*
14 *retary of Health and Human Services, and the*
15 *Director of the Office of National Drug Control*
16 *Policy shall, based on the data collected and*
17 *metrics developed pursuant to the program estab-*
18 *lished pursuant to paragraph (1), submit to the*
19 *Committee on Homeland Security, the Com-*
20 *mittee on Energy and Commerce, the Committee*
21 *on Science, Space, and Technology, and the*
22 *Committee on the Judiciary of the House of Rep-*
23 *resentatives and the Committee on Homeland Se-*
24 *curity and Governmental Affairs, the Committee*
25 *on Commerce, Science, and Transportation, and*

1 *the Committee on the Judiciary of the Senate a*
2 *report that—*

3 *(i) examines and analyzes current*
4 *technologies, including pilot technologies,*
5 *deployed at land, air, and sea ports of entry*
6 *to assess how well such technologies detect,*
7 *deter, and address illicit fentanyl, fentanyl*
8 *analogs, and precursor chemicals; and*

9 *(ii) examines and analyzes current*
10 *technologies, including pilot technologies,*
11 *deployed between land ports of entry to as-*
12 *sess how well and accurately such tech-*
13 *nologies detect, deter, interdict, and address*
14 *illicit fentanyl, fentanyl analogs, and pre-*
15 *cursor chemicals;*

16 *(B) GOVERNMENT ACCOUNTABILITY OF-*
17 *FICE.—Not later than one year after the submis-*
18 *sion of each of the first three reports required*
19 *under subparagraph (A), the Comptroller Gen-*
20 *eral of the United States shall submit to the*
21 *Committee on Homeland Security, the Com-*
22 *mittee on Energy and Commerce, the Committee*
23 *on Science, Space, and Technology, and the*
24 *Committee on the Judiciary of the House of Rep-*
25 *resentatives and the Committee on Homeland Se-*

1 *curity and Governmental Affairs, the Committee*
2 *on Commerce, Science, and Transportation, and*
3 *the Committee on the Judiciary of the Senate a*
4 *report that evaluates and, as appropriate, makes*
5 *recommendations to improve, the collection of*
6 *data under the program established pursuant to*
7 *paragraph (1) and metrics used in the subse-*
8 *quent reports required under such subparagraph.*

9 ***Subtitle E—Technical Corrections,***
10 ***Conforming Changes, and Im-***
11 ***provements***

12 ***SEC. 7141. QUADRENNIAL HOMELAND SECURITY REVIEW***
13 ***TECHNICAL CORRECTIONS.***

14 *(a) IN GENERAL.—Section 707 of the Homeland Secu-*
15 *rity Act of 2002 (6 U.S.C. 347) is amended—*

16 *(1) in subsection (a)(3)—*

17 *(A) in subparagraph (B), by striking “and”*
18 *after the semicolon at the end;*

19 *(B) by redesignating subparagraph (C) as*
20 *subparagraph (D); and*

21 *(C) by inserting after subparagraph (B) the*
22 *following new subparagraph:*

23 *“(C) representatives from appropriate advi-*
24 *sory committees established pursuant to section*
25 *871, including the Homeland Security Advisory*

1 *Council and the Homeland Security Science and*
2 *Technology Advisory Committee, or otherwise es-*
3 *tablished, including the Aviation Security Advi-*
4 *sory Committee established pursuant to section*
5 *44946 of title 49, United States Code; and”;*

6 *(2) in subsection (b)—*

7 *(A) in paragraph (2), by inserting before*
8 *the semicolon at the end the following: “based on*
9 *the risk assessment required pursuant to sub-*
10 *section (c)(2)(B)”;*

11 *(B) in paragraph (3)—*

12 *(i) by inserting “, to the extent prac-*
13 *ticable,” after “describe”; and*

14 *(ii) by striking “budget plan” and in-*
15 *serting “resources required”;*

16 *(C) in paragraph (4)—*

17 *(i) by inserting “, to the extent prac-*
18 *ticable,” after “identify”;*

19 *(ii) by striking “budget plan required*
20 *to provide sufficient resources to success-*
21 *fully” and inserting “resources required to”;*
22 *and*

23 *(iii) by striking the semicolon at the*
24 *end and inserting the following: “, includ-*
25 *ing any resources identified from redun-*

1 *dant, wasteful, or unnecessary capabilities*
2 *or capacities that may be redirected to bet-*
3 *ter support other existing capabilities or ca-*
4 *pacities, as the case may be; and”;*

5 *(D) in paragraph (5), by striking “; and”*
6 *and inserting a period; and*

7 *(E) by striking paragraph (6);*

8 *(3) in subsection (c)—*

9 *(A) in paragraph (1), by striking “Decem-*
10 *ber 31 of the year” and inserting “60 days after*
11 *the date of the submission of the President’s*
12 *budget for the fiscal year after the fiscal year”;*

13 *(B) in paragraph (2)—*

14 *(i) in subparagraph (B), by striking*
15 *“description of the threats to” and inserting*
16 *“risk assessment of”;*

17 *(ii) in subparagraph (C), by inserting*
18 *“, as required under subsection (b)(2)” be-*
19 *fore the semicolon at the end;*

20 *(iii) in subparagraph (D)—*

21 *(I) by inserting “to the extent*
22 *practicable,” before “a description”;*
23 *and*

24 *(II) by striking “budget plan”*
25 *and inserting “resources required”;*

1 (iv) in subparagraph (F)—

2 (I) by inserting “to the extent
3 practicable,” before “a discussion”; and

4 (II) by striking “the status of”;

5 (v) in subparagraph (G)—

6 (I) by inserting “to the extent
7 practicable,” before “a discussion”;

8 (II) by striking “the status of”;

9 (III) by inserting “and risks” be-
10 fore “to national homeland”; and

11 (IV) by inserting “and” after the
12 semicolon at the end;

13 (vi) by striking subparagraph (H);

14 and

15 (vii) by redesignating subparagraph
16 (I) as subparagraph (H);

17 (C) by redesignating paragraph (3) as
18 paragraph (4); and

19 (D) by inserting after paragraph (2) the fol-
20 lowing new paragraph:

21 “(3) *DOCUMENTATION.*—*The Secretary shall re-*
22 *tain and, upon request, provide to Congress the fol-*
23 *lowing documentation regarding each quadrennial*
24 *homeland security review:*

1 “(A) Records regarding the consultation
2 carried out pursuant to subsection (a)(3), includ-
3 ing the following:

4 “(i) All written communications, in-
5 cluding communications sent out by the
6 Secretary and feedback submitted to the
7 Secretary through technology, online com-
8 munications tools, in-person discussions,
9 and the interagency process.

10 “(ii) Information on how feedback re-
11 ceived by the Secretary informed each such
12 quadrennial homeland security review.

13 “(B) Information regarding the risk assess-
14 ment required pursuant to subsection (c)(2)(B),
15 including the following:

16 “(i) The risk model utilized to generate
17 such risk assessment.

18 “(ii) Information, including data used
19 in the risk model, utilized to generate such
20 risk assessment.

21 “(iii) Sources of information, includ-
22 ing other risk assessments, utilized to gen-
23 erate such risk assessment.

24 “(iv) Information on assumptions,
25 weighing factors, and subjective judgments

1 *utilized to generate such risk assessment, to-*
2 *gether with information on the rationale or*
3 *basis thereof.”;*

4 *(4) by redesignating subsection (d) as subsection*
5 *(e); and*

6 *(5) by inserting after subsection (c) the following*
7 *new subsection:*

8 *“(d) REVIEW.—Not later than 90 days after the sub-*
9 *mission of each report required under subsection (c)(1), the*
10 *Secretary shall provide to the Committee on Homeland Se-*
11 *curity of the House of Representatives and the Committee*
12 *on Homeland Security and Governmental Affairs of the*
13 *Senate information on the degree to which the findings and*
14 *recommendations developed in the quadrennial homeland*
15 *security review that is the subject of such report were inte-*
16 *grated into the acquisition strategy and expenditure plans*
17 *for the Department.”.*

18 *(b) EFFECTIVE DATE.—The amendments made by this*
19 *Act shall apply with respect to a quadrennial homeland se-*
20 *curity review conducted after December 31, 2021.*

21 **SEC. 7142. TECHNICAL, CONFORMING, AND CLERICAL**
22 **AMENDMENTS.**

23 *The table of contents in section 1(b) of the Homeland*
24 *Security Act of 2002 is amended by—*

1 (1) *amending the items relating to sections 435*
2 *and 436 to read as follows:*

“Sec. 435. *Maritime operations coordination plan.*
“Sec. 436. *Maritime security capabilities assessments.*”;

3 (2) *amending the item relating to section 1617*
4 *to read as follows:*

“Sec. 1617. *Diversified security technology industry marketplace.*”;

5 (3) *amending the item relating to section 1621*
6 *to read as follows:*

“Sec. 1621. *Maintenance validation and oversight.*”; and

7 (4) *amending the item relating to section 2103*
8 *to read as follows:*

“Sec. 2103. *Protection and sharing of information.*”.

9 **SEC. 7143. CISA TECHNICAL CORRECTIONS AND IMPROVE-**
10 **MENTS.**

11 (a) *TECHNICAL AMENDMENT RELATING TO DOTGOV*
12 *ACT OF 2020.*—

13 (1) *AMENDMENT.*—Section 904(b)(1) of the
14 *DOTGOV Act of 2020 (title IX of division U of Pub-*
15 *lic Law 116–260) is amended, in the matter pre-*
16 *ceding subparagraph (A), by striking “Homeland Se-*
17 *curity Act” and inserting “Homeland Security Act of*
18 *2002”.*

19 (2) *EFFECTIVE DATE.*—The amendment made by
20 *paragraph (1) shall take effect as if enacted as part*
21 *of the DOTGOV Act of 2020 (title IX of division U*
22 *of Public Law 116–260).*

1 **(b) CONSOLIDATION OF DEFINITIONS.**—

2 **(1) IN GENERAL.**—*Title XXII of the Homeland*
3 *Security Act of 2002 (6 U.S.C. 651 et seq.) is amend-*
4 *ed by inserting before the subtitle A heading the fol-*
5 *lowing:*

6 **“SEC. 2200. DEFINITIONS.**

7 *“Except as otherwise specifically provided, in this*
8 *title:*

9 **“(1) AGENCY.**—*The term ‘Agency’ means the Cy-*
10 *bersecurity and Infrastructure Security Agency.*

11 **“(2) APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—*The term ‘appropriate congressional commit-*
13 *tees’ means—*

14 **“(A) the Committee on Homeland Security**
15 **and Governmental Affairs of the Senate; and**

16 **“(B) the Committee on Homeland Security**
17 **of the House of Representatives.**

18 **“(3) CLOUD SERVICE PROVIDER.**—*The term*
19 *‘cloud service provider’ means an entity offering*
20 *products or services related to cloud computing, as de-*
21 *finied by the National Institute of Standards and*
22 *Technology in NIST Special Publication 800–145*
23 *and any amendatory or superseding document relat-*
24 *ing thereto.*

1 “(4) *CRITICAL INFRASTRUCTURE INFORMA-*
2 *TION.—The term ‘critical infrastructure information’*
3 *means information not customarily in the public do-*
4 *main and related to the security of critical infrastruc-*
5 *ture or protected systems—*

6 “(A) *actual, potential, or threatened inter-*
7 *ference with, attack on, compromise of, or inca-*
8 *pacitation of critical infrastructure or protected*
9 *systems by either physical or computer-based at-*
10 *tack or other similar conduct (including the mis-*
11 *use of or unauthorized access to all types of com-*
12 *munications and data transmission systems)*
13 *that violates Federal, State, or local law, harms*
14 *interstate commerce of the United States, or*
15 *threatens public health or safety;*

16 “(B) *the ability of any critical infrastruc-*
17 *ture or protected system to resist such inter-*
18 *ference, compromise, or incapacitation, includ-*
19 *ing any planned or past assessment, projection,*
20 *or estimate of the vulnerability of critical infra-*
21 *structure or a protected system, including secu-*
22 *rity testing, risk evaluation thereto, risk manage-*
23 *ment planning, or risk audit; or*

24 “(C) *any planned or past operational prob-*
25 *lem or solution regarding critical infrastructure*

1 *or protected systems, including repair, recovery,*
2 *reconstruction, insurance, or continuity, to the*
3 *extent it is related to such interference, com-*
4 *promise, or incapacitation.*

5 “(5) *CYBER THREAT INDICATOR.*—*The term*
6 *‘cyber threat indicator’ means information that is*
7 *necessary to describe or identify—*

8 “(A) *malicious reconnaissance, including*
9 *anomalous patterns of communications that ap-*
10 *pear to be transmitted for the purpose of gath-*
11 *ering technical information related to a cyberse-*
12 *curity threat or security vulnerability;*

13 “(B) *a method of defeating a security con-*
14 *trol or exploitation of a security vulnerability;*

15 “(C) *a security vulnerability, including*
16 *anomalous activity that appears to indicate the*
17 *existence of a security vulnerability;*

18 “(D) *a method of causing a user with legiti-*
19 *mate access to an information system or infor-*
20 *mation that is stored on, processed by, or*
21 *transiting an information system to unwittingly*
22 *enable the defeat of a security control or exploi-*
23 *tation of a security vulnerability;*

24 “(E) *malicious cyber command and control;*

1 “(F) the actual or potential harm caused by
2 an incident, including a description of the infor-
3 mation exfiltrated as a result of a particular cy-
4 bersecurity threat;

5 “(G) any other attribute of a cybersecurity
6 threat, if disclosure of such attribute is not other-
7 wise prohibited by law; or

8 “(H) any combination thereof.

9 “(6) CYBERSECURITY PURPOSE.—The term ‘cy-
10 bersecurity purpose’ means the purpose of protecting
11 an information system or information that is stored
12 on, processed by, or transiting an information system
13 from a cybersecurity threat or security vulnerability.

14 “(7) CYBERSECURITY RISK.—The term ‘cyberse-
15 curity risk’—

16 “(A) means threats to and vulnerabilities of
17 information or information systems and any re-
18 lated consequences caused by or resulting from
19 unauthorized access, use, disclosure, degradation,
20 disruption, modification, or destruction of such
21 information or information systems, including
22 such related consequences caused by an act of
23 terrorism; and

1 “(B) does not include any action that solely
2 involves a violation of a consumer term of service
3 or a consumer licensing agreement.

4 “(8) *CYBERSECURITY THREAT*.—

5 “(A) *IN GENERAL*.—Except as provided in
6 subparagraph (B), the term ‘cybersecurity threat’
7 means an action, not protected by the First
8 Amendment to the Constitution of the United
9 States, on or through an information system that
10 may result in an unauthorized effort to adversely
11 impact the security, availability, confidentiality,
12 or integrity of an information system or infor-
13 mation that is stored on, processed by, or
14 transiting an information system.

15 “(B) *EXCLUSION*.—The term ‘cybersecurity
16 threat’ does not include any action that solely
17 involves a violation of a consumer term of service
18 or a consumer licensing agreement.

19 “(9) *DEFENSIVE MEASURE*.—

20 “(A) *IN GENERAL*.—Except as provided in
21 subparagraph (B), the term ‘defensive measure’
22 means an action, device, procedure, signature,
23 technique, or other measure applied to an infor-
24 mation system or information that is stored on,
25 processed by, or transiting an information sys-

1 *tem that detects, prevents, or mitigates a known*
2 *or suspected cybersecurity threat or security vul-*
3 *nerability.*

4 “(B) *EXCLUSION.*—*The term ‘defensive*
5 *measure’ does not include a measure that de-*
6 *stroys, renders unusable, provides unauthorized*
7 *access to, or substantially harms an information*
8 *system or information stored on, processed by, or*
9 *transiting such information system not owned*
10 *by—*

11 “(i) *the private entity, as defined in*
12 *section 102 of the Cybersecurity Informa-*
13 *tion Sharing Act of 2015 (6 U.S.C. 1501),*
14 *operating the measure; or*

15 “(ii) *another entity or Federal entity*
16 *that is authorized to provide consent and*
17 *has provided consent to that private entity*
18 *for operation of such measure.*

19 “(10) *DIRECTOR.*—*The term ‘Director’ means*
20 *the Director of the Cybersecurity and Infrastructure*
21 *Security Agency.*

22 “(11) *HOMELAND SECURITY ENTERPRISE.*—*The*
23 *term ‘Homeland Security Enterprise’ means relevant*
24 *governmental and nongovernmental entities involved*
25 *in homeland security, including Federal, State, local,*

1 *and Tribal government officials, private sector rep-*
2 *resentatives, academics, and other policy experts.*

3 “(12) *INCIDENT.*—*The term ‘incident’ means an*
4 *occurrence that actually or imminently jeopardizes,*
5 *without lawful authority, the integrity, confiden-*
6 *tiality, or availability of information on an informa-*
7 *tion system, or actually or imminently jeopardizes,*
8 *without lawful authority, an information system.*

9 “(13) *INFORMATION SHARING AND ANALYSIS OR-*
10 *GANIZATION.*—*The term ‘Information Sharing and*
11 *Analysis Organization’ means any formal or infor-*
12 *mal entity or collaboration created or employed by*
13 *public or private sector organizations, for purposes*
14 *of—*

15 “(A) *gathering and analyzing critical infra-*
16 *structure information, including information re-*
17 *lated to cybersecurity risks and incidents, in*
18 *order to better understand security problems and*
19 *interdependencies related to critical infrastruc-*
20 *ture, including cybersecurity risks and incidents,*
21 *and protected systems, so as to ensure the avail-*
22 *ability, integrity, and reliability thereof;*

23 “(B) *communicating or disclosing critical*
24 *infrastructure information, including cybersecu-*
25 *rity risks and incidents, to help prevent, detect,*

1 *mitigate, or recover from the effects of an inter-*
2 *ference, a compromise, or an incapacitation*
3 *problem related to critical infrastructure, includ-*
4 *ing cybersecurity risks and incidents, or pro-*
5 *tected systems; and*

6 *“(C) voluntarily disseminating critical in-*
7 *frastructure information, including cybersecurity*
8 *risks and incidents, to its members, State, local,*
9 *and Federal Governments, or any other entities*
10 *that may be of assistance in carrying out the*
11 *purposes specified in subparagraphs (A) and*
12 *(B).*

13 *“(14) INFORMATION SYSTEM.—The term ‘infor-*
14 *mation system’—*

15 *“(A) has the meaning given the term in sec-*
16 *tion 3502 of title 44, United States Code; and*

17 *“(B) includes industrial control systems,*
18 *such as supervisory control and data acquisition*
19 *systems, distributed control systems, and pro-*
20 *grammable logic controllers.*

21 *“(15) INTELLIGENCE COMMUNITY.—The term*
22 *‘intelligence community’ has the meaning given the*
23 *term in section 3(4) of the National Security Act of*
24 *1947 (50 U.S.C. 3003(4)).*

1 “(16) *MALICIOUS CYBER COMMAND AND CON-*
2 *TROL.*—*The term ‘malicious cyber command and con-*
3 *trol’ means a method for unauthorized remote identi-*
4 *fication of, access to, or use of, an information system*
5 *or information that is stored on, processed by, or*
6 *transiting an information system.*

7 “(17) *MALICIOUS RECONNAISSANCE.*—*The term*
8 *‘malicious reconnaissance’ a method for actively prob-*
9 *ing or passively monitoring an information system*
10 *for the purpose of discerning security vulnerabilities*
11 *of the information system, if such method is associ-*
12 *ated with a known or suspected cybersecurity threat.*

13 “(18) *MANAGED SERVICE PROVIDER.*—*The term*
14 *‘managed service provider’ means an entity that de-*
15 *livers services, such as network, application, infra-*
16 *structure, or security services, via ongoing and reg-*
17 *ular support and active administration on the prem-*
18 *ises of a customer, in the data center of the entity*
19 *(such as hosting), or in a third party data center.*

20 “(19) *MONITOR.*—*The term ‘monitor’ means to*
21 *acquire, identify, or scan, or to possess, information*
22 *that is stored on, processed by, or transiting an infor-*
23 *mation system.*

1 “(20) *NATIONAL CYBERSECURITY ASSET RE-*
2 *SPONSE ACTIVITIES.*—*The term ‘national cybersecu-*
3 *riety asset response activities’ means—*

4 “(A) *furnishing cybersecurity technical as-*
5 *stance to entities affected by cybersecurity risks*
6 *to protect assets, mitigate vulnerabilities, and re-*
7 *duce impacts of cyber incidents;*

8 “(B) *identifying other entities that may be*
9 *at risk of an incident and assessing risk to the*
10 *same or similar vulnerabilities;*

11 “(C) *assessing potential cybersecurity risks*
12 *to a sector or region, including potential cas-*
13 *cading effects, and developing courses of action to*
14 *mitigate such risks;*

15 “(D) *facilitating information sharing and*
16 *operational coordination with threat response;*
17 *and*

18 “(E) *providing guidance on how best to uti-*
19 *lize Federal resources and capabilities in a time-*
20 *ly, effective manner to speed recovery from cyber-*
21 *security risks.*

22 “(21) *NATIONAL SECURITY SYSTEM.*—*The term*
23 *‘national security system’ has the meaning given the*
24 *term in section 11103 of title 40, United States Code.*

1 “(22) *RANSOMWARE ATTACK.*—*The term*
2 *‘ransomware attack’*—

3 “(A) *means an incident that includes the*
4 *use or threat of use of unauthorized or malicious*
5 *code on an information system, or the use or*
6 *threat of use of another digital mechanism such*
7 *as a denial of service attack, to interrupt or dis-*
8 *rupt the operations of an information system or*
9 *compromise the confidentiality, availability, or*
10 *integrity of electronic data stored on, processed*
11 *by, or transiting an information system to extort*
12 *a demand for a ransom payment; and*

13 “(B) *does not include any such event in*
14 *which the demand for payment is—*

15 “(i) *not genuine; or*

16 “(ii) *made in good faith by an entity*
17 *in response to a specific request by the*
18 *owner or operator of the information sys-*
19 *tem.*

20 “(23) *SECTOR RISK MANAGEMENT AGENCY.*—*The*
21 *term ‘Sector Risk Management Agency’ means a Fed-*
22 *eral department or agency, designated by law or Pres-*
23 *idential directive, with responsibility for providing*
24 *institutional knowledge and specialized expertise of a*
25 *sector, as well as leading, facilitating, or supporting*

1 *programs and associated activities of its designated*
2 *critical infrastructure sector in the all hazards envi-*
3 *ronment in coordination with the Department.*

4 “(24) *SECURITY CONTROL.*—*The term ‘security*
5 *control’ means the management, operational, and*
6 *technical controls used to protect against an unau-*
7 *thorized effort to adversely affect the confidentiality,*
8 *integrity, and availability of an information system*
9 *or its information.*

10 “(25) *SECURITY VULNERABILITY.*—*The term ‘se-*
11 *curity vulnerability’ means any attribute of hard-*
12 *ware, software, process, or procedure that could enable*
13 *or facilitate the defeat of a security control.*

14 “(26) *SHARING.*—*The term ‘sharing’ (including*
15 *all conjugations thereof) means providing, receiving,*
16 *and disseminating (including all conjugations of each*
17 *such terms).*

18 “(27) *SLTT ENTITY.*—*The term ‘SLTT entity’*
19 *means a domestic government entity that is a State*
20 *government, local government, Tribal government, ter-*
21 *ritorial government, or any subdivision thereof.*

22 “(28) *SUPPLY CHAIN COMPROMISE.*—*The term*
23 *‘supply chain compromise’ means an incident within*
24 *the supply chain of an information system that an*
25 *adversary can leverage, or does leverage, to jeopardize*

1 *the confidentiality, integrity, or availability of the in-*
2 *formation system or the information the system proc-*
3 *esses, stores, or transmits, and can occur at any point*
4 *during the life cycle.”.*

5 (2) *TECHNICAL AND CONFORMING AMEND-*
6 *MENTS.—The Homeland Security Act of 2002 (6*
7 *U.S.C. 101 et seq.) is amended—*

8 (A) *in section 320(d)(3)(C) (6 U.S.C.*
9 *195f(d)(3)(C)), by striking “section 2201” and*
10 *inserting “section 2200”;*

11 (B) *by amending section 2201 (6 U.S.C.*
12 *651) to read as follows:*

13 **“SEC. 2201. DEFINITION.**

14 *“In this subtitle, the term ‘Cybersecurity Advisory*
15 *Committee’ means the advisory committee established under*
16 *section 2219(a).”;*

17 (C) *in section 2202 (6 U.S.C. 652)—*

18 (i) *in subsection (a)(1), by striking*
19 *“(in this subtitle referred to as the Agen-*
20 *cy)”;*

21 (ii) *in subsection (b)(1), by striking “a*
22 *Director of Cybersecurity and Infrastruc-*
23 *ture Security (in this subtitle referred to as*
24 *the ‘Director’)” and inserting “the Direc-*
25 *tor”;* and

1 (iii) in subsection (f)—

2 (I) in paragraph (1), by inserting
3 “Executive” before “Assistant Direc-
4 tor”;

5 (II) in paragraph (2), by insert-
6 ing “Executive” before “Assistant Di-
7 rector”; and

8 (III) in paragraph (3), by insert-
9 ing “Executive” before “Assistant Di-
10 rector”;

11 (D) in section 2209 (6 U.S.C. 659)—

12 (i) by striking subsection (a) and in-
13 serting the following:

14 “(a) DEFINITION.—The term ‘cybersecurity vulner-
15 ability’ has the meaning given the term ‘security vulner-
16 ability’ in section 2200.”;

17 (ii) in subsection (b), by inserting
18 “Executive” before “Assistant Director for
19 Cybersecurity”;

20 (iii) in subsection (d)(1)—

21 (I) in subparagraph (A)(iii), by
22 striking “, as that term is defined
23 under section 3(4) of the National Se-
24 curity Act of 1947 (50 U.S.C.
25 3003(4))”; and

1 (II) in subparagraph (B)(ii), by
2 striking “information sharing and
3 analysis organizations” and inserting
4 “Information Sharing and Analysis
5 Organizations”;

6 (iv) in subsection (e)(1)(E)(ii)(II), by
7 striking “information sharing and analysis
8 organizations” and inserting “Information
9 Sharing and Analysis Organizations”;

10 (v) in the second subsection (p), by
11 striking “(p) COORDINATION ON CYBERSE-
12 CURITY FOR SLTT ENTITIES.—” and in-
13 serting “(r) COORDINATION ON CYBERSECU-
14 RITY FOR SLTT ENTITIES.—”; and

15 (vi) in the second subsection (q), by
16 striking “(q) REPORT.—” and inserting
17 “(s) REPORT.—”;

18 (E) in section 2210 (6 U.S.C. 660)—

19 (i) in subsection (a), by striking “sec-
20 tion—” and all that follows and inserting
21 “section, the term ‘agency information sys-
22 tem’ means an information system used or
23 operated by an agency or by another entity
24 on behalf of an agency.”;

25 (ii) in subsection (c)—

1 (I) by striking “information shar-
2 ing and analysis organizations (as de-
3 fined in section 2222(5))” and insert-
4 ing “Information Sharing and Anal-
5 ysis Organizations”; and

6 (II) by striking “(as defined in
7 section 2209)”; and

8 (iii) in subsection (e)—

9 (I) in paragraph (1)(B), by strik-
10 ing “(as such term is defined in section
11 2209)”; and

12 (II) in paragraph (3)(C), by
13 striking “(as such term is defined in
14 section 102 of the Cybersecurity Infor-
15 mation Sharing Act of 2015 (6 U.S.C.
16 1501))”;

17 (F) in section 2211 (6 U.S.C. 661), by
18 striking subsection (h);

19 (G) in section 2212 (6 U.S.C. 662), by
20 striking “information sharing and analysis or-
21 ganizations (as defined in section 2222(5))” and
22 inserting “Information Sharing and Analysis
23 Organizations”;

24 (H) in section 2213(a) (6 U.S.C. 663(a)),
25 by striking paragraph (4); and

1 *(I) in section 2216 (6 U.S.C. 665b)—*

2 *(i) in subsection (d)(2), by striking*
3 *“information sharing and analysis organi-*
4 *zations” and inserting “Information Shar-*
5 *ing and Analysis Organizations”;* and

6 *(ii) in subsection (f), by striking “sec-*
7 *tion:” and all that follows and inserting*
8 *“section, the term ‘cyber defense operation’*
9 *means the defensive activities performed for*
10 *a cybersecurity purpose.”;*

11 *(J) in section 2218(c)(4)(A) (6 U.S.C.*
12 *665d(4)(A)), by striking “information sharing*
13 *and analysis organizations” and inserting “In-*
14 *formation Sharing and Analysis Organizations”;*

15 *(K) in section 2220A (6 U.S.C. 665g)—*

16 *(i) in subsection (a)—*

17 *(I) by striking paragraphs (1),*
18 *(2), (5), (6), and (7); and*

19 *(II) by redesignating paragraphs*
20 *(3), (4), (8), (9), (10), (11), and (12)*
21 *as paragraphs (1) through (7), respec-*
22 *tively;*

23 *(ii) in subsection*
24 *(e)(2)(B)(xiv)(II)(aa), by striking “informa-*
25 *tion sharing and analysis organization”*

1 *and inserting “Information Sharing and*
2 *Analysis Organization”;*

3 (iii) *in subsection (p), by striking “ap-*
4 *propriate committees of Congress” and in-*
5 *serting “appropriate congressional commit-*
6 *tees”;* *and*

7 (iv) *in subsection (q)(4), in the matter*
8 *preceding clause (i), by striking “appro-*
9 *propriate committees of Congress” and insert-*
10 *ing “appropriate congressional committees”;*

11 (L) *in section 2220C (6 U.S.C. 665i), by*
12 *striking subsection (f) and inserting the fol-*
13 *lowing:*

14 “(f) *DEFINITION.—In this section, the term ‘industrial*
15 *control system’ means an information system used to mon-*
16 *itor and/or control industrial processes such as manufac-*
17 *turing, product handling, production, and distribution, in-*
18 *cluding supervisory control and data acquisition (SCADA)*
19 *systems used to monitor and/or control geographically dis-*
20 *persed assets, distributed control systems (DCSs), Human-*
21 *Machine Interfaces (HMIs), and programmable logic con-*
22 *trollers that control localized processes.”;*

23 (M) *in section 2222 (6 U.S.C. 671)—*

24 (i) *by striking paragraph (3) and in-*
25 *serting the following:*

1 “(3) *CRITICAL INFRASTRUCTURE INFORMA-*
2 *TION.—The term ‘critical infrastructure information’*
3 *has the meaning given the term in section 2200.’;*

4 *(ii) by striking paragraphs (5) and*
5 *(8); and*

6 *(iii) by redesignating paragraphs (6)*
7 *and (7) as paragraphs (5) and (6), respec-*
8 *tively; and*

9 *(N) in section 2240 (6 U.S.C. 681)—*

10 *(i) by striking paragraph (2);*

11 *(ii) by redesignating paragraphs (3)*
12 *through (7) as paragraphs (2) through (6);*

13 *(iii) in paragraph (6), as so redesign-*
14 *ated, by striking “section 2201” and in-*
15 *serting “section 2200”;*

16 *(iv) by striking paragraph (8), and in-*
17 *serting the following:*

18 “(7) *FEDERAL ENTITY.—The term ‘Federal enti-*
19 *ty’ has the meaning given the term in section 102 of*
20 *the Cybersecurity Information Sharing Act of 2015 (6*
21 *U.S.C. 1501).’;*

22 *(v) by striking paragraphs (9) through*
23 *(12), (14), (15), and (17); and*

1 (vi) by redesignating paragraphs (13),
2 (16), (18), and (19) as paragraphs (8), (9),
3 (10), and (11), respectively.

4 (3) *TABLE OF CONTENTS AMENDMENTS.—The*
5 *table of contents in section 1(b) of the Homeland Se-*
6 *curity Act of 2002 (Public Law 107–296; 116 Stat.*
7 *2135) is amended—*

8 (A) by inserting before the item relating to
9 *subtitle A of title XXII the following:*

“Sec. 2200. Definitions.”;

10 (B) by striking the item relating to section
11 2201 and insert the following:

“Sec. 2201. Definition.”; and

12 (C) by moving the item relating to section
13 2220D to appear after the item relating to sec-
14 tion 2220C.

15 (4) *CYBERSECURITY INFORMATION SHARING ACT*
16 *OF 2015 DEFINITIONS.—Section 102 of the Cybersecu-*
17 *urity Information Sharing Act of 2015 (6 U.S.C.*
18 *1501) is amended—*

19 (A) by striking paragraphs (4) through (7)
20 and inserting the following:

21 “(4) *CYBERSECURITY PURPOSE.—The term ‘cy-*
22 *bersecurity purpose’ has the meaning given the term*
23 *in section 2200 of the Homeland Security Act of*
24 *2002.*

1 “(5) *CYBERSECURITY THREAT*.—The term ‘cybersecurity threat’ has the meaning given the term in
2 section 2200 of the Homeland Security Act of 2002.

4 “(6) *CYBER THREAT INDICATOR*.—The term ‘cyber threat indicator’ has the meaning given the
5 term in section 2200 of the Homeland Security Act
6 of 2002.

8 “(7) *DEFENSIVE MEASURE*.—The term ‘defensive
9 measure’ has the meaning given the term in section
10 2200 of the Homeland Security Act of 2002.”;

11 (B) by striking paragraph (9) and inserting
12 the following:

13 “(9) *INFORMATION SYSTEM*.—The term ‘information
14 system’ has the meaning given the term in section
15 2200 of the Homeland Security Act of 2002.”.

16 (C) by striking paragraphs (11), (12), and
17 (13) and inserting the following:

18 “(11) *MALICIOUS CYBER COMMAND AND CONTROL*.—The term ‘malicious cyber command and control’ has the meaning given the term in section 2200
19 of the Homeland Security Act of 2002.

22 “(12) *MALICIOUS RECONNAISSANCE*.—The term
23 ‘malicious reconnaissance’ has the meaning given the
24 term in section 2200 of the Homeland Security Act
25 of 2002.

1 “(13) *MONITOR.*— *The term ‘monitor’ has the*
2 *meaning given the term in section 2200 of the Home-*
3 *land 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 ‘se-*
10 *curity vulnerability’ has the meaning given the term*
11 *in section 2200 of the Homeland Security Act of*
12 *2002.’.*

13 *(c) CORRECTION TO THE TITLE OF THE DIRECTOR OF*
14 *THE CYBERSECURITY AND INFRASTRUCTURE SECURITY*
15 *AGENCY.*—*The Homeland Security Act of 2002 (6 U.S.C.*
16 *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 and*
2 *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 Cybersecu-*
5 *rity and Infrastructure Security” and inserting “Di-*
6 *rector of the Cybersecurity and Infrastructure Secu-*
7 *rity 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 Infrastruc-*
12 *ture Security Agency”;*

13 (4) *in section 2104(c)(2) (6 U.S.C. 624(c)(2)), by*
14 *striking “Director of Cybersecurity and Infrastructure*
15 *Security” and inserting “Director of the Cybersecu-*
16 *rity and Infrastructure Security Agency”;*

17 (5) *in section 2202 (6 U.S.C. 652)—*

18 (A) *in subsection (b)(3), by striking “Direc-*
19 *tor of Cybersecurity and Infrastructure Security*
20 *of the Department” and inserting “Director of*
21 *the Cybersecurity and Infrastructure Security*
22 *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 Cybersecurity*
5 *and Infrastructure Security” and inserting “Director*
6 *of the Cybersecurity and Infrastructure Security*
7 *Agency”;*

8 *(7) in section 2206, by striking “Director of Cy-*
9 *bersecurity and Infrastructure Security” and insert-*
10 *ing “Director of the Cybersecurity and Infrastructure*
11 *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 Infrastruc-*
15 *ture 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)), by*
23 *striking “section 2209” and inserting “section*
24 *2200”;* and

1 (B) in section 226(a)(2) (6 U.S.C.
2 1524(a)(2)), by striking “section 102” and in-
3 serting “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)) is
7 amended by striking “section 102 of the *Cybersecurity*
8 *Act of 2015* (6 U.S.C. 1501)” and inserting “section
9 2200 of the *Homeland Security Act of 2002*”.

10 (3) *INFRASTRUCTURE INVESTMENT AND JOBS*
11 *ACT*.—Section 40124(a)(1) of the *Infrastructure In-*
12 *vestment and Jobs Act* (42 U.S.C. 18723(a)(1)) is
13 amended by striking “section 102 of the *Cybersecurity*
14 *Act of 2015* (6 U.S.C. 1051)” and inserting “section
15 2200 of the *Homeland Security Act of 2002*”.

16 (4) *PUBLIC HEALTH SERVICE ACT*.—Section
17 2811(b)(4)(D) of the *Public Health Service Act* (42
18 U.S.C. 300hh–10(b)(4)(D)) is amended by striking
19 “section 228(c) of the *Homeland Security Act of 2002*
20 (6 U.S.C. 149(c))” and inserting “section 2210(b) of
21 the *Homeland Security Act of 2002* (6 U.S.C.
22 660(b))”.

23 (5) *WILLIAM M. (MAC) THORNBERRY NATIONAL*
24 *DEFENSE AUTHORIZATION ACT OF FISCAL YEAR*
25 2021.—Section 9002 of the *William M. (Mac) Thorn-*

1 *berry National Defense Authorization Act for Fiscal*
2 *Year 2021 (6 U.S.C. 652a) is amended—*

3 *(A) in subsection (a)—*

4 *(i) by striking paragraph (5);*

5 *(ii) by redesignating paragraphs (6)*
6 *and (7) as paragraphs (5) and (6), respec-*
7 *tively; and*

8 *(iii) by amending paragraph (7) to*
9 *read as follows:*

10 *“(7) SECTOR RISK MANAGEMENT AGENCY.—The*
11 *term ‘Sector Risk Management Agency’ has the mean-*
12 *ing given the term in section 2200 of the Homeland*
13 *Security Act of 2002.”;*

14 *(B) in subsection (c)(3)(B), by striking*
15 *“given such term in section 2201(5) (6 U.S.C.*
16 *651(5))” and inserting “given such term in sec-*
17 *tion 2200”; and*

18 *(C) in subsection (d), by striking “section*
19 *2215 of the Homeland Security Act of 2002, as*
20 *added by this section” and inserting “section*
21 *2218 of the Homeland Security Act of 2002 (6*
22 *U.S.C. 665d)”.*

23 *(6) NATIONAL SECURITY ACT OF 1947.—Section*
24 *113B(b)(4) of the National Security Act of 1947 (50*
25 *U.S.C. 3049a(b)(4)) is amended by striking section*

1 *“226 of the Homeland Security Act of 2002 (6 U.S.C.*
2 *147)” and inserting “section 2208 of the Homeland*
3 *Security Act of 2002 (6 U.S.C. 658)”.*

4 (7) *NATIONAL DEFENSE AUTHORIZATION ACT*
5 *FOR FISCAL YEAR 2020.—Section 6503(a)(3) of the*
6 *National Defense Authorization Act for Fiscal Year*
7 *2020 (50 U.S.C. 3371a(a)(3)) is amended by striking*
8 *“section 102 of the Cybersecurity Information Shar-*
9 *ing Act of 2015 (6 U.S.C. 1501)” and inserting “sec-*
10 *tion 2200 of the Homeland Security Act of 2002”.*

11 (8) *IoT CYBERSECURITY IMPROVEMENT ACT OF*
12 *2020.—Section 3(8) of the IoT Cybersecurity Improve-*
13 *ment Act of 2020 (15 U.S.C. 278g-3a(8)) is amended*
14 *by striking “section 102(17) of the Cybersecurity In-*
15 *formation Sharing Act of 2015 (6 U.S.C. 1501(17))”*
16 *and inserting “section 2200 of the Homeland Security*
17 *Act of 2002”.*

18 (9) *SMALL BUSINESS ACT.—Section 21(a)(8)(B)*
19 *of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is*
20 *amended by striking “section 2209(a)” and inserting*
21 *“section 2200”.*

22 (10) *TITLE 46.—Section 70101(2) of title 46,*
23 *United States Code, is amended by striking “section*
24 *227 of the Homeland Security Act of 2002 (6 U.S.C.*

1 148)” and inserting “section 2200 of the Homeland
2 Security Act of 2002”.

3 (e) *CLARIFYING AND TECHNICAL AMENDMENTS TO*
4 *THE CYBER INCIDENT REPORTING FOR CRITICAL INFRA-*
5 *STRUCTURE ACT OF 2022.*—*The Homeland Security Act of*
6 *2002 (6 U.S.C. 101 et seq.) is amended—*

7 (1) *in section 2243(6 U.S.C. 681c), by striking*
8 *subsection (c) and inserting the following:*

9 “(c) *APPLICATION OF SECTION 2245.*—*Section 2245*
10 *shall apply in the same manner and to the same extent*
11 *to reports and information submitted under subsections (a)*
12 *and (b) as it applies to reports and information submitted*
13 *under section 2242.”; and*

14 (2) *in section 2244(b)(2) (6 U.S.C. 681d(b)(2)),*
15 *by inserting “including that section 2245 shall apply*
16 *to such information in the same manner and to the*
17 *same extent to information submitted in response to*
18 *requests under paragraph (1) as it applies to infor-*
19 *mation submitted under section 2242” after “section*
20 *2242”.*

21 (f) *RULE OF CONSTRUCTION.*—

22 (1) *INTERPRETATION OF TECHNICAL CORREC-*
23 *TIONS.*—*Nothing in the amendments made by sub-*
24 *sections (a) through (d) shall be construed to alter the*
25 *authorities, responsibilities, functions, or activities of*

1 *any agency (as such term is defined in section 3502*
 2 *of title 44, United States Code) or officer or employee*
 3 *of the United States on or before the date of enact-*
 4 *ment of this Act.*

5 (2) *INTERPRETATION OF REFERENCES TO DEFINI-*
 6 *TIONS.—Any reference to a term defined in the*
 7 *Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)*
 8 *on the day before the date of enactment of this Act*
 9 *that is defined in section 2200 of that Act pursuant*
 10 *to the amendments made under this Act shall be*
 11 *deemed to be a reference to that term as defined in*
 12 *section 2200 of the Homeland Security Act of 2002,*
 13 *as added by this Act.*

14 ***TITLE LXXII—GOVERNMENTAL***
 15 ***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.

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 serv-*
 13 *ices.*

14 (2) *The legislative branch relies on the executive*
 15 *branch to provide timely and urgent tactical and*
 16 *operational information to ensure that Congress can*
 17 *protect the constitutional officers, personnel, and fa-*

1 *cilities of Congress and the institution of Congress*
2 *more broadly.*

3 *(3) The legislative branch currently is not receiv-*
4 *ing this information in a timely manner nor as a*
5 *matter of course.*

6 *(c) DEFINITIONS.—In this section—*

7 *(1) the term “congressional leadership” means—*

8 *(A) the Majority and Minority Leader of*
9 *the Senate with respect to an agreement with the*
10 *Sergeant at Arms and Doorkeeper of the Senate*
11 *or the Secretary of the Senate; and*

12 *(B) the Speaker and Minority Leader of the*
13 *House of Representatives with respect to an*
14 *agreement with the Chief Administrative Officer*
15 *of the House of Representatives or the Sergeant*
16 *at Arms of the House of Representatives; and*

17 *(2) the terms “cybersecurity threat” and “secu-*
18 *urity vulnerability” have the meanings given those*
19 *terms in section 2200 of the Homeland Security Act*
20 *of 2002, as added by section 5171 of this division.*

21 *(d) REQUIREMENT.—*

22 *(1) DESIGNATION.—*

23 *(A) IN GENERAL.—Not later than 30 days*
24 *after the date of enactment of this Act, the Presi-*
25 *dent shall designate—*

1 (i) *an individual appointed by the*
2 *President, by and with the advice and con-*
3 *sent of the Senate, to serve as a single point*
4 *of contact to the legislative branch on mat-*
5 *ters related to tactical and operational cy-*
6 *bersecurity threats and security*
7 *vulnerabilities; and*

8 (ii) *an individual appointed by the*
9 *President, by and with the advice and con-*
10 *sent of the Senate, to serve as a single point*
11 *of contact to the legislative branch on mat-*
12 *ters related to tactical and operational*
13 *counterintelligence.*

14 (B) *COORDINATION.*—*The individuals des-*
15 *ignated by the President under subparagraph*
16 *(A) shall coordinate with appropriate Executive*
17 *agencies (as defined in section 105 of title 5,*
18 *United States Code, including the Executive Of-*
19 *fice of the President) and appropriate officers in*
20 *the executive branch in entering any agreement*
21 *described in paragraph (2).*

22 (2) *INFORMATION SHARING AGREEMENTS.*—

23 (A) *IN GENERAL.*—*Not later than 90 days*
24 *after the date of enactment of this Act, the indi-*
25 *viduals designated by the President under para-*

1 *graph (1)(A) shall enter into 1 or more informa-*
2 *tion sharing agreements with—*

3 *(i) the Sergeant at Arms and Door-*
4 *keeper of the Senate with respect to cyberse-*
5 *curity information sharing, subject to the*
6 *approval of congressional leadership and in*
7 *consultation with the chairman and the*
8 *ranking minority member of the Committee*
9 *on Rules and Administration of the Senate;*

10 *(ii) the Secretary of the Senate with*
11 *respect to counterintelligence information*
12 *sharing, subject to the approval of congress-*
13 *sional leadership and in consultation with*
14 *the chairman and ranking minority mem-*
15 *ber of the Committee on Rules and Admin-*
16 *istration of the Senate;*

17 *(iii) the Chief Administrative Officer*
18 *of the House of Representatives with respect*
19 *to cybersecurity information sharing, sub-*
20 *ject to the approval of the chair of the Com-*
21 *mittee on House Administration of the*
22 *House of Representatives and in consulta-*
23 *tion with the ranking minority member of*
24 *the committee and congressional leadership;*
25 *and*

1 *(iv) the Sergeant at Arms of the House*
2 *of Representatives with respect to counter-*
3 *intelligence information sharing, subject to*
4 *the approval of the chair of the Committee*
5 *on House Administration of the House of*
6 *Representatives and in consultation with*
7 *the ranking minority member of the com-*
8 *mittee and congressional leadership.*

9 *(B) PURPOSE.—The agreements described*
10 *in subparagraph (A) shall establish procedures*
11 *for timely sharing of tactical and operational cy-*
12 *bersecurity threat and security vulnerability in-*
13 *formation and planned or ongoing counterintel-*
14 *ligence operations or targeted collection efforts*
15 *with the legislative branch.*

16 *(3) IMPLEMENTATION.—Not less frequently than*
17 *semiannually during the 3-year period beginning on*
18 *the date of enactment of this Act, the individuals des-*
19 *ignated by the President under paragraph (1)(A)*
20 *shall meet with the officers referenced in clauses (i),*
21 *(ii), (iii), and (iv) of paragraph (2)(A), the chairman*
22 *and ranking minority member of the Committee on*
23 *Homeland Security and Governmental Affairs of the*
24 *Senate, with respect to an agreement with the Ser-*
25 *geant at Arms and Doorkeeper of the Senate, and the*

1 *chair and ranking minority member of the Committee*
2 *on Oversight and Reform of the House of Representa-*
3 *tives, with respect to an agreement with the Chief Ad-*
4 *ministrative Officer of the House of Representatives*
5 *or the Sergeant at Arms of the House of Representa-*
6 *tives, to ensure the agreements with such officers are*
7 *being implemented in a manner consistent with ap-*
8 *plicable laws, including this Act.*

9 *(e) ELEMENTS.—*

10 *(1) IN GENERAL.—The parties to an information*
11 *sharing agreement under subsection (d)(2) shall joint-*
12 *ly develop such elements of the agreement as the par-*
13 *ties find appropriate, which—*

14 *(A) with respect to an agreement covered by*
15 *subsection (d)(2)(A)(i) or (ii), shall, at a min-*
16 *imum, include the applicable elements specified*
17 *in paragraph (2); and*

18 *(B) with respect to an agreement covered by*
19 *subsection (d)(2)(A)(iii) or (iv), may include the*
20 *applicable elements specified in paragraph (2).*

21 *(2) ELEMENTS SPECIFIED.—The elements speci-*
22 *fied in this paragraph are—*

23 *(A) direct and timely sharing of technical*
24 *indicators and contextual information on cyber*

1 *threats and security vulnerabilities, and the*
2 *means for such sharing;*

3 *(B) direct and timely sharing of counter-*
4 *intelligence threats and vulnerabilities, including*
5 *trends of counterintelligence activity, and the*
6 *means for such sharing;*

7 *(C) identification, by position, of the offi-*
8 *cial at the operational and tactical level respon-*
9 *sible for daily management of the agreement;*

10 *(D) the ability to seat cybersecurity per-*
11 *sonnel of the Office of the Sergeant at Arms and*
12 *Doorkeeper of the Senate or the Office of the*
13 *Chief Administrative Officer of the House of*
14 *Representatives at cybersecurity operations cen-*
15 *ters within the executive branch; and*

16 *(E) any other elements the parties find ap-*
17 *propriate.*

18 ***Subtitle A—Improving Government***
19 ***for America’s Taxpayers***

20 ***SEC. 7211. GOVERNMENT ACCOUNTABILITY OFFICE***
21 ***UNIMPLEMENTED PRIORITY RECOMMENDA-***
22 ***TIONS.***

23 *(a) IN GENERAL.—The Comptroller General of the*
24 *United States shall, as part of the Comptroller General’s*
25 *annual reporting to committees of Congress—*

1 (1) *consolidate Matters for Congressional Consid-*
2 *eration from the Government Accountability Office in*
3 *one report organized by policy topic that includes the*
4 *amount of time such Matters have been*
5 *unimplemented and submit such report to congres-*
6 *sional leadership and the oversight committees of each*
7 *House;*

8 (2) *with respect to the annual letters sent by the*
9 *Comptroller General to individual agency heads and*
10 *relevant congressional committees on the status of*
11 *unimplemented priority recommendations, identify*
12 *any additional congressional oversight actions that*
13 *can help agencies implement such priority rec-*
14 *ommendations and address any underlying issues re-*
15 *lating to such implementation;*

16 (3) *make publicly available the information de-*
17 *scribed in paragraphs (1) and (2); and*

18 (4) *publish any known costs of unimplemented*
19 *priority recommendations, if applicable.*

20 (b) *RULE OF CONSTRUCTION.—Nothing in this section*
21 *shall be construed to require reporting relating to*
22 *unimplemented priority recommendations or any other re-*
23 *port, recommendation, information, or item relating to any*
24 *element of the intelligence community, as defined in section*
25 *3 of the National Security Act of 1947 (50 U.S.C. 3003).*

1 ***Subtitle B—Advancing American AI***
2 ***Act***

3 **SEC. 7221. SHORT TITLE.**

4 *This subtitle may be cited as the “Advancing Amer-*
5 *ican AI Act”.*

6 **SEC. 7222. PURPOSES.**

7 *The purposes of this subtitle are to—*

8 *(1) encourage agency artificial intelligence-re-*
9 *lated programs and initiatives that enhance the com-*
10 *petitiveness of the United States and foster an ap-*
11 *proach to artificial intelligence that builds on the*
12 *strengths of the United States in innovation and*
13 *entrepreneurialism;*

14 *(2) enhance the ability of the Federal Govern-*
15 *ment to translate research advances into artificial in-*
16 *telligence applications to modernize systems and as-*
17 *assist agency leaders in fulfilling their missions;*

18 *(3) promote adoption of modernized business*
19 *practices and advanced technologies across the Fed-*
20 *eral Government that align with the values of the*
21 *United States, including the protection of privacy,*
22 *civil rights, and civil liberties; and*

23 *(4) test and harness applied artificial intel-*
24 *ligence to enhance mission effectiveness, agency pro-*
25 *gram integrity, and business practice efficiency.*

1 **SEC. 7223. DEFINITIONS.**

2 *In this subtitle:*

3 (1) *AGENCY.*—*The term “agency” has the mean-*
4 *ing given the term in section 3502 of title 44, United*
5 *States Code.*

6 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
7 *TEES.*—*The term “appropriate congressional commit-*
8 *tees” means—*

9 (A) *the Committee on Homeland Security*
10 *and Governmental Affairs of the Senate;*

11 (B) *the Committee on Oversight and Reform*
12 *of the House of Representatives; and*

13 (C) *the Committee on Homeland Security of*
14 *the House of Representatives.*

15 (3) *ARTIFICIAL INTELLIGENCE.*—*The term “arti-*
16 *ficial intelligence” has the meaning given the term in*
17 *section 238(g) of the John S. McCain National De-*
18 *fense Authorization Act for Fiscal Year 2019 (10*
19 *U.S.C. 2358 note).*

20 (4) *ARTIFICIAL INTELLIGENCE SYSTEM.*—*The*
21 *term “artificial intelligence system”—*

22 (A) *means any data system, software, ap-*
23 *plication, tool, or utility that operates in whole*
24 *or in part using dynamic or static machine*
25 *learning algorithms or other forms of artificial*
26 *intelligence, whether—*

1 (i) the data system, software, applica-
2 tion, tool, or utility is established primarily
3 for the purpose of researching, developing,
4 or implementing artificial intelligence tech-
5 nology; or

6 (ii) artificial intelligence capability is
7 integrated into another system or agency
8 business process, operational activity, or
9 technology system; and

10 (B) does not include any common commer-
11 cial product within which artificial intelligence
12 is embedded, such as a word processor or map
13 navigation system.

14 (5) *DEPARTMENT.*—The term “Department”
15 means the Department of Homeland Security.

16 (6) *DIRECTOR.*—The term “Director” means the
17 Director of the Office of Management and Budget.

18 **SEC. 7224. PRINCIPLES AND POLICIES FOR USE OF ARTIFI-**
19 **CIAL INTELLIGENCE IN GOVERNMENT.**

20 (a) *GUIDANCE.*—The Director shall, when developing
21 the guidance required under section 104(a) of the AI in
22 Government Act of 2020 (title I of division U of Public Law
23 116–260), consider—

24 (1) the considerations and recommended prac-
25 tices identified by the National Security Commission

1 *on Artificial Intelligence in the report entitled “Key*
2 *Considerations for the Responsible Development and*
3 *Fielding of AI”, as updated in April 2021;*

4 *(2) the principles articulated in Executive Order*
5 *13960 (85 Fed. Reg. 78939; relating to promoting the*
6 *use of trustworthy artificial intelligence in Govern-*
7 *ment); and*

8 *(3) the input of—*

9 *(A) the Administrator of General Services;*

10 *(B) relevant interagency councils, such as*
11 *the Federal Privacy Council, the Chief Financial*
12 *Officers Council, the Chief Information Officers*
13 *Council, and the Chief Data Officers Council;*

14 *(C) other governmental and nongovern-*
15 *mental privacy, civil rights, and civil liberties*
16 *experts;*

17 *(D) academia;*

18 *(E) industry technology and data science*
19 *experts; and*

20 *(F) any other individual or entity the Di-*
21 *rector determines to be appropriate.*

22 *(b) DEPARTMENT POLICIES AND PROCESSES FOR PRO-*
23 *CUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-EN-*
24 *ABLED SYSTEMS.—Not later than 180 days after the date*
25 *of enactment of this Act—*

1 (1) *the Secretary of Homeland Security, with the*
2 *participation of the Chief Procurement Officer, the*
3 *Chief Information Officer, the Chief Privacy Officer,*
4 *and the Officer for Civil Rights and Civil Liberties*
5 *of the Department and any other person determined*
6 *to be relevant by the Secretary of Homeland Security,*
7 *shall issue policies and procedures for the Department*
8 *related to—*

9 (A) *the acquisition and use of artificial in-*
10 *telligence; and*

11 (B) *considerations for the risks and impacts*
12 *related to artificial intelligence-enabled systems,*
13 *including associated data of machine learning*
14 *systems, to ensure that full consideration is given*
15 *to—*

16 (i) *the privacy, civil rights, and civil*
17 *liberties impacts of artificial intelligence-en-*
18 *abled systems; and*

19 (ii) *security against misuse, degrada-*
20 *tion, or rendering inoperable of artificial in-*
21 *telligence-enabled systems; and*

22 (2) *the Chief Privacy Officer and the Officer for*
23 *Civil Rights and Civil Liberties of the Department*
24 *shall report to Congress on any additional staffing or*

1 *funding resources that may be required to carry out*
2 *the requirements of this subsection.*

3 (c) *INSPECTOR GENERAL.*—*Not later than 180 days*
4 *after the date of enactment of this Act, the Inspector General*
5 *of the Department shall identify any training and invest-*
6 *ments needed to enable employees of the Office of the Inspec-*
7 *tor General to continually advance their understanding*
8 *of—*

9 (1) *artificial intelligence systems;*

10 (2) *best practices for governance, oversight, and*
11 *audits of the use of artificial intelligence systems; and*

12 (3) *how the Office of the Inspector General is*
13 *using artificial intelligence to enhance audit and in-*
14 *vestigative capabilities, including actions to—*

15 (A) *ensure the integrity of audit and inves-*
16 *tigative results; and*

17 (B) *guard against bias in the selection and*
18 *conduct of audits and investigations.*

19 (d) *ARTIFICIAL INTELLIGENCE HYGIENE AND PROTEC-*
20 *TION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL*
21 *RIGHTS, AND CIVIL LIBERTIES.*—

22 (1) *ESTABLISHMENT.*—*Not later than 1 year*
23 *after the date of enactment of this Act, the Director,*
24 *in consultation with a working group consisting of*
25 *members selected by the Director from appropriate*

1 *interagency councils, shall develop an initial means*
2 *by which to—*

3 *(A) ensure that contracts for the acquisition*
4 *of an artificial intelligence system or service—*

5 *(i) align with the guidance issued to*
6 *the head of each agency under section*
7 *104(a) of the AI in Government Act of 2020*
8 *(title I of division U of Public Law 116–*
9 *260);*

10 *(ii) address protection of privacy, civil*
11 *rights, and civil liberties;*

12 *(iii) address the ownership and secu-*
13 *rity of data and other information created,*
14 *used, processed, stored, maintained, dissemi-*
15 *nated, disclosed, or disposed of by a con-*
16 *tractor or subcontractor on behalf of the*
17 *Federal Government; and*

18 *(iv) include considerations for securing*
19 *the training data, algorithms, and other*
20 *components of any artificial intelligence*
21 *system against misuse, unauthorized alter-*
22 *ation, degradation, or rendering inoperable;*
23 *and*

24 *(B) address any other issue or concern de-*
25 *termined to be relevant by the Director to ensure*

1 *appropriate use and protection of privacy and*
2 *Government data and other information.*

3 (2) *CONSULTATION.*—*In developing the consider-*
4 *ations under paragraph (1)(A)(iv), the Director shall*
5 *consult with the Secretary of Homeland Security, the*
6 *Secretary of Energy, the Director of the National In-*
7 *stitute of Standards and Technology, and the Director*
8 *of National Intelligence.*

9 (3) *REVIEW.*—*The Director—*

10 (A) *should continuously update the means*
11 *developed under paragraph (1); and*

12 (B) *not later than 2 years after the date of*
13 *enactment of this Act and not less frequently*
14 *than every 2 years thereafter, shall update the*
15 *means developed under paragraph (1).*

16 (4) *BRIEFING.*—*The Director shall brief the ap-*
17 *propriate congressional committees—*

18 (A) *not later than 90 days after the date of*
19 *enactment of this Act and thereafter on a quar-*
20 *terly basis until the Director first implements*
21 *the means developed under paragraph (1); and*

22 (B) *annually thereafter on the implementa-*
23 *tion of this subsection.*

1 (5) *SUNSET.*—*This subsection shall cease to be*
2 *effective on the date that is 5 years after the date of*
3 *enactment of this Act.*

4 **SEC. 7225. AGENCY INVENTORIES AND ARTIFICIAL INTEL-**
5 **LIGENCE USE CASES.**

6 (a) *INVENTORY.*—*Not later than 60 days after the date*
7 *of enactment of this Act, and continuously thereafter for*
8 *a period of 5 years, the Director, in consultation with the*
9 *Chief Information Officers Council, the Chief Data Officers*
10 *Council, and other interagency bodies as determined to be*
11 *appropriate by the Director, shall require the head of each*
12 *agency to—*

13 (1) *prepare and maintain an inventory of the*
14 *artificial intelligence use cases of the agency, includ-*
15 *ing current and planned uses;*

16 (2) *share agency inventories with other agencies,*
17 *to the extent practicable and consistent with applica-*
18 *ble law and policy, including those concerning protec-*
19 *tion of privacy and of sensitive law enforcement, na-*
20 *tional security, and other protected information; and*

21 (3) *make agency inventories available to the pub-*
22 *lic, in a manner determined by the Director, and to*
23 *the extent practicable and in accordance with appli-*
24 *cable law and policy, including those concerning the*
25 *protection of privacy and of sensitive law enforce-*

1 *ment, national security, and other protected informa-*
2 *tion.*

3 *(b) CENTRAL INVENTORY.—The Director is encouraged*
4 *to designate a host entity and ensure the creation and*
5 *maintenance of an online public directory to—*

6 *(1) make agency artificial intelligence use case*
7 *information available to the public and those wishing*
8 *to do business with the Federal Government; and*

9 *(2) identify common use cases across agencies.*

10 *(c) SHARING.—The sharing of agency inventories de-*
11 *scribed in subsection (a)(2) may be coordinated through the*
12 *Chief Information Officers Council, the Chief Data Officers*
13 *Council, the Chief Financial Officers Council, the Chief Ac-*
14 *quisition Officers Council, or other interagency bodies to*
15 *improve interagency coordination and information sharing*
16 *for common use cases.*

17 *(d) DEPARTMENT OF DEFENSE.—Nothing in this sec-*
18 *tion shall apply to the Department of Defense.*

19 **SEC. 7226. RAPID PILOT, DEPLOYMENT AND SCALE OF AP-**
20 **PLIED ARTIFICIAL INTELLIGENCE CAPABILI-**
21 **TIES TO DEMONSTRATE MODERNIZATION AC-**
22 **TIVITIES RELATED TO USE CASES.**

23 *(a) IDENTIFICATION OF USE CASES.—Not later than*
24 *270 days after the date of enactment of this Act, the Direc-*
25 *tor, in consultation with the Chief Information Officers*

1 *Council, the Chief Data Officers Council, the Chief Finan-*
2 *cial Officers Council, and other interagency bodies as deter-*
3 *mined to be appropriate by the Director, shall identify 4*
4 *new use cases for the application of artificial intelligence-*
5 *enabled systems to support interagency or intra-agency*
6 *modernization initiatives that require linking multiple*
7 *siloed internal and external data sources, consistent with*
8 *applicable laws and policies, including those relating to the*
9 *protection of privacy and of sensitive law enforcement, na-*
10 *tional security, and other protected information.*

11 *(b) PILOT PROGRAM.—*

12 *(1) PURPOSES.—The purposes of the pilot pro-*
13 *gram under this subsection include—*

14 *(A) to enable agencies to operate across or-*
15 *ganizational boundaries, coordinating between*
16 *existing established programs and silos to im-*
17 *prove delivery of the agency mission;*

18 *(B) to demonstrate the circumstances under*
19 *which artificial intelligence can be used to mod-*
20 *ernize or assist in modernizing legacy agency*
21 *systems; and*

22 *(C) to leverage commercially available arti-*
23 *ficial intelligence technologies that—*

1 (i) operate in secure cloud environ-
2 ments that can deploy rapidly without the
3 need to replace existing systems; and

4 (ii) do not require extensive staff or
5 training to build.

6 (2) *DEPLOYMENT AND PILOT.*—Not later than 1
7 year after the date of enactment of this Act, the Direc-
8 tor, in coordination with the heads of relevant agen-
9 cies and Federal entities, including the Administrator
10 of General Services, the Bureau of Fiscal Service of
11 the Department of the Treasury, the Council of the
12 Inspectors General on Integrity and Efficiency, and
13 the Pandemic Response Accountability Committee,
14 and other officials as the Director determines to be
15 appropriate, shall ensure the initiation of the piloting
16 of the 4 new artificial intelligence use case applica-
17 tions identified under subsection (a), leveraging com-
18 mercially available technologies and systems to dem-
19 onstrate scalable artificial intelligence-enabled capa-
20 bilities to support the use cases identified under sub-
21 section (a).

22 (3) *RISK EVALUATION AND MITIGATION PLAN.*—
23 In carrying out paragraph (2), the Director shall re-
24 quire the heads of agencies to—

1 (A) evaluate risks in utilizing artificial in-
2 telligence systems; and

3 (B) develop a risk mitigation plan to ad-
4 dress those risks, including consideration of—

5 (i) the artificial intelligence system not
6 performing as expected or as designed;

7 (ii) the quality and relevancy of the
8 data resources used in the training of the
9 algorithms used in an artificial intelligence
10 system;

11 (iii) the processes for training and test-
12 ing, evaluating, validating, and modifying
13 an artificial intelligence system; and

14 (iv) the vulnerability of a utilized arti-
15 ficial intelligence system to unauthorized
16 manipulation or misuse, including the use
17 of data resources that substantially differ
18 from the training data.

19 (4) *PRIORITIZATION.*—In carrying out para-
20 graph (2), the Director shall prioritize modernization
21 projects that—

22 (A) would benefit from commercially avail-
23 able privacy-preserving techniques, such as use of
24 differential privacy, federated learning, and se-
25 cure multiparty computing; and

1 (B) otherwise take into account consider-
2 ations of civil rights and civil liberties.

3 (5) *PRIVACY PROTECTIONS.*—In carrying out
4 paragraph (2), the Director shall require the heads of
5 agencies to use privacy-preserving techniques when
6 feasible, such as differential privacy, federated learn-
7 ing, and secure multiparty computing, to mitigate
8 any risks to individual privacy or national security
9 created by a project or data linkage.

10 (6) *USE CASE MODERNIZATION APPLICATION*
11 *AREAS.*—Use case modernization application areas
12 described in paragraph (2) shall include not less than
13 1 from each of the following categories:

14 (A) Applied artificial intelligence to drive
15 agency productivity efficiencies in predictive
16 supply chain and logistics, such as—

17 (i) predictive food demand and opti-
18 mized supply;

19 (ii) predictive medical supplies and
20 equipment demand and optimized supply;
21 or

22 (iii) predictive logistics to accelerate
23 disaster preparedness, response, and recov-
24 ery.

1 (B) *Applied artificial intelligence to accel-*
2 *erate agency investment return and address mis-*
3 *sion-oriented challenges, such as—*

4 (i) *applied artificial intelligence port-*
5 *folio management for agencies;*

6 (ii) *workforce development and*
7 *upskilling;*

8 (iii) *redundant and laborious analyses;*

9 (iv) *determining compliance with Gov-*
10 *ernment requirements, such as with Federal*
11 *financial management and grants manage-*
12 *ment, including implementation of chapter*
13 *64 of subtitle V of title 31, United States*
14 *Code;*

15 (v) *addressing fraud, waste, and abuse*
16 *in agency programs and mitigating im-*
17 *proper payments; or*

18 (vi) *outcomes measurement to measure*
19 *economic and social benefits.*

20 (7) *REQUIREMENTS.—Not later than 3 years*
21 *after the date of enactment of this Act, the Director,*
22 *in coordination with the heads of relevant agencies*
23 *and other officials as the Director determines to be*
24 *appropriate, shall establish an artificial intelligence*

1 *capability within each of the 4 use case pilots under*
2 *this subsection that—*

3 *(A) solves data access and usability issues*
4 *with automated technology and eliminates or*
5 *minimizes the need for manual data cleansing*
6 *and harmonization efforts;*

7 *(B) continuously and automatically ingests*
8 *data and updates domain models in near real-*
9 *time to help identify new patterns and predict*
10 *trends, to the extent possible, to help agency per-*
11 *sonnel to make better decisions and take faster*
12 *actions;*

13 *(C) organizes data for meaningful data vis-*
14 *ualization and analysis so the Government has*
15 *predictive transparency for situational aware-*
16 *ness to improve use case outcomes;*

17 *(D) is rapidly configurable to support mul-*
18 *tiple applications and automatically adapts to*
19 *dynamic conditions and evolving use case re-*
20 *quirements, to the extent possible;*

21 *(E) enables knowledge transfer and collabo-*
22 *ration across agencies; and*

23 *(F) preserves intellectual property rights to*
24 *the data and output for benefit of the Federal*

1 *Government and agencies and protects sensitive*
2 *personally identifiable information.*

3 (c) *BRIEFING.*—*Not earlier than 270 days but not*
4 *later than 1 year after the date of enactment of this Act,*
5 *and annually thereafter for 4 years, the Director shall brief*
6 *the appropriate congressional committees on the activities*
7 *carried out under this section and results of those activities.*

8 (d) *SUNSET.*—*The section shall cease to be effective on*
9 *the date that is 5 years after the date of enactment of this*
10 *Act.*

11 **SEC. 7227. ENABLING ENTREPRENEURS AND AGENCY MIS-**
12 **SIONS.**

13 (a) *INNOVATIVE COMMERCIAL ITEMS.*—*Section 880 of*
14 *the National Defense Authorization Act for Fiscal Year*
15 *2017 (41 U.S.C. 3301 note) is amended—*

16 (1) *in subsection (c), by striking \$10,000,000*
17 *and inserting “\$25,000,000”;*

18 (2) *by amending subsection (f) to read as follows:*

19 “(f) *DEFINITIONS.*—*In this section—*

20 “(1) *the term ‘commercial product’—*

21 “(A) *has the meaning given the term ‘com-*
22 *mercial item’ in section 2.101 of the Federal Ac-*
23 *quisition Regulation; and*

24 “(B) *includes a commercial product or a*
25 *commercial service, as defined in sections 103*

1 *and 103a, respectively, of title 41, United States*
2 *Code; and*

3 “(2) the term ‘innovative’ means—

4 “(A) any new technology, process, or meth-
5 *od, including research and development; or*

6 “(B) any new application of an existing
7 *technology, process, or method.”; and*

8 (3) in subsection (g), by striking “2022” and in-
9 *sert “2027”.*

10 (b) *DHS OTHER TRANSACTION AUTHORITY.*—Section
11 *831 of the Homeland Security Act of 2002 (6 U.S.C. 391)*
12 *is amended—*

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph (1),
15 *by striking “September 30, 2017” and inserting*
16 *“September 30, 2024”; and*

17 (B) by amending paragraph (2) to read as
18 *follows:*

19 “(2) *PROTOTYPE PROJECTS.*—The Secretary—

20 “(A) may, under the authority of para-
21 *graph (1), carry out prototype projects under*
22 *section 4022 of title 10, United States Code; and*

23 “(B) in applying the authorities of such sec-
24 *tion 4022, the Secretary shall perform the func-*

1 *tions of the Secretary of Defense as prescribed in*
2 *such section.”;*

3 *(2) in subsection (c)(1), by striking “September*
4 *30, 2017” and inserting “September 30, 2024”; and*

5 *(3) in subsection (d), by striking “section*
6 *845(e)” and all that follows and inserting “section*
7 *4022(e) of title 10, United States Code.”.*

8 *(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN*
9 *RISK MANAGEMENT TOOLS.—*

10 *(1) IN GENERAL.—The General Services Admin-*
11 *istration is encouraged to pilot commercial off the*
12 *shelf supply chain risk management tools to improve*
13 *the ability of the Federal Government to characterize,*
14 *monitor, predict, and respond to specific supply*
15 *chain threats and vulnerabilities that could inhibit*
16 *future Federal acquisition operations.*

17 *(2) CONSULTATION.—In carrying out this sub-*
18 *section, the General Services Administration shall*
19 *consult with the Federal Acquisition Security Council*
20 *established under section 1322 of title 41, United*
21 *States Code.*

22 **SEC. 7228. INTELLIGENCE COMMUNITY EXCEPTION.**

23 *Nothing in this subtitle shall apply to any element of*
24 *the intelligence community, as defined in section 3 of the*
25 *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 Services.*

10 (2) *AGENCY.*—*The term “agency” has the mean-*
11 *ing given the term in section 551 of title 5, United*
12 *States Code.*

13 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
14 *TEES.*—*The term “appropriate congressional commit-*
15 *tees” means—*

16 (A) *the Committee on Homeland Security*
17 *and Governmental Affairs of the Senate;*

18 (B) *the Committee on Oversight and Reform*
19 *of the House of Representatives;*

20 (C) *the Committee on Environment and*
21 *Public Works of the Senate;*

22 (D) *the Committee on Energy and Natural*
23 *Resources of the Senate;*

24 (E) *the Committee on Energy and Com-*
25 *merce of the House of Representatives;*

1 (F) the Committee on Appropriations of the
2 Senate; and

3 (G) the Committee on Appropriations of the
4 House of Representatives.

5 (4) *DIRECTOR.*—The term “Director” means the
6 Director of the Office of Management and Budget.

7 **SEC. 7233. STRATEGIC GUIDANCE.**

8 (a) *IN GENERAL.*—Not later than 2 years after the
9 date of enactment of this Act, the Administrator, in con-
10 sultation with the Director, shall coordinate with the heads
11 of agencies to develop a comprehensive, strategic plan for
12 Federal electric vehicle fleet battery management.

13 (b) *CONTENTS.*—The strategic plan required under
14 subsection (a) shall—

15 (1) maximize both cost and environmental effi-
16 ciencies; and

17 (2) incorporate—

18 (A) guidelines for optimal charging prac-
19 tices that will maximize battery longevity and
20 prevent premature degradation;

21 (B) guidelines for reusing and recycling the
22 batteries of retired vehicles;

23 (C) guidelines for disposing electric vehicle
24 batteries that cannot be reused or recycled; and

1 (D) any other considerations determined
2 appropriate by the Administrator and Director.

3 (c) *MODIFICATION.*—*The Administrator, in consulta-*
4 *tion with the Director, may periodically update the stra-*
5 *tegic plan required under subsection (a) as the Adminis-*
6 *trator and Director may determine necessary based on new*
7 *information relating to electric vehicle batteries that be-*
8 *comes available.*

9 (d) *CONSULTATION.*—*In developing the strategic plan*
10 *required under subsection (a) the Administrator, in con-*
11 *sultation with the Director, may consult with appropriate*
12 *entities, including—*

13 (1) *the Secretary of Energy;*

14 (2) *the Administrator of the Environmental Pro-*
15 *tection Agency;*

16 (3) *the Chair of the Council on Environmental*
17 *Quality;*

18 (4) *scientists who are studying electric vehicle*
19 *batteries and reuse and recycling solutions;*

20 (5) *laboratories, companies, colleges, universities,*
21 *or start-ups engaged in battery use, reuse, and recy-*
22 *cling research;*

23 (6) *industries interested in electric vehicle bat-*
24 *tery reuse and recycling;*

1 (7) *electric vehicle equipment manufacturers and*
2 *recyclers; and*

3 (8) *any other relevant entities, as determined by*
4 *the Administrator and Director.*

5 *(e) REPORT.—*

6 (1) *IN GENERAL.—Not later than 3 years after*
7 *the date of enactment of this Act, the Administrator*
8 *and the Director shall submit to the appropriate con-*
9 *gressional committees a report that describes the stra-*
10 *tegic plan required under subsection (a).*

11 (2) *BRIEFING.—Not later than 4 years after the*
12 *date of enactment of this Act, the Administrator and*
13 *the Director shall brief the appropriate congressional*
14 *committees on the implementation of the strategic*
15 *plan required under subsection (a) across agencies.*

16 **SEC. 7234. STUDY OF FEDERAL FLEET VEHICLES.**

17 *Not later than 2 years after the date of enactment of*
18 *this Act, the Comptroller General of the United States shall*
19 *submit to Congress a report on how the costs and benefits*
20 *of operating and maintaining electric vehicles in the Fed-*
21 *eral fleet compare to the costs and benefits of operating and*
22 *maintaining internal combustion engine vehicles.*

1 ***Subtitle D—Congressionally***
2 ***Mandated Reports***

3 **SEC. 7241. SHORT TITLE.**

4 *This subtitle may be cited as the “Access to Congress-*
5 *sionally Mandated Reports Act”.*

6 **SEC. 7242. DEFINITIONS.**

7 *In this subtitle:*

8 (1) *CONGRESSIONAL LEADERSHIP.*—*The term*
9 *“congressional leadership” means the Speaker, major-*
10 *ity leader, and minority leader of the House of Rep-*
11 *resentatives and the majority leader and minority*
12 *leader of the Senate.*

13 (2) *CONGRESSIONALLY MANDATED REPORT.*—

14 (A) *IN GENERAL.*—*The term “congression-*
15 *ally mandated report” means a report of a Fed-*
16 *eral agency that is required by statute to be sub-*
17 *mitted to either House of Congress or any com-*
18 *mittee of Congress or subcommittee thereof.*

19 (B) *EXCLUSIONS.*—

20 (i) *PATRIOTIC AND NATIONAL ORGANI-*
21 *ZATIONS.*—*The term “congressionally man-*
22 *dated report” does not include a report re-*
23 *quired under part B of subtitle II of title*
24 *36, United States Code.*

1 (ii) *INSPECTORS GENERAL.*—*The term*
2 *“congressionally mandated report” does not*
3 *include a report by an office of an inspector*
4 *general.*

5 (iii) *NATIONAL SECURITY EXCEP-*
6 *TION.*—*The term “congressionally mandated*
7 *report” does not include a report that is re-*
8 *quired to be submitted to one or more of the*
9 *following committees:*

10 (I) *The Select Committee on Intel-*
11 *ligence, the Committee on Armed Serv-*
12 *ices, the Committee on Appropriations,*
13 *or the Committee on Foreign Relations*
14 *of the Senate.*

15 (II) *The Permanent Select Com-*
16 *mittee on Intelligence, the Committee*
17 *on Armed Services, the Committee on*
18 *Appropriations, or the Committee on*
19 *Foreign Affairs of the House of Rep-*
20 *resentatives.*

21 (3) *DIRECTOR.*—*The term “Director” means the*
22 *Director of the Government Publishing Office.*

23 (4) *FEDERAL AGENCY.*—*The term “Federal agen-*
24 *cy” has the meaning given the term “federal agency”*
25 *under section 102 of title 40, United States Code, but*

1 *does not include the Government Accountability Office*
2 *or an element of the intelligence community.*

3 (5) *INTELLIGENCE COMMUNITY.*—*The term “in-*
4 *telligence community” has the meaning given that*
5 *term in section 3 of the National Security Act of 1947*
6 *(50 U.S.C. 3003).*

7 (6) *REPORTS ONLINE PORTAL.*—*The term “re-*
8 *ports online portal” means the online portal estab-*
9 *lished under section 5243(a).*

10 **SEC. 7243. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
11 **GRESSIONALLY MANDATED REPORTS.**

12 (a) *REQUIREMENT TO ESTABLISH ONLINE PORTAL.*—

13 (1) *IN GENERAL.*—*Not later than 1 year after*
14 *the date of enactment of this Act, the Director shall*
15 *establish and maintain an online portal accessible by*
16 *the public that allows the public to obtain electronic*
17 *copies of congressionally mandated reports in one*
18 *place.*

19 (2) *EXISTING FUNCTIONALITY.*—*To the extent*
20 *possible, the Director shall meet the requirements*
21 *under paragraph (1) by using existing online portals*
22 *and functionality under the authority of the Director*
23 *in consultation with the Director of National Intel-*
24 *ligence.*

1 (3) *CONSULTATION.*—*In carrying out this sub-*
2 *title, the Director shall consult with congressional*
3 *leadership, the Clerk of the House of Representatives,*
4 *the Secretary of the Senate, and the Librarian of*
5 *Congress regarding the requirements for and mainte-*
6 *nance of congressionally mandated reports on the re-*
7 *ports online portal.*

8 (b) *CONTENT AND FUNCTION.*—*The Director shall en-*
9 *sure that the reports online portal includes the following:*

10 (1) *Subject to subsection (c), with respect to each*
11 *congressionally mandated report, each of the fol-*
12 *lowing:*

13 (A) *A citation to the statute requiring the*
14 *report.*

15 (B) *An electronic copy of the report, includ-*
16 *ing any transmittal letter associated with the re-*
17 *port, that—*

18 (i) *is based on an underlying open*
19 *data standard that is maintained by a*
20 *standards organization;*

21 (ii) *allows the full text of the report to*
22 *be searchable; and*

23 (iii) *is not encumbered by any restric-*
24 *tions that would impede the reuse or*
25 *searchability of the report.*

1 (C) *The ability to retrieve a report, to the*
2 *extent practicable, through searches based on*
3 *each, and any combination, of the following:*

4 (i) *The title of the report.*

5 (ii) *The reporting Federal agency.*

6 (iii) *The date of publication.*

7 (iv) *Each congressional committee or*
8 *subcommittee receiving the report, if appli-*
9 *cable.*

10 (v) *The statute requiring the report.*

11 (vi) *Subject tags.*

12 (vii) *A unique alphanumeric identifier*
13 *for the report that is consistent across re-*
14 *port editions.*

15 (viii) *The serial number, Super-*
16 *intendent of Documents number, or other*
17 *identification number for the report, if ap-*
18 *plicable.*

19 (ix) *Key words.*

20 (x) *Full text search.*

21 (xi) *Any other relevant information*
22 *specified by the Director.*

23 (D) *The date on which the report was re-*
24 *quired to be submitted, and on which the report*
25 *was submitted, to the reports online portal.*

1 (E) *To the extent practicable, a permanent*
2 *means of accessing the report electronically.*

3 (2) *A means for bulk download of all congress-*
4 *tionally mandated reports.*

5 (3) *A means for downloading individual reports*
6 *as the result of a search.*

7 (4) *An electronic means for the head of each Fed-*
8 *eral agency to submit to the reports online portal each*
9 *congressionally mandated report of the agency, as re-*
10 *quired by sections 5244 and 5246.*

11 (5) *In tabular form, a list of all congressionally*
12 *mandated reports that can be searched, sorted, and*
13 *downloaded by—*

14 (A) *reports submitted within the required*
15 *time;*

16 (B) *reports submitted after the date on*
17 *which such reports were required to be submitted;*
18 *and*

19 (C) *to the extent practicable, reports not*
20 *submitted.*

21 (c) *NONCOMPLIANCE BY FEDERAL AGENCIES.—*

22 (1) *REPORTS NOT SUBMITTED.—If a Federal*
23 *agency does not submit a congressionally mandated*
24 *report to the Director, the Director shall to the extent*
25 *practicable—*

1 (A) include on the reports online portal—

2 (i) the information required under
3 clauses (i), (ii), (iv), and (v) of subsection
4 (b)(1)(C); and

5 (ii) the date on which the report was
6 required to be submitted; and

7 (B) include the congressionally mandated
8 report on the list described in subsection
9 (b)(5)(C).

10 (2) *REPORTS NOT IN OPEN FORMAT.*—If a Fed-
11 eral agency submits a congressionally mandated re-
12 port that does not meet the criteria described in sub-
13 section (b)(1)(B), the Director shall still include the
14 congressionally mandated report on the reports online
15 portal.

16 (d) *DEADLINE.*—The Director shall ensure that infor-
17 mation required to be published on the reports online portal
18 under this subtitle with respect to a congressionally man-
19 dated report or information required under subsection (c)
20 of this section is published—

21 (1) not later than 30 days after the information
22 is received from the Federal agency involved; or

23 (2) in the case of information required under
24 subsection (c), not later than 30 days after the dead-
25 line under this subtitle for the Federal agency in-

1 *involved to submit information with respect to the con-*
2 *gressional mandated report involved.*

3 *(e) EXCEPTION FOR CERTAIN REPORTS.—*

4 *(1) EXCEPTION DESCRIBED.—A congressionally*
5 *mandated report which is required by statute to be*
6 *submitted to a committee of Congress or a sub-*
7 *committee thereof, including any transmittal letter*
8 *associated with the report, shall not be submitted to*
9 *or published on the reports online portal if the chair*
10 *of a committee or subcommittee to which the report*
11 *is submitted notifies the Director in writing that the*
12 *report is to be withheld from submission and publica-*
13 *tion under this subtitle.*

14 *(2) NOTICE ON PORTAL.—If a report is withheld*
15 *from submission to or publication on the reports on-*
16 *line portal under paragraph (1), the Director shall*
17 *post on the portal—*

18 *(A) a statement that the report is withheld*
19 *at the request of a committee or subcommittee in-*
20 *volved; and*

21 *(B) the written notification provided by the*
22 *chair of the committee or subcommittee specified*
23 *in paragraph (1).*

1 (f) *FREE ACCESS.*—*The Director may not charge a fee,*
2 *require registration, or impose any other limitation in ex-*
3 *change for access to the reports online portal.*

4 (g) *UPGRADE CAPABILITY.*—*The reports online portal*
5 *shall be enhanced and updated as necessary to carry out*
6 *the purposes of this subtitle.*

7 (h) *SUBMISSION TO CONGRESS.*—*The submission of a*
8 *congressionally mandated report to the reports online portal*
9 *pursuant to this subtitle shall not be construed to satisfy*
10 *any requirement to submit the congressionally mandated*
11 *report to Congress, or a committee or subcommittee thereof.*

12 **SEC. 7244. FEDERAL AGENCY RESPONSIBILITIES.**

13 (a) *SUBMISSION OF ELECTRONIC COPIES OF RE-*
14 *PORTS.*—*Not earlier than 30 days or later than 60 days*
15 *after the date on which a congressionally mandated report*
16 *is submitted to either House of Congress or to any com-*
17 *mittee of Congress or subcommittee thereof, the head of the*
18 *Federal agency submitting the congressionally mandated*
19 *report shall submit to the Director the information required*
20 *under subparagraphs (A) through (D) of section 5243(b)(1)*
21 *with respect to the congressionally mandated report. Not-*
22 *withstanding section 5246, nothing in this subtitle shall re-*
23 *lieve a Federal agency of any other requirement to publish*
24 *the congressionally mandated report on the online portal*
25 *of the Federal agency or otherwise submit the congression-*

1 *ally mandated report to Congress or specific committees of*
2 *Congress, or subcommittees thereof.*

3 (b) *GUIDANCE.*—*Not later than 180 days after the date*
4 *of enactment of this Act, the Director of the Office of Man-*
5 *agement and Budget, in consultation with the Director,*
6 *shall issue guidance to agencies on the implementation of*
7 *this subtitle.*

8 (c) *STRUCTURE OF SUBMITTED REPORT DATA.*—*The*
9 *head of each Federal agency shall ensure that each congres-*
10 *sionally mandated report submitted to the Director com-*
11 *plies with the guidance on the implementation of this sub-*
12 *title issued by the Director of the Office of Management and*
13 *Budget under subsection (b).*

14 (d) *POINT OF CONTACT.*—*The head of each Federal*
15 *agency shall designate a point of contact for congressionally*
16 *mandated reports.*

17 (e) *REQUIREMENT FOR SUBMISSION.*—*The Director*
18 *shall not publish any report through the reports online por-*
19 *tal that is received from anyone other than the head of the*
20 *applicable Federal agency, or an officer or employee of the*
21 *Federal agency specifically designated by the head of the*
22 *Federal agency.*

23 **SEC. 7245. CHANGING OR REMOVING REPORTS.**

24 (a) *LIMITATION ON AUTHORITY TO CHANGE OR RE-*
25 *MOVE REPORTS.*—*Except as provided in subsection (b), the*

1 *head of the Federal agency concerned may change or remove*
2 *a congressionally mandated report submitted to be pub-*
3 *lished on the reports online portal only if—*

4 (1) *the head of the Federal agency consults with*
5 *each committee of Congress or subcommittee thereof to*
6 *which the report is required to be submitted (or, in*
7 *the case of a report which is not required to be sub-*
8 *mitted to a particular committee of Congress or sub-*
9 *committee thereof, to each committee with jurisdiction*
10 *over the agency, as determined by the head of the*
11 *agency in consultation with the Speaker of the House*
12 *of Representatives and the President pro tempore of*
13 *the Senate) prior to changing or removing the report;*
14 *and*

15 (2) *a joint resolution is enacted to authorize the*
16 *change in or removal of the report.*

17 (b) *EXCEPTIONS.—Notwithstanding subsection (a), the*
18 *head of the Federal agency concerned—*

19 (1) *may make technical changes to a report sub-*
20 *mitted to or published on the reports online portal;*

21 (2) *may remove a report from the reports online*
22 *portal if the report was submitted to or published on*
23 *the reports online portal in error; and*

1 (3) *may withhold information, records, or re-*
2 *ports from publication on the reports online portal in*
3 *accordance with section 5246.*

4 **SEC. 7246. WITHHOLDING OF INFORMATION.**

5 (a) *IN GENERAL.*—*Nothing in this subtitle shall be*
6 *construed to—*

7 (1) *require the disclosure of information, records,*
8 *or reports that are exempt from public disclosure*
9 *under section 552 of title 5, United States Code, or*
10 *that are required to be withheld under section 552a*
11 *of title 5, United States Code; or*

12 (2) *impose any affirmative duty on the Director*
13 *to review congressionally mandated reports submitted*
14 *for publication to the reports online portal for the*
15 *purpose of identifying and redacting such informa-*
16 *tion or records.*

17 (b) *WITHHOLDING OF INFORMATION.*—

18 (1) *IN GENERAL.*—*Consistent with subsection*
19 *(a)(1), the head of a Federal agency may withhold*
20 *from the Director, and from publication on the re-*
21 *ports online portal, any information, records, or re-*
22 *ports that are exempt from public disclosure under*
23 *section 552 of title 5, United States Code, or that are*
24 *required to be withheld under section 552a of title 5,*
25 *United States Code.*

1 (2) *NATIONAL SECURITY.*—*Nothing in this sub-*
2 *title shall be construed to require the publication, on*
3 *the reports online portal or otherwise, of any report*
4 *containing information that is classified, the public*
5 *release of which could have a harmful effect on na-*
6 *tional security, or that is otherwise prohibited.*

7 (3) *LAW ENFORCEMENT SENSITIVE.*—*Nothing in*
8 *this subtitle shall be construed to require the publica-*
9 *tion on the reports online portal or otherwise of any*
10 *congressionally mandated report—*

11 (A) *containing information that is law en-*
12 *forcement sensitive; or*

13 (B) *that describe information security poli-*
14 *cies, procedures, or activities of the executive*
15 *branch.*

16 (c) *RESPONSIBILITY FOR WITHHOLDING OF INFORMA-*
17 *TION.*—*In publishing congressionally mandated reports to*
18 *the reports online portal in accordance with this subtitle,*
19 *the head of each Federal agency shall be responsible for*
20 *withholding information pursuant to the requirements of*
21 *this section.*

22 **SEC. 7247. IMPLEMENTATION.**

23 (a) *REPORTS SUBMITTED TO CONGRESS.*—

1 (1) *IN GENERAL.*—*This subtitle shall apply with*
2 *respect to any congressionally mandated report*
3 *which—*

4 (A) *is required by statute to be submitted to*
5 *the House of Representatives, or the Speaker*
6 *thereof, or the Senate, or the President or Presi-*
7 *dent Pro Tempore thereof, at any time on or*
8 *after the date of the enactment of this Act; or*

9 (B) *is included by the Clerk of the House of*
10 *Representatives or the Secretary of the Senate*
11 *(as the case may be) on the list of reports re-*
12 *ceived by the House of Representatives or the*
13 *Senate (as the case may be) at any time on or*
14 *after the date of the enactment of this Act.*

15 (2) *TRANSITION RULE FOR PREVIOUSLY SUB-*
16 *MITTED REPORTS.*—*To the extent practicable, the Di-*
17 *rector shall ensure that any congressionally mandated*
18 *report described in paragraph (1) which was required*
19 *to be submitted to Congress by a statute enacted be-*
20 *fore the date of the enactment of this Act is published*
21 *on the reports online portal under this subtitle.*

22 (b) *REPORTS SUBMITTED TO COMMITTEES.*—*In the*
23 *case of congressionally mandated reports which are required*
24 *by statute to be submitted to a committee of Congress or*

1 *a subcommittee thereof, this subtitle shall apply with respect*
2 *to—*

3 *(1) any such report which is first required to be*
4 *submitted by a statute which is enacted on or after*
5 *the date of the enactment of this Act; and*

6 *(2) to the maximum extent practical, any con-*
7 *gressionally mandated report which was required to*
8 *be submitted by a statute enacted before the date of*
9 *enactment of this Act unless—*

10 *(A) the chair of the committee, or sub-*
11 *committee thereof, to which the report was re-*
12 *quired to be submitted notifies the Director in*
13 *writing that the report is to be withheld from*
14 *publication; and*

15 *(B) the Director publishes the notification*
16 *on the reports online portal.*

17 *(c) ACCESS FOR CONGRESSIONAL LEADERSHIP.—Not-*
18 *withstanding any provision of this subtitle or any other*
19 *provision of law, congressional leadership shall have access*
20 *to any congressionally mandated report.*

21 **SEC. 7248. DETERMINATION OF BUDGETARY EFFECTS.**

22 *The budgetary effects of this subtitle, for the purpose*
23 *of complying with the Statutory Pay-As-You-Go-Act of*
24 *2010, shall be determined by reference to the latest state-*
25 *ment titled “Budgetary Effects of PAYGO Legislation” for*

1 *this subtitle, submitted for printing in the Congressional*
 2 *Record by the Chairman of the Senate Budget Committee,*
 3 *provided that such statement has been submitted prior to*
 4 *the vote on passage.*

5 ***TITLE LXXIII—TRANSPORTATION***
 6 ***AND INFRASTRUCTURE MAT-***
 7 ***TERS***

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.

8 ***Subtitle A—Global Catastrophic***
 9 ***Risk Management Act of 2022***

10 ***SEC. 7301. SHORT TITLE.***

11 *This subtitle may be cited as the “Global Catastrophic*
 12 *Risk Management Act of 2022”.*

13 ***SEC. 7302. DEFINITIONS.***

14 *In this subtitle:*

1 (1) *ADMINISTRATOR*.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Emergency Management Agency.

4 (2) *BASIC NEED*.—The term “basic need”—

5 (A) means any good, service, or activity
6 necessary to protect the health, safety, and gen-
7 eral welfare of the civilian population of the
8 United States; and

9 (B) includes—

10 (i) food;

11 (ii) water;

12 (iii) shelter;

13 (iv) basic communication services;

14 (v) basic sanitation and health serv-
15 ices; and

16 (vi) public safety.

17 (3) *CATASTROPHIC INCIDENT*.—The term “cata-
18 strophic incident”—

19 (A) means any natural or man-made dis-
20 aster that results in extraordinary levels of cas-
21 ualties or damage, mass evacuations, or disrup-
22 tion severely affecting the population, infrastruc-
23 ture, environment, economy, national morale, or
24 government functions in an area; and

25 (B) may include an incident—

1 (i) *with a sustained national impact*
2 *over a prolonged period of time;*

3 (ii) *that may rapidly exceed resources*
4 *available to State and local government and*
5 *private sector authorities in the impacted*
6 *area; or*

7 (iii) *that may significantly interrupt*
8 *governmental operations and emergency*
9 *services to such an extent that national se-*
10 *curity could be threatened.*

11 (4) *CRITICAL INFRASTRUCTURE.—The term*
12 *“critical infrastructure” has the meaning given such*
13 *term in section 1016(e) of the Critical Infrastructure*
14 *Protection Act of 2001 (42 U.S.C. 5195c(e)).*

15 (5) *EXISTENTIAL RISK.—The term “existential*
16 *risk” means the potential for an outcome that would*
17 *result in human extinction.*

18 (6) *GLOBAL CATASTROPHIC RISK.—The term*
19 *“global catastrophic risk” means the risk of events or*
20 *incidents consequential enough to significantly harm*
21 *or set back human civilization at the global scale.*

22 (7) *GLOBAL CATASTROPHIC AND EXISTENTIAL*
23 *THREATS.—The term “global catastrophic and exis-*
24 *tential threats” means threats that with varying like-*
25 *lihood may produce consequences severe enough to re-*

1 *sult in systemic failure or destruction of critical in-*
2 *frastructure or significant harm to human civiliza-*
3 *tion. Examples of global catastrophic and existential*
4 *threats include severe global pandemics, nuclear war,*
5 *asteroid and comet impacts, supervolcanoes, sudden*
6 *and severe changes to the climate, and intentional or*
7 *accidental threats arising from the use and develop-*
8 *ment of emerging technologies.*

9 (8) *INDIAN TRIBAL GOVERNMENT.*—*The term*
10 *“Indian Tribal government” has the meaning given*
11 *the term “Indian tribal government” in section 102*
12 *of the Robert T. Stafford Disaster Relief and Emer-*
13 *gency Assistance Act (42 U.S.C. 5122).*

14 (9) *LOCAL GOVERNMENT; STATE.*—*The terms*
15 *“local government” and “State” have the meanings*
16 *given such terms in section 102 of the Robert T. Staf-*
17 *ford Disaster Relief and Emergency Assistance Act*
18 *(42 U.S.C. 5122).*

19 (10) *NATIONAL EXERCISE PROGRAM.*—*The term*
20 *“national exercise program” means activities carried*
21 *out to test and evaluate the national preparedness*
22 *goal and related plans and strategies as described in*
23 *section 648(b) of the Post-Katrina Emergency Man-*
24 *agement Reform Act of 2006 (6 U.S.C. 748(b)).*

1 (11) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Homeland Security.*

3 **SEC. 7303. ASSESSMENT OF GLOBAL CATASTROPHIC RISK.**

4 (a) *IN GENERAL.*—*The Secretary and the Adminis-*
5 *trator shall coordinate an assessment of global catastrophic*
6 *risk.*

7 (b) *COORDINATION.*—*When coordinating the assess-*
8 *ment under subsection (a), the Secretary and the Adminis-*
9 *trator shall coordinate with senior designees of—*

10 (1) *the Assistant to the President for National*
11 *Security Affairs;*

12 (2) *the Director of the Office of Science and*
13 *Technology Policy;*

14 (3) *the Secretary of State and the Under Sec-*
15 *retary of State for Arms Control and International*
16 *Security;*

17 (4) *the Attorney General and the Director of the*
18 *Federal Bureau of Investigation;*

19 (5) *the Secretary of Energy, the Under Secretary*
20 *of Energy for Nuclear Security, and the Director of*
21 *Science;*

22 (6) *the Secretary of Health and Human Serv-*
23 *ices, the Assistant Secretary for Preparedness and Re-*
24 *sponse, and the Assistant Secretary of Global Affairs;*

1 (7) *the Secretary of Commerce, the Under Sec-*
2 *retary of Commerce for Oceans and Atmosphere, and*
3 *the Under Secretary of Commerce for Standards and*
4 *Technology;*

5 (8) *the Secretary of the Interior and the Director*
6 *of the United States Geological Survey;*

7 (9) *the Administrator of the Environmental Pro-*
8 *tection Agency and the Assistant Administrator for*
9 *Water;*

10 (10) *the Administrator of the National Aero-*
11 *navitics and Space Administration;*

12 (11) *the Director of the National Science Foun-*
13 *dation;*

14 (12) *the Secretary of the Treasury;*

15 (13) *the Secretary of Defense, the Assistant Sec-*
16 *retary of the Army for Civil Works, and the Chief of*
17 *Engineers and Commanding General of the Army*
18 *Corps of Engineers;*

19 (14) *the Chairman of the Joint Chiefs of Staff;*

20 (15) *the Administrator of the United States*
21 *Agency for International Development;*

22 (16) *the Secretary of Transportation; and*

23 (17) *other stakeholders the Secretary and the Ad-*
24 *ministrator determine appropriate.*

1 **SEC. 7304. REPORT REQUIRED.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this Act, and every 10 years thereafter, the
4 Secretary, in coordination with the Administrator, shall
5 submit to the Committee on Homeland Security and Gov-
6 ernmental Affairs and the Committee on Armed Services
7 of the Senate and the Committee on Transportation and
8 Infrastructure and the Committee on Armed Services of the
9 House of Representatives a report containing a detailed as-
10 sessment, based on the input and coordination required
11 under section 7303, of global catastrophic and existential
12 risk.

13 (b) *MATTERS COVERED.*—Each report required under
14 subsection (a) shall include—

15 (1) expert estimates of cumulative global cata-
16 strophic and existential risk in the next 30 years, in-
17 cluding separate estimates for the likelihood of occur-
18 rence and potential consequences;

19 (2) expert-informed analyses of the risk of the
20 most concerning specific global catastrophic and exis-
21 tential threats, including separate estimates, where
22 reasonably feasible and credible, of each threat for its
23 likelihood of occurrence and its potential con-
24 sequences, as well as associated uncertainties;

1 (3) *a comprehensive list of potential catastrophic*
2 *or existential threats, including even those that may*
3 *have very low likelihood;*

4 (4) *technical assessments and lay explanations of*
5 *the analyzed global catastrophic and existential risks,*
6 *including their qualitative character and key factors*
7 *affecting their likelihood of occurrence and potential*
8 *consequences;*

9 (5) *an explanation of any factors that limit the*
10 *ability of the Secretary to assess the risk both cumula-*
11 *tively and for particular threats, and how those limi-*
12 *tations may be overcome through future research or*
13 *with additional resources, programs, or authorities;*

14 (6) *a forecast of if and why global catastrophic*
15 *and existential risk is likely to increase or decrease*
16 *significantly in the next 10 years, both qualitatively*
17 *and quantitatively, as well as a description of associ-*
18 *ated uncertainties;*

19 (7) *proposals for how the Federal Government*
20 *may more adequately assess global catastrophic and*
21 *existential risk on an ongoing basis in future years;*

22 (8) *recommendations for legislative actions, as*
23 *appropriate, to support the evaluation and assessment*
24 *of global catastrophic and existential risk; and*

1 (9) *other matters deemed appropriate by the Sec-*
2 *retary, in coordination with the Administrator, and*
3 *based on the input and coordination required under*
4 *section 7303.*

5 (c) *CONSULTATION REQUIREMENT.—In producing the*
6 *report required under subsection (a), the Secretary shall—*

7 (1) *regularly consult with experts on severe glob-*
8 *al pandemics, nuclear war, asteroid and comet im-*
9 *pacts, supervolcanoes, sudden and severe changes to*
10 *the climate, and intentional or accidental threats*
11 *arising from the use and development of emerging*
12 *technologies; and*

13 (2) *share information gained through the con-*
14 *sultation required under paragraph (1) with relevant*
15 *Federal partners listed in section 7303(b).*

16 **SEC. 7305. ENHANCED CATASTROPHIC INCIDENT ANNEX.**

17 (a) *IN GENERAL.—The Secretary, in coordination*
18 *with the Administrator and the Federal partners listed in*
19 *section 7303(b), shall supplement each Federal Interagency*
20 *Operational Plan to include an annex containing a strat-*
21 *egy to ensure the health, safety, and general welfare of the*
22 *civilian population affected by catastrophic incidents by—*

23 (1) *providing for the basic needs of the civilian*
24 *population of the United States that is impacted by*
25 *catastrophic incidents in the United States;*

1 (2) *coordinating response efforts with State,*
2 *local, and Indian Tribal governments, the private sec-*
3 *tor, and nonprofit relief organizations;*

4 (3) *promoting personal and local readiness and*
5 *non-reliance on government relief during periods of*
6 *heightened tension or after catastrophic incidents; and*

7 (4) *developing international partnerships with*
8 *allied nations for the provision of relief services and*
9 *goods.*

10 (b) *ELEMENTS OF THE STRATEGY.*—*The strategy re-*
11 *quired under subsection (a) shall include a description of—*

12 (1) *actions the Federal Government should take*
13 *to ensure the basic needs of the civilian population of*
14 *the United States in a catastrophic incident are met;*

15 (2) *how the Federal Government should coordi-*
16 *nate with non-Federal entities to multiply resources*
17 *and enhance relief capabilities, including—*

18 (A) *State and local governments;*

19 (B) *Indian Tribal governments;*

20 (C) *State disaster relief agencies;*

21 (D) *State and local disaster relief man-*
22 *agers;*

23 (E) *State National Guards;*

24 (F) *law enforcement and first response enti-*
25 *ties; and*

1 (G) *nonprofit relief services;*

2 (3) *actions the Federal Government should take*
3 *to enhance individual resiliency to the effects of a cat-*
4 *astrophic incident, which actions shall include—*

5 (A) *readiness alerts to the public during pe-*
6 *riods of elevated threat;*

7 (B) *efforts to enhance domestic supply and*
8 *availability of critical goods and basic neces-*
9 *sities; and*

10 (C) *information campaigns to ensure the*
11 *public is aware of response plans and services*
12 *that will be activated when necessary;*

13 (4) *efforts the Federal Government should under-*
14 *take and agreements the Federal Government should*
15 *seek with international allies to enhance the readiness*
16 *of the United States to provide for the general welfare;*

17 (5) *how the strategy will be implemented should*
18 *multiple levels of critical infrastructure be destroyed*
19 *or taken offline entirely for an extended period of*
20 *time; and*

21 (6) *the authorities the Federal Government*
22 *should implicate in responding to a catastrophic inci-*
23 *dent.*

24 (c) *ASSUMPTIONS.—In designing the strategy under*
25 *subsection (a), the Secretary, in coordination with the Ad-*

1 *ministrator and the Federal partners listed in section*
2 *7303(b), shall account for certain factors to make the strat-*
3 *egy operationally viable, including the assumption that—*

4 (1) *multiple levels of critical infrastructure have*
5 *been taken offline or destroyed by catastrophic inci-*
6 *dents or the effects of catastrophic incidents;*

7 (2) *impacted sectors may include—*

8 (A) *the transportation sector;*

9 (B) *the communication sector;*

10 (C) *the energy sector;*

11 (D) *the healthcare and public health sector;*

12 *and*

13 (E) *the water and wastewater sector;*

14 (3) *State, local, Indian Tribal, and territorial*
15 *governments have been equally affected or made large-*
16 *ly inoperable by catastrophic incidents or the effects*
17 *of catastrophic incidents;*

18 (4) *the emergency has exceeded the response ca-*
19 *pabilities of State, local, and Indian Tribal govern-*
20 *ments under the Robert T. Stafford Disaster Relief*
21 *and Emergency Assistance Act (42 U.S.C. 5121 et*
22 *seq.) and other relevant disaster response laws; and*

23 (5) *the United States military is sufficiently en-*
24 *gaged in armed or cyber conflict with State or non-*
25 *State adversaries, or is otherwise unable to augment*

1 *domestic response capabilities in a significant man-*
2 *ner due to a catastrophic incident.*

3 **SEC. 7306. VALIDATION OF THE STRATEGY THROUGH AN**
4 **EXERCISE.**

5 *Not later than 1 year after the addition of the annex*
6 *required under section 7305, the Administrator shall lead*
7 *an exercise as part of the national exercise program to test*
8 *and enhance the operationalization of the strategy required*
9 *under section 7305.*

10 **SEC. 7307. RECOMMENDATIONS.**

11 *(a) IN GENERAL.—The Secretary, in coordination*
12 *with the Administrator and the Federal partners listed in*
13 *section 7303(b) of this title, shall provide recommendations*
14 *to Congress for—*

15 *(1) actions that should be taken to prepare the*
16 *United States to implement the strategy required*
17 *under section 7305, increase readiness, and address*
18 *preparedness gaps for responding to the impacts of*
19 *catastrophic incidents on citizens of the United*
20 *States; and*

21 *(2) additional authorities that should be consid-*
22 *ered for Federal agencies to more effectively imple-*
23 *ment the strategy required under section 7305.*

1 (b) *INCLUSION IN REPORTS.*—*The Secretary may in-*
2 *clude the recommendations required under subsection (a) in*
3 *a report submitted under section 7308.*

4 **SEC. 7308. REPORTING REQUIREMENTS.**

5 *Not later than 1 year after the date on which the Ad-*
6 *ministrator leads the exercise under section 7306, the Sec-*
7 *retary, in coordination with the Administrator, shall sub-*
8 *mit to Congress a report that includes—*

9 (1) *a description of the efforts of the Secretary*
10 *and the Administrator to develop and update the*
11 *strategy required under section 7305; and*

12 (2) *an after-action report following the conduct*
13 *of the exercise described in section 7306.*

14 **SEC. 7309. RULES OF CONSTRUCTION.**

15 (a) *ADMINISTRATOR.*—*Nothing in this subtitle shall be*
16 *construed to supersede the civilian emergency management*
17 *authority of the Administrator under the Robert T. Stafford*
18 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
19 *5121 et seq.) or the Post Katrina Emergency Management*
20 *Reform Act (6 U.S.C. 701 et seq.).*

21 (b) *SECRETARY.*—*Nothing in this subtitle shall be con-*
22 *strued as providing new authority to the Secretary, except*
23 *to coordinate and facilitate the development of the assess-*
24 *ments and reports required pursuant to this subtitle.*

1 ***Subtitle B—Technological Hazards***
2 ***Preparedness and Training***

3 **SEC. 7311. SHORT TITLE.**

4 *This subtitle may be cited as the “Technological Haz-*
5 *ards Preparedness and Training Act of 2022”.*

6 **SEC. 7312. 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) *INDIAN TRIBAL GOVERNMENT.*—*The term*
12 *“Indian Tribal government” has the meaning given*
13 *the term “Indian tribal government” in section 102*
14 *of the Robert T. Stafford Disaster Relief and Emer-*
15 *gency Assistance Act (42 U.S.C. 5122).*

16 (3) *LOCAL GOVERNMENT; STATE.*—*The terms*
17 *“local government” and “State” have the meanings*
18 *given such terms in section 102 of the Robert T. Staf-*
19 *ford Disaster Relief and Emergency Assistance Act*
20 *(42 U.S.C. 5122).*

21 (4) *TECHNOLOGICAL HAZARD AND RELATED*
22 *EMERGING THREAT.*—*The term “technological hazard*
23 *and related emerging threat”—*

24 (A) *means a hazard that involves materials*
25 *created by humans that pose a unique hazard to*

1 *the general public and environment and which*
2 *may result from—*

3 *(i) an accident;*

4 *(ii) an emergency caused by another*
5 *hazard; or*

6 *(iii) intentional use of the hazardous*
7 *materials; and*

8 *(B) includes a chemical, radiological, bio-*
9 *logical, and nuclear hazard.*

10 **SEC. 7313. ASSISTANCE AND TRAINING FOR COMMUNITIES**
11 **WITH TECHNOLOGICAL HAZARDS AND RE-**
12 **LATED EMERGING THREATS.**

13 *(a) IN GENERAL.—The Administrator shall maintain*
14 *the capacity to provide States, local, and Indian Tribal*
15 *governments with technological hazards and related emerg-*
16 *ing threats technical assistance, training, and other pre-*
17 *paredness programming to build community resilience to*
18 *technological hazards and related emerging threats.*

19 *(b) AUTHORITIES.—The Administrator shall carry out*
20 *subsection (a) in accordance with—*

21 *(1) the Robert T. Stafford Disaster Relief and*
22 *Emergency Assistance Act (42 U.S.C. 5121 et seq.);*

23 *(2) section 1236 of the Disaster Recovery Reform*
24 *Act of 2018 (42 U.S.C. 5196g); and*

1 (3) *the Post-Katrina Emergency Management*
2 *Reform Act of 2006 (Public Law 109–295; 120 Stat.*
3 *1394).*

4 (c) *ASSESSMENT AND NOTIFICATION.*—*In carrying out*
5 *subsection (a), the Administrator shall—*

6 (1) *use any available and appropriate multi-*
7 *hazard risk assessment and mapping tools and capa-*
8 *bilities to identify the communities that have the*
9 *highest risk of and vulnerability to a technological*
10 *hazard in each State; and*

11 (2) *ensure each State and Indian Tribal govern-*
12 *ment is aware of—*

13 (A) *the communities identified under para-*
14 *graph (1); and*

15 (B) *the availability of programming under*
16 *this section for—*

17 (i) *technological hazards and related*
18 *emerging threats preparedness; and*

19 (ii) *building community capability.*

20 (d) *REPORT.*—*Not later than 1 year after the date of*
21 *enactment of this Act, and annually thereafter, the Admin-*
22 *istrator shall submit to the Committee on Homeland Secu-*
23 *rity and Governmental Affairs of the Senate, the Committee*
24 *on Appropriations of the Senate, the Committee on Energy*
25 *and Natural Resources of the Senate, the Committee on*

1 *Health, Education, Labor, and Pensions of the Senate, the*
2 *Committee on Energy and Commerce of the House of Rep-*
3 *resentatives, the Committee on Homeland Security of the*
4 *House of Representatives, the Committee on Appropriations*
5 *of the House of Representatives, and the Committee on*
6 *Transportation and Infrastructure of the House of Rep-*
7 *resentatives a report relating to—*

8 (1) *actions taken to implement this section; and*
9 (2) *technological hazards and related emerging*
10 *threats preparedness programming provided under*
11 *this section during the 1-year period preceding the*
12 *date of submission of the report.*

13 (e) *CONSULTATION.—The Secretary of Homeland Se-*
14 *curity may seek continuing input relating to technological*
15 *hazards and related emerging threats preparedness needs by*
16 *consulting State, Tribal, territorial, and local emergency*
17 *services organizations and private sector stakeholders.*

18 (f) *COORDINATION.—The Secretary of Homeland Secu-*
19 *rity shall coordinate with the Secretary of Energy relating*
20 *to technological hazard preparedness and training for a*
21 *hazard that could result from activities or facilities author-*
22 *ized or licensed by the Department of Energy.*

23 (g) *NON-DUPLICATION OF EFFORT.—In carrying out*
24 *activities under subsection (a), the Administrator shall en-*
25 *sure that such activities do not unnecessarily duplicate ef-*

1 *forts of other Federal departments or agencies, including*
2 *programs within the Department of Health and Human*
3 *Services.*

4 **SEC. 7314. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to carry out*
6 *this subtitle \$20,000,000 for each of fiscal years 2023*
7 *through 2024.*

8 **SEC. 7315. SAVINGS PROVISION.**

9 *Nothing in this subtitle shall diminish or divert re-*
10 *sources from—*

11 *(1) the full completion of federally-led chemical*
12 *surety material storage missions or chemical demili-*
13 *tarization missions that are underway as of the date*
14 *of enactment of this Act; or*

15 *(2) any transitional activities or other commu-*
16 *nity assistance incidental to the completion of the*
17 *missions described in paragraph (1).*

18 **Subtitle C—Other Matters**

19 **SEC. 7321. CRISIS COUNSELING ASSISTANCE AND TRAIN-**
20 **ING.**

21 *(a) FEDERAL EMERGENCY ASSISTANCE.—Section*
22 *502(a)(6) of the Robert T. Stafford Disaster Relief and*
23 *Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is*
24 *amended by inserting “and section 416” after “section*
25 *408”.*

1 (b) *APPLICABILITY.*—*The amendment made by sub-*
 2 *section (a) shall only apply to amounts appropriated on*
 3 *or after the date of enactment of this Act.*

4 ***DIVISION H—WATER RESOURCES***
 5 ***TITLE LXXXI—WATER RE-***
 6 ***SOURCES DEVELOPMENT ACT***
 7 ***OF 2022***

8 ***SEC. 8001. SHORT TITLE; TABLE OF CONTENTS.***

9 (a) *SHORT TITLE.*—*This title may be cited as the*
 10 *“Water Resources Development Act of 2022”.*

11 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 12 *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 Com-
mittee.

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.*

1 SEC. 8002. SECRETARY DEFINED.

- 2 *In this title, the term “Secretary” means the Secretary*
 3 *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 of*
13 *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 (a)*
17 *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 August*
12 18, 1941 (33 U.S.C. 701n(a)(1)) *is amended by striking “in*
13 *the repair and restoration of any federally authorized hur-*
14 *ricane or shore protective structure” and all that follows*
15 *through “non-Federal sponsor.” and inserting “in the re-*
16 *pair and restoration of any federally authorized hurricane*
17 *or shore protective structure or project damaged or de-*
18 *stroyed by wind, wave, or water action of other than an*
19 *ordinary nature to the pre-storm level of protection, to the*
20 *design level of protection, or, notwithstanding the author-*
21 *ized dimensions of the structure or project, to a level suffi-*
22 *cient to meet the authorized purpose of such structure or*
23 *project, whichever provides greater protection, when, in the*
24 *discretion of the Chief of Engineers, such repair and res-*
25 *toration is warranted for the adequate functioning of the*

1 *structure or project for hurricane or shore protection, in-*
2 *cluding to ensure the structure or project is functioning ade-*
3 *quately to protect against projected changes in wave action*
4 *or height or storm surge (including changes that result from*
5 *relative sea level change over the useful life of the structure*
6 *or project), subject to the condition that the Chief of Engi-*
7 *neers may, if requested by the non-Federal sponsor, include*
8 *modifications to the structure or project (including the ad-*
9 *dition of new project features) to address major deficiencies,*
10 *increase resilience, increase benefits from the reduction of*
11 *damages from inundation, wave action, or erosion, or im-*
12 *plement nonstructural alternatives to the repair or restora-*
13 *tion of the structure.”.*

14 (b) *GREAT LAKES ADVANCE MEASURES ASSIST-*
15 *ANCE.—*

16 (1) *IN GENERAL.—The Secretary shall not deny*
17 *a request from the Governor of a Great Lakes State*
18 *to provide advance measures assistance pursuant to*
19 *section 5(a) of the Act of August 18, 1941 (33 U.S.C.*
20 *701n(a)) to reduce the risk of damage from rising*
21 *water levels in the Great Lakes solely on the basis*
22 *that the damage is caused by erosion.*

23 (2) *FEDERAL SHARE.—Assistance provided by*
24 *the Secretary pursuant to a request described in*
25 *paragraph (1) shall be at Federal expense if the as-*

1 *sistance is for the construction of advance measures to*
2 *a temporary construction standard.*

3 (3) *GREAT LAKES STATE DEFINED.*—*In this sub-*
4 *section, the term “Great Lakes State” means the State*
5 *of Illinois, Indiana, Michigan, Minnesota, New York,*
6 *Ohio, Pennsylvania, or Wisconsin.*

7 **SEC. 8103. SHORELINE AND RIVERBANK PROTECTION AND**
8 **RESTORATION MISSION.**

9 (a) *IN GENERAL.*—*Section 212 of the Water Resources*
10 *Development Act of 1999 (33 U.S.C. 2332) is amended—*

11 (1) *in the section heading, by striking “FLOOD*
12 ***MITIGATION AND RIVERINE RESTORATION***
13 ***PROGRAM”*** *and inserting “SHORELINE AND*
14 ***RIVERINE PROTECTION AND RESTORATION”***;

15 (2) *by striking subsection (a) and inserting the*
16 *following:*

17 “(a) *IN GENERAL.*—*The Secretary may carry out*
18 *studies and projects to—*

19 “(1) *reduce flood and hurricane and storm dam-*
20 *age hazards; or*

21 “(2) *restore the natural functions and values of*
22 *rivers and shorelines throughout the United States.”*;

23 (3) *in subsection (b)—*

24 (A) *by striking paragraph (1) and inserting*
25 *the following:*

1 “(1) *AUTHORITY.*—

2 “(A) *STUDIES.*—*In carrying out subsection*
3 *(a), the Secretary may carry out studies to iden-*
4 *tify appropriate measures for—*

5 “(i) *the reduction of flood and hurri-*
6 *cane and storm damage hazards, including*
7 *measures for erosion mitigation and bank*
8 *stabilization; or*

9 “(ii) *the conservation and restoration*
10 *of the natural functions and values of rivers*
11 *and shorelines.*

12 “(B) *PROJECTS.*—*Subject to subsection*
13 *(f)(2), in carrying out subsection (a), the Sec-*
14 *retary may design and implement projects de-*
15 *scribed in subsection (a).”;*

16 (B) *in paragraph (3), by striking “flood*
17 *damages” and inserting “flood and hurricane*
18 *and storm damages, including the use of natural*
19 *features or nature-based features”;* and

20 (C) *in paragraph (4)—*

21 (i) *by inserting “and hurricane and*
22 *storm” after “flood”;*

23 (ii) *by inserting “, shoreline,” after*
24 *“riverine”; and*

1 (iii) by inserting “and coastal bar-
2 riers” after “floodplains”;

3 (4) in subsection (c)—

4 (A) in paragraph (1), by inserting “, except
5 that the first \$200,000 of the costs of a study
6 conducted under this section shall be at Federal
7 expense” before the period;

8 (B) in paragraph (2)—

9 (i) in the paragraph heading, by strik-
10 ing “FLOOD CONTROL”; and

11 (ii) by striking subparagraph (A) and
12 inserting the following:

13 “(A) *IN GENERAL.*—Design and construc-
14 tion of a project under this section that includes
15 a nonstructural measure, a natural feature or
16 nature-based feature, or an environmental res-
17 toration measure, shall be subject to cost sharing
18 in accordance with section 103 of the Water Re-
19 sources Development Act of 1986 (33 U.S.C.
20 2213), except that the non-Federal share of the
21 cost to design and construct such a project bene-
22 fitting an economically disadvantaged commu-
23 nity (including economically disadvantaged com-
24 munities located in urban and rural areas) shall
25 be 10 percent.”; and

1 (C) in paragraph (3)—

2 (i) in the paragraph heading, by in-
3 serting “OR HURRICANE AND STORM DAM-
4 AGE REDUCTION” after “FLOOD CONTROL”;

5 (ii) by inserting “or hurricane and
6 storm damage reduction” after “flood con-
7 trol” ; and

8 (iii) by striking “section 103(a) of the
9 Water Resources Development Act of 1986
10 (33 U.S.C. 2213(a))” and inserting “section
11 103 of the Water Resources Development Act
12 of 1986 (33 U.S.C. 2213), except that the
13 non-Federal share of the cost to design and
14 construct such a project benefitting an eco-
15 nomically disadvantaged community (in-
16 cluding economically disadvantaged com-
17 munities located in urban and rural areas)
18 shall be 10 percent”;

19 (5) by striking subsection (d) and inserting the
20 following:

21 “(d) *PROJECT JUSTIFICATION.*—Notwithstanding any
22 requirement for economic justification established under
23 section 209 of the Flood Control Act of 1970 (42 U.S.C.
24 1962–2), the Secretary may implement a project under this
25 section if the Secretary determines that the project—

1 “(1) will significantly reduce potential flood,
2 hurricane and storm, or erosion damages;

3 “(2) will improve the quality of the environment;
4 and

5 “(3) is justified considering all costs and bene-
6 ficial outputs of the project.”;

7 (6) in subsection (e)—

8 (A) in the subsection heading, by striking
9 “PRIORITY AREAS” and inserting “AREAS FOR
10 EXAMINATION”;

11 (B) by redesignating paragraphs (1)
12 through (33) as subparagraphs (A) through
13 (GG), respectively, and adjusting the margins
14 appropriately;

15 (C) by striking “In carrying out” and in-
16 serting the following:

17 “(1) IN GENERAL.—In carrying out”; and

18 (D) by adding at the end the following:

19 “(2) PRIORITY PROJECTS.—In carrying out this
20 section, the Secretary shall prioritize projects for the
21 following locations:

22 “(A) Delaware beaches and watersheds,
23 Delaware.

24 “(B) Louisiana Coastal Area, Louisiana.

25 “(C) Great Lakes Shores and Watersheds.

1 “(D) *Oregon Coastal Area and Willamette*
2 *River basin, Oregon.*

3 “(E) *Upper Missouri River Basin.*

4 “(F) *Ohio River Tributaries and their wa-*
5 *tersheds, West Virginia.*

6 “(G) *Chesapeake Bay watershed and Mary-*
7 *land beaches, Maryland.*

8 “(H) *City of Southport, North Carolina.*

9 “(I) *Maumee River, Ohio.*

10 “(J) *Los Angeles and San Gabriel Rivers,*
11 *California.*

12 “(K) *Kentucky River and its tributaries*
13 *and watersheds.”;*

14 (7) *by striking subsections (f), (g), and (i);*

15 (8) *by redesignating subsection (h) as subsection*
16 *(f);*

17 (9) *in subsection (f) (as so redesignated), by*
18 *striking paragraph (2) and inserting the following:*

19 “(2) *PROJECTS REQUIRING SPECIFIC AUTHOR-*
20 *IZATION.—If the Federal share of the cost to design*
21 *and construct a project under this section exceeds*
22 *\$15,000,000, the Secretary may only carry out the*
23 *project if Congress enacts a law authorizing the Sec-*
24 *retary to carry out the project.”; and*

25 (10) *by adding at the end the following:*

1 “(g) *DEFINITIONS.*—*In this section:*

2 “(1) *ECONOMICALLY DISADVANTAGED COMMU-*
3 *NITY.*—*The term ‘economically disadvantaged com-*
4 *munity’ has the meaning given the term as defined by*
5 *the Secretary under section 160 of the Water Re-*
6 *sources Development Act of 2020 (33 U.S.C. 2201*
7 *note).*

8 “(2) *NATURAL FEATURE; NATURE-BASED FEA-*
9 *TURE.*—*The terms ‘natural feature’ and ‘nature-based*
10 *feature’ have the meanings given those terms in sec-*
11 *tion 1184(a) of the Water Resources Development Act*
12 *of 2016 (33 U.S.C. 2289a(a)).”.*

13 (b) *CLERICAL AMENDMENT.*—*The table of contents*
14 *contained in section 1(b) of the Water Resources Develop-*
15 *ment Act of 1999 (113 Stat. 269) is amended by striking*
16 *the item relating to section 212 and inserting the following:*
“Sec. 212. Shoreline and riverine protection and restoration.”.

17 **SEC. 8104. FLOODPLAIN MANAGEMENT SERVICES.**

18 *Section 206 of the Flood Control Act of 1960 (33*
19 *U.S.C. 709a) is amended—*

20 (1) *by striking “SEC. 206. (a) In recognition”*
21 *and inserting the following:*

22 **“SEC. 206. INFORMATION ON FLOODS AND FLOOD DAMAGE.**

23 “(a) *COMPILATION AND DISSEMINATION.*—

24 “(1) *IN GENERAL.*—*In recognition”;*

25 (2) *in subsection (a)—*

1 (A) *in the second sentence, by striking*
2 *“Surveys and guides” and inserting the fol-*
3 *lowing:*

4 “(2) *SURVEYS AND GUIDES.—Surveys and*
5 *guides”;*

6 (B) *in the first sentence, by inserting “iden-*
7 *tification of areas subject to floods due to accu-*
8 *mulated snags and other debris,” after “inunda-*
9 *tion by floods of various magnitudes and fre-*
10 *quencies,”; and*

11 (C) *by adding at the end the following:*

12 “(3) *IDENTIFICATION OF ASSISTANCE.—*

13 “(A) *IN GENERAL.—To the maximum ex-*
14 *tent practicable, in providing assistance under*
15 *this subsection, the Secretary shall identify and*
16 *communicate to States and non-Federal interests*
17 *specific opportunities to partner with the Corps*
18 *of Engineers to address flood hazards.*

19 “(B) *COORDINATION.—The Secretary shall*
20 *coordinate activities under this paragraph with*
21 *activities described in section 22 of the Water*
22 *Resources Development Act of 1974 (42 U.S.C.*
23 *1962d–16).”;*

24 (3) *by redesignating subsection (d) as subsection*
25 *(e); and*

1 (4) *by inserting after subsection (c) the fol-*
2 *lowing:*

3 “(d) *INSTITUTIONS OF HIGHER EDUCATION.—Not-*
4 *withstanding section 4141 of title 10, United States Code,*
5 *in carrying out this section, the Secretary may work with*
6 *an institution of higher education, as determined appro-*
7 *priate by the Secretary.”.*

8 **SEC. 8105. PUBLIC RECREATIONAL AMENITIES IN ECO-**
9 **SYSTEM RESTORATION PROJECTS.**

10 *At the request of a non-Federal interest, the Secretary*
11 *is authorized to study the incorporation of public rec-*
12 *reational amenities, including facilities for hiking, biking,*
13 *walking, and waterborne recreation, into a project for eco-*
14 *system restoration, including a project carried out under*
15 *section 206 of the Water Resources Development Act of 1996*
16 *(33 U.S.C. 2330), if the incorporation of such amenities*
17 *would be consistent with the ecosystem restoration purposes*
18 *of the project.*

19 **SEC. 8106. SCOPE OF FEASIBILITY STUDIES.**

20 *(a) FLOOD RISK MANAGEMENT OR HURRICANE AND*
21 *STORM DAMAGE RISK REDUCTION.—In carrying out a fea-*
22 *sibility study for a project for flood risk management or*
23 *hurricane and storm damage risk reduction, the Secretary,*
24 *at the request of the non-Federal interest for the study, shall*
25 *formulate alternatives to maximize the net benefits from the*

1 *reduction of the comprehensive flood risk within the geo-*
2 *graphic scope of the study from the isolated and compound*
3 *effects of—*

4 (1) *a riverine discharge of any magnitude or fre-*
5 *quency;*

6 (2) *inundation, wave attack, and erosion coin-*
7 *ciding with a hurricane or coastal storm;*

8 (3) *flooding associated with tidally influenced*
9 *portions of rivers, bays, and estuaries that are*
10 *hydrologically connected to the coastal water body;*

11 (4) *a rainfall event of any magnitude or fre-*
12 *quency;*

13 (5) *a tide of any magnitude or frequency;*

14 (6) *seasonal variation in water levels;*

15 (7) *groundwater emergence;*

16 (8) *sea level rise;*

17 (9) *subsidence; or*

18 (10) *any other driver of flood risk affecting the*
19 *area within the geographic scope of the study.*

20 (b) *WATER SUPPLY, WATER CONSERVATION, AND*
21 *DROUGHT RISK REDUCTION.—In carrying out a feasibility*
22 *study for any purpose, the Secretary, at the request of the*
23 *non-Federal interest for the study, shall formulate alter-*
24 *natives—*

1 (1) *to maximize combined net benefits for the*
2 *primary purpose of the study and for the purposes of*
3 *water supply or water conservation (including the use*
4 *of water supply conservation measures described in*
5 *section 1116 of the Water Resources Development Act*
6 *of 2016 (130 Stat. 1639)); or*

7 (2) *to include 1 or more measures for the pur-*
8 *poses of water supply or water conservation if the*
9 *Secretary determines that such measures may reduce*
10 *potential adverse impacts of extreme weather events,*
11 *including drought, on water resources within the geo-*
12 *graphic scope of the study.*

13 (c) *COST SHARING.*—*All costs to carry out a feasibility*
14 *study in accordance with this section shall be shared in ac-*
15 *cordance with the cost share requirements otherwise appli-*
16 *cable to the study.*

17 **SEC. 8107. WATER SUPPLY CONSERVATION.**

18 *Section 1116 of the Water Resources Development Act*
19 *of 2016 (130 Stat. 1639) is amended—*

20 (1) *in subsection (a), in the matter preceding*
21 *paragraph (1), by striking “during the 1-year period*
22 *ending on the date of enactment of this Act” and in-*
23 *serting “for any portion of any 2 consecutive or non-*
24 *consecutive years during the 10-year period preceding*

1 *a request from a non-Federal interest for assistance*
2 *under this section”; and*

3 *(2) in subsection (b)(4), by inserting “, includ-*
4 *ing measures utilizing a natural feature or nature-*
5 *based feature (as those terms are defined in section*
6 *1184(a)) to reduce drought risk” after “water sup-*
7 *ply”.*

8 **SEC. 8108. MANAGED AQUIFER RECHARGE STUDY AND**
9 **WORKING GROUP.**

10 *(a) ASSESSMENT.—*

11 *(1) IN GENERAL.—The Secretary shall, in con-*
12 *sultation with applicable non-Federal interests, con-*
13 *duct a national assessment of carrying out managed*
14 *aquifer recharge projects to address drought, water re-*
15 *siliency, and aquifer depletion at authorized water re-*
16 *sources development projects.*

17 *(2) REQUIREMENTS.—In carrying out para-*
18 *graph (1), the Secretary shall—*

19 *(A) assess and identify opportunities to*
20 *support non-Federal interests, including Tribal*
21 *communities, in carrying out managed aquifer*
22 *recharge projects; and*

23 *(B) assess preliminarily local hydrogeologic*
24 *conditions relevant to carrying out managed aq-*
25 *uifer recharge projects.*

1 (3) *COORDINATION.*—*In carrying out paragraph*
2 (1), *the Secretary shall coordinate, as appropriate,*
3 *with the heads of other Federal agencies, States, re-*
4 *gional governmental agencies, units of local govern-*
5 *ment, experts in managed aquifer recharge, and*
6 *Tribes.*

7 (b) *FEASIBILITY STUDIES.*—

8 (1) *AUTHORIZATION.*—*The Secretary is author-*
9 *ized to carry out feasibility studies, at the request of*
10 *a non-Federal interest, of managed aquifer recharge*
11 *projects in areas that are experiencing, or have re-*
12 *cently experienced, prolonged drought conditions, aq-*
13 *uifer depletion, or water supply scarcity.*

14 (2) *LIMITATION.*—*The Secretary may carry out*
15 *not more than 10 feasibility studies under this sub-*
16 *section.*

17 (3) *USE OF INFORMATION.*—*The Secretary shall,*
18 *to the maximum extent practicable, use information*
19 *gathered from the assessment conducted under sub-*
20 *section (a) in identifying and selecting feasibility*
21 *studies to carry out under this subsection.*

22 (4) *COST SHARE.*—*The Federal share of the cost*
23 *of a feasibility study carried out under this subsection*
24 *shall be 90 percent.*

25 (c) *WORKING GROUP.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall
3 establish a managed aquifer recharge working group
4 made up of subject matter experts within the Corps
5 of Engineers and relevant non-Federal stakeholders.

6 (2) *COMPOSITION.*—In establishing the working
7 group under paragraph (1), the Secretary shall ensure
8 that members of the working group have expertise
9 working with—

10 (A) projects providing water supply storage
11 to meet regional water supply demand, particu-
12 larly in regions experiencing drought;

13 (B) the protection of groundwater supply,
14 including promoting infiltration and increased
15 recharge in groundwater basins, and ground-
16 water quality;

17 (C) aquifer storage, recharge, and recovery
18 wells;

19 (D) dams that provide recharge enhance-
20 ment benefits;

21 (E) groundwater hydrology;

22 (F) conjunctive use water systems; and

23 (G) agricultural water resources, including
24 the use of aquifers for irrigation purposes.

1 (3) *DUTIES.*—*The working group established*
2 *under this subsection shall—*

3 (A) *advise the Secretary regarding the de-*
4 *velopment and execution of the assessment under*
5 *subsection (a) and any feasibility studies under*
6 *subsection (b);*

7 (B) *assist Corps of Engineers offices at the*
8 *headquarter, division, and district levels with*
9 *raising awareness of non-Federal interests of the*
10 *potential benefits of carrying out managed aqui-*
11 *fer recharge projects; and*

12 (C) *assist with the development of the report*
13 *required to be submitted under subsection (d).*

14 (d) *REPORT TO CONGRESS.*—*Not later than 2 years*
15 *after the date of enactment of this Act, the Secretary shall*
16 *submit to the Committee on Transportation and Infrastruc-*
17 *ture of the House of Representatives and the Committee on*
18 *Environment and Public Works of the Senate a report on*
19 *managed aquifer recharge that includes—*

20 (1) *the results of the assessment conducted under*
21 *subsection (a) and any feasibility studies carried out*
22 *under subsection (b), including data collected under*
23 *such assessment and studies and any recommenda-*
24 *tions on managed aquifer recharge opportunities for*

1 *non-Federal interests, States, local governments, and*
2 *Tribes;*

3 (2) *a status update on the implementation of the*
4 *recommendations included in the report of the U.S.*
5 *Army Corps of Engineers Institute for Water Re-*
6 *sources entitled “Managed Aquifer Recharge and the*
7 *U.S. Army Corps of Engineers: Water Security*
8 *through Resilience”, published in April 2020 (2020–*
9 *WP–01); and*

10 (3) *an evaluation of the benefits of creating a*
11 *new or modifying an existing planning center of ex-*
12 *pertise for managed aquifer recharge, and identify po-*
13 *tential locations for such a center of expertise, if fea-*
14 *sible.*

15 (e) *SAVINGS PROVISION.—Nothing in this section af-*
16 *fects the non-Federal share of the cost of construction of a*
17 *managed aquifer recharge project under section 103 of the*
18 *Water Resources Development Act of 1986 (33 U.S.C. 2213)*
19 *or any other provision of law.*

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

21 (1) *MANAGED AQUIFER RECHARGE.—The term*
22 *“managed aquifer recharge” means the intentional*
23 *banking and treatment of water in aquifers for stor-*
24 *age and future use.*

1 (2) *MANAGED AQUIFER RECHARGE PROJECT.*—
2 *The term “managed aquifer recharge project” means*
3 *a project to incorporate managed aquifer recharge*
4 *features into a water resources development project.*

5 **SEC. 8109. UPDATES TO CERTAIN WATER CONTROL MANU-**
6 **ALS.**

7 *On request of the Governor of a State for which the*
8 *Governor declared a statewide drought disaster in 2021, the*
9 *Secretary is authorized to update water control manuals*
10 *for water resources development projects under the author-*
11 *ity of the Secretary in the State, with priority given to those*
12 *projects that include water supply or water conservation*
13 *as an authorized purpose.*

14 **SEC. 8110. NATIONAL COASTAL MAPPING STUDY.**

15 (a) *IN GENERAL.*—*The Secretary, acting through the*
16 *Director of the Engineer Research and Development Center,*
17 *is authorized to carry out a study of coastal geographic land*
18 *changes, with recurring national coastal mapping tech-*
19 *nology, along the coastal zone of the United States to sup-*
20 *port Corps of Engineers missions.*

21 (b) *STUDY.*—*In carrying out the study under sub-*
22 *section (a), the Secretary shall identify—*

23 (1) *new or advanced geospatial information and*
24 *remote sensing tools for coastal mapping;*

- 1 (2) *best practices for coastal change mapping;*
2 *and*
3 (3) *how to most effectively—*
4 (A) *collect and analyze such advanced*
5 *geospatial information;*
6 (B) *disseminate such geospatial information*
7 *to relevant offices of the Corps of Engineers,*
8 *other Federal agencies, States, Tribes, and local*
9 *governments; and*
10 (C) *make such geospatial information avail-*
11 *able to other stakeholders.*
12 (c) *DEMONSTRATION PROJECT.—*
13 (1) *PROJECT AREA.—In carrying out the study*
14 *under subsection (a), the Secretary shall carry out a*
15 *demonstration project in the coastal region covering*
16 *the North Carolina coastal waters, connected bays, es-*
17 *tuaries, rivers, streams, and creeks, to their tidally*
18 *influenced extent inland.*
19 (2) *SCOPE.—In carrying out the demonstration*
20 *project, the Secretary shall—*
21 (A) *identify and study potential hazards,*
22 *such as debris, sedimentation, dredging effects,*
23 *and flood areas;*

1 (B) identify best practices described in sub-
2 section (b)(2), including best practices relating to
3 geographical coverage and frequency of mapping;

4 (C) evaluate and demonstrate relevant map-
5 ping technologies to identify which are the most
6 effective for regional mapping of the transitional
7 areas between the open coast and inland waters;
8 and

9 (D) demonstrate remote sensing tools for
10 coastal mapping.

11 (d) *COORDINATION.*—In carrying out this section, the
12 Secretary shall coordinate with other Federal and State
13 agencies that are responsible for authoritative data and
14 academic institutions and other entities with relevant ex-
15 pertise.

16 (e) *PANEL.*—

17 (1) *ESTABLISHMENT.*—In carrying out this sec-
18 tion, the Secretary shall establish a panel of senior
19 leaders from the Corps of Engineers and other Federal
20 agencies that are stakeholders in the coastal mapping
21 program carried out through the Engineer Research
22 and Development Center.

23 (2) *DUTIES.*—The panel established under this
24 subsection shall—

1 (A) coordinate the collection of data under
2 the study carried out under this section;

3 (B) coordinate the use of geospatial infor-
4 mation and remote sensing tools, and the appli-
5 cation of the best practices identified under the
6 study, by Federal agencies; and

7 (C) identify technical topics and challenges
8 that require multiagency collaborative research
9 and development.

10 (f) *USE OF EXISTING INFORMATION.*—In carrying out
11 this section, the Secretary shall consider any relevant infor-
12 mation developed under section 516(g) of the Water Re-
13 sources Development Act of 1996 (33 U.S.C. 2326b(g)).

14 (g) *REPORT.*—Not later than 18 months after the date
15 of enactment of this Act, the Secretary shall submit to the
16 Committee on Transportation and Infrastructure of the
17 House of Representatives and the Committee on Environ-
18 ment and Public Works of the Senate a report that de-
19 scribes—

20 (1) the results of the study carried out under this
21 section; and

22 (2) any geographical areas recommended for ad-
23 ditional study.

1 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$25,000,000, to remain available until expended.*

4 **SEC. 8111. TRIBAL PARTNERSHIP PROGRAM.**

5 *Section 203 of the Water Resources Development Act*
6 *of 2000 (33 U.S.C. 2269) is amended—*

7 (1) *in subsection (a), by striking “(25 U.S.C.*
8 *450b)” and inserting “(25 U.S.C. 5304)”;*

9 (2) *in subsection (b)—*

10 (A) *in paragraph (2)—*

11 (i) *in subparagraph (A)—*

12 (I) *by inserting “hurricane and*
13 *storm” after “flood”; and*

14 (II) *by inserting “including ero-*
15 *sion control,” after “reduction,”;*

16 (ii) *in subparagraph (B), by striking*
17 *“and” at the end;*

18 (iii) *by redesignating subparagraph*
19 *(C) as subparagraph (D); and*

20 (iv) *by inserting after subparagraph*
21 *(B) the following:*

22 *“(C) technical assistance to an Indian tribe,*
23 *including—*

24 *“(i) assistance for planning to amelio-*
25 *rate flood hazards, to avoid repetitive flood*

1 *impacts, to anticipate, prepare, and adapt*
2 *to changing hydrological and climatic con-*
3 *ditions and extreme weather events, and to*
4 *withstand, respond to, and recover rapidly*
5 *from disruption due to flood hazards; and*

6 *“(ii) the provision of, and integration*
7 *into planning of, hydrologic, economic, and*
8 *environmental data and analyses; and”;*

9 *(B) in paragraph (3), by adding at the end*
10 *the following:*

11 *“(C) INITIAL COSTS.—The first \$200,000 of*
12 *the costs of a study under this section shall be at*
13 *Federal expense.”;*

14 *(C) in paragraph (4)—*

15 *(i) in subparagraph (A), by striking*
16 *“\$18,500,000” and inserting “\$26,000,000”;*
17 *and*

18 *(ii) in subparagraph (B), by striking*
19 *“\$18,500,000” and inserting “\$26,000,000”;*
20 *and*

21 *(D) by adding at the end the following:*

22 *“(5) PROJECT JUSTIFICATION.—Notwithstanding*
23 *any requirement for economic justification established*
24 *under section 209 of the Flood Control Act of 1970*
25 *(42 U.S.C. 1962–2), the Secretary may implement a*

1 *project (other than a project for ecosystem restoration)*
2 *under this section if the Secretary determines that the*
3 *project will—*

4 *“(A) significantly reduce potential flood or*
5 *hurricane and storm damage hazards (which*
6 *may be limited to hazards that may be addressed*
7 *by measures for erosion mitigation or bank sta-*
8 *bilization);*

9 *“(B) improve the quality of the environ-*
10 *ment;*

11 *“(C) reduce risks to life safety associated*
12 *with the hazards described in subparagraph (A);*
13 *and*

14 *“(D) improve the long-term viability of the*
15 *community.”;*

16 *(3) in subsection (d)—*

17 *(A) in paragraph (5)(B)—*

18 *(i) by striking “non-Federal” and in-*
19 *serting “Federal”; and*

20 *(ii) by striking “50 percent” and in-*
21 *serting “100 percent”; and*

22 *(B) by adding at the end the following:*

23 *“(6) TECHNICAL ASSISTANCE.—The Federal*
24 *share of the cost of activities described in subsection*
25 *(b)(2)(C) shall be 100 percent.”; and*

1 (4) *in subsection (e), by striking “2024” and in-*
2 *serting “2033”.*

3 **SEC. 8112. TRIBAL LIAISON.**

4 (a) *IN GENERAL.*—*Beginning not later than 1 year*
5 *after the date of enactment of this Act, the District Com-*
6 *mander for each Corps of Engineers district that contains*
7 *a Tribal community shall have on staff a Tribal Liaison.*

8 (b) *DUTIES.*—*Each Tribal Liaison shall make rec-*
9 *ommendations to the applicable District Commander re-*
10 *garding, and be responsible for—*

11 (1) *removing barriers to access to, and partici-*
12 *ipation in, Corps of Engineers programs for Tribal*
13 *communities, including by improving implementation*
14 *of section 103(m) of the Water Resources Development*
15 *Act of 1986 (33 U.S.C. 2213(m));*

16 (2) *improving outreach to, and engagement with,*
17 *Tribal communities about relevant Corps of Engi-*
18 *neers programs and services;*

19 (3) *identifying and engaging with Tribal com-*
20 *munities suffering from water resources challenges;*

21 (4) *improving, expanding, and facilitating gov-*
22 *ernment-to-government consultation between Tribal*
23 *communities and the Corps of Engineers;*

24 (5) *coordinating and implementing all relevant*
25 *Tribal consultation policies and associated guidelines,*

1 *including the requirements of section 112 of the Water*
2 *Resources Development Act of 2020 (33 U.S.C. 2356);*

3 *(6) training and tools to facilitate the ability of*
4 *Corps of Engineers staff to effectively engage with*
5 *Tribal communities in a culturally competent man-*
6 *ner, especially in regards to lands of ancestral, his-*
7 *toric, or cultural significance to a Tribal community,*
8 *including burial sites; and*

9 *(7) such other issues identified by the Secretary.*

10 *(c) UNIFORMITY.—Not later than 120 days after the*
11 *date of enactment of this Act, the Secretary shall finalize*
12 *guidelines for—*

13 *(1) a position description for Tribal Liaisons;*
14 *and*

15 *(2) required qualifications for Tribal Liaisons,*
16 *including experience and expertise relating to Tribal*
17 *communities and water resource issues.*

18 *(d) FUNDING.—Funding for the position of Tribal Li-*
19 *aision shall be allocated from the budget line item provided*
20 *for the expenses necessary for the supervision and general*
21 *administration of the civil works program, and filling the*
22 *position shall not be dependent on any increase in this*
23 *budget line item.*

24 *(e) DEFINITIONS.—In this section:*

1 (1) *TRIBAL COMMUNITY.*—*The term “Tribal com-*
2 *munity” means a community of people who are recog-*
3 *nized and defined under Federal law as indigenous*
4 *people of the United States.*

5 (2) *TRIBAL LIAISON.*—*The term “Tribal Liai-*
6 *son” means a permanent employee of a Corps of En-*
7 *gineers district whose primary responsibilities are*
8 *to—*

9 (A) *serve as a direct line of communication*
10 *between the District Commander and the Tribal*
11 *communities within the boundaries of the Corps*
12 *of Engineers district; and*

13 (B) *ensure consistency in government-to-*
14 *government relations.*

15 **SEC. 8113. TRIBAL ASSISTANCE.**

16 (a) *CLARIFICATION OF EXISTING AUTHORITY.*—

17 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
18 *Secretary, in consultation with the heads of relevant*
19 *Federal agencies, the Confederated Tribes of the Warm*
20 *Springs Reservation of Oregon, the Confederated*
21 *Tribes and Bands of the Yakama Nation, the Nez*
22 *Perce Tribe, and the Confederated Tribes of the*
23 *Umatilla Indian Reservation, shall revise and carry*
24 *out the village development plan for The Dalles Dam,*
25 *Columbia River, Washington and Oregon, as author-*

1 *ized by section 204 of the Flood Control Act of 1950*
2 *(chapter 188, 64 Stat. 179), to comprehensively ad-*
3 *dress adverse impacts to Indian villages, housing*
4 *sites, and related structures as a result of the con-*
5 *struction of The Dalles Dam, Bonneville Dam,*
6 *McNary Dam, and John Day Dam, Washington and*
7 *Oregon.*

8 (2) *EXAMINATION.*—*Before carrying out the re-*
9 *quirements of paragraph (1), the Secretary shall con-*
10 *duct an examination and assessment of the extent to*
11 *which Indian villages, housing sites, and related*
12 *structures were displaced or destroyed by the con-*
13 *struction of the following projects:*

14 (A) *Bonneville Dam, Columbia River, Or-*
15 *egon, as authorized by the first section of the Act*
16 *of August 30, 1935 (chapter 831, 49 Stat. 1038)*
17 *and the first section and section 2(a) of the Act*
18 *of August 20, 1937 (16 U.S.C. 832, 832a(a)).*

19 (B) *McNary Dam, Columbia River, Wash-*
20 *ington and Oregon, as authorized by section 2 of*
21 *the Act of March 2, 1945 (chapter 19, 59 Stat.*
22 *22).*

23 (C) *John Day Dam, Columbia River, Wash-*
24 *ington and Oregon, as authorized by section 204*

1 *of the Flood Control Act of 1950 (chapter 188, 64*
2 *Stat. 179).*

3 (3) *REQUIREMENTS.—The village development*
4 *plan under paragraph (1) shall include, at a min-*
5 *imum—*

6 (A) *an evaluation of sites on both sides of*
7 *the Columbia River;*

8 (B) *an assessment of suitable Federal land*
9 *and land owned by the States of Washington and*
10 *Oregon; and*

11 (C) *an estimated cost and tentative schedule*
12 *for the construction of each housing development.*

13 (4) *LOCATION OF ASSISTANCE.—The Secretary*
14 *may provide housing and related assistance under*
15 *this subsection at 1 or more village sites in the States*
16 *of Washington and Oregon.*

17 (b) *PROVISION OF ASSISTANCE ON FEDERAL LAND.—*
18 *The Secretary may construct housing or provide related as-*
19 *istance on land owned by the United States in carrying*
20 *out the village development plan under subsection (a)(1).*

21 (c) *ACQUISITION AND DISPOSAL OF LAND.—*

22 (1) *IN GENERAL.—Subject to subsection (d), the*
23 *Secretary may acquire land or interests in land for*
24 *the purpose of providing housing and related assist-*

1 *ance in carrying out the village development plan*
2 *under subsection (a)(1).*

3 (2) *ADVANCE ACQUISITION.—Acquisition of land*
4 *or interests in land under paragraph (1) may be car-*
5 *ried out in advance of completion of all required doc-*
6 *umentation and receipt of all required clearances for*
7 *the construction of housing or related improvements*
8 *on the land.*

9 (3) *DISPOSAL OF UNSUITABLE LAND.—If the*
10 *Secretary determines that any land or interest in*
11 *land acquired by the Secretary under paragraph (2)*
12 *is unsuitable for that housing or for those related im-*
13 *provements, the Secretary may—*

14 (A) *dispose of the land or interest in land*
15 *by sale; and*

16 (B) *credit the proceeds to the appropriation,*
17 *fund, or account used to purchase the land or in-*
18 *terest in land.*

19 (d) *LIMITATION.—The Secretary shall only acquire*
20 *land from willing landowners in carrying out this section.*

21 (e) *COOPERATIVE AGREEMENTS.—The Secretary may*
22 *enter into a cooperative agreement with a Tribe described*
23 *in subsection (a)(1), or with a Tribal organization of such*
24 *a Tribe, to provide funds to the Tribe to construct housing*

1 *or provide related assistance in carrying out the village de-*
2 *velopment plan under such subsection.*

3 (f) *CONVEYANCE AUTHORIZED.*—*Upon completion of*
4 *construction at a village site under this section, the Sec-*
5 *retary may, without consideration, convey the village site*
6 *and the improvements located thereon to a Tribe described*
7 *in subsection (a)(1), or to a Tribal organization of such*
8 *a Tribe.*

9 (g) *CONFORMING AMENDMENT.*—*Section 1178(c) of the*
10 *Water Resources Development Act of 2016 (130 Stat. 1675;*
11 *132 Stat. 3781) is repealed.*

12 **SEC. 8114. COST SHARING PROVISIONS FOR THE TERRI-**
13 **TORIES AND INDIAN TRIBES.**

14 *Section 1156 of the Water Resources Development Act*
15 *of 1986 (33 U.S.C. 2310) is amended—*

16 (1) *in subsection (a)—*

17 (A) *in paragraph (1), by striking “and” at*
18 *the end;*

19 (B) *in paragraph (2), by striking the period*
20 *at the end and inserting “; and” ; and*

21 (C) *by adding at the end the following:*

22 “(3) *for any organization that—*

23 “(A) *is composed primarily of people who*
24 *are—*

1 “(i) recognized and defined under Fed-
2 eral law as indigenous people of the United
3 States; and

4 “(ii) from a specific community; and

5 “(B) assists in the social, cultural, and edu-
6 cational development of such people in that com-
7 munity.”; and

8 (2) by adding at the end the following:

9 “(c) *INCLUSION*.—For purposes of this section, the
10 term ‘study’ includes a watershed assessment.

11 “(d) *APPLICATION*.—The Secretary shall apply the
12 waiver amount described in subsection (a) to reduce only
13 the non-Federal share of study and project costs.”.

14 **SEC. 8115. TRIBAL AND ECONOMICALLY DISADVANTAGED**
15 **COMMUNITIES ADVISORY COMMITTEE.**

16 (a) *ESTABLISHMENT*.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary shall estab-
18 lish a committee, to be known as the “Tribal and Economi-
19 cally Disadvantaged Communities Advisory Committee”, to
20 develop and make recommendations to the Secretary and
21 the Chief of Engineers on activities and actions that should
22 be undertaken by the Corps of Engineers to ensure more
23 effective delivery of water resources development projects,
24 programs, and other assistance to Indian Tribes and eco-
25 nomically disadvantaged communities, including economi-

1 *cally disadvantaged communities located in urban and*
2 *rural areas.*

3 **(b) MEMBERSHIP.**—*The Committee shall be composed*
4 *of members, appointed by the Secretary, who have the req-*
5 *uisite experiential or technical knowledge needed to address*
6 *issues related to the water resources needs and challenges*
7 *of economically disadvantaged communities and Indian*
8 *Tribes, including—*

9 **(1)** *5 individuals representing organizations*
10 *with expertise in environmental policy, rural water*
11 *resources, economically disadvantaged communities,*
12 *Tribal rights, or civil rights; and*

13 **(2)** *5 individuals, each representing a non-Fed-*
14 *eral interest for a Corps of Engineers project.*

15 **(c) DUTIES.**—

16 **(1) RECOMMENDATIONS.**—*The Committee shall*
17 *provide advice and make recommendations to the Sec-*
18 *retary and the Chief of Engineers to assist the Corps*
19 *of Engineers in—*

20 **(A)** *efficiently and effectively delivering so-*
21 *lutions to the needs and challenges of water re-*
22 *sources development projects for economically*
23 *disadvantaged communities and Indian Tribes;*

24 **(B)** *integrating consideration of economi-*
25 *cally disadvantaged communities and Indian*

1 *Tribes, where applicable, in the development of*
2 *water resources development projects and pro-*
3 *grams of the Corps of Engineers; and*

4 *(C) improving the capability and capacity*
5 *of the workforce of the Corps of Engineers to as-*
6 *sist economically disadvantaged communities*
7 *and Indian Tribes.*

8 (2) *MEETINGS.*—*The Committee shall meet as*
9 *appropriate to develop and make recommendations*
10 *under paragraph (1).*

11 (3) *REPORT.*—*Recommendations made under*
12 *paragraph (1) shall be—*

13 *(A) included in a report submitted to the*
14 *Committee on Environment and Public Works of*
15 *the Senate and the Committee on Transportation*
16 *and Infrastructure of the House of Representa-*
17 *tives; and*

18 *(B) made publicly available, including on a*
19 *publicly available website.*

20 (d) *INDEPENDENT JUDGMENT.*—*Any recommendation*
21 *made by the Committee to the Secretary and the Chief of*
22 *Engineers under subsection (c)(1) shall reflect the inde-*
23 *pendent judgment of the Committee.*

24 (e) *ADMINISTRATION.*—

1 (1) *COMPENSATION.*—*Except as provided in*
2 *paragraph (3), the members of the Committee shall*
3 *serve without compensation.*

4 (2) *TRAVEL EXPENSES.*—*The members of the*
5 *Committee shall receive travel expenses, including per*
6 *diem in lieu of subsistence, in accordance with appli-*
7 *cable provisions under subchapter I of chapter 57 of*
8 *title 5, United States Code.*

9 (3) *TREATMENT.*—*The members of the Com-*
10 *mittee shall not be considered to be Federal employees,*
11 *and the meetings and reports of the Committee shall*
12 *not be considered a major Federal action under the*
13 *National Environmental Policy Act of 1969 (42*
14 *U.S.C. 4321 et seq.).*

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

16 (1) *COMMITTEE.*—*The term “Committee” means*
17 *the Tribal and Economically Disadvantaged Commu-*
18 *nities Advisory Committee established under sub-*
19 *section (a).*

20 (2) *ECONOMICALLY DISADVANTAGED COMMU-*
21 *NITY.*—*The term “economically disadvantaged com-*
22 *munity” has the meaning given the term as defined*
23 *by the Secretary under section 160 of the Water Re-*
24 *sources Development Act of 2020 (33 U.S.C. 2201*
25 *note).*

1 (3) *INDIAN TRIBE*.—*The term “Indian Tribe”*
2 *has the meaning given the term in section 4 of the In-*
3 *Indian Self-Determination and Education Assistance*
4 *Act (25 U.S.C. 5304).*

5 **SEC. 8116. WORKFORCE PLANNING.**

6 (a) *AUTHORIZATION*.—*The Secretary is authorized to*
7 *carry out activities, at Federal expense—*

8 (1) *to foster, enhance, and support science, tech-*
9 *nology, engineering, and math education and aware-*
10 *ness; and*

11 (2) *to recruit individuals for careers at the Corps*
12 *of Engineers.*

13 (b) *PARTNERING ENTITIES*.—*In carrying out activi-*
14 *ties under this section, the Secretary may enter into part-*
15 *nerships with—*

16 (1) *public elementary and secondary schools, in-*
17 *cluding charter schools;*

18 (2) *community colleges;*

19 (3) *technical schools; and*

20 (4) *colleges and universities, including histori-*
21 *cally Black colleges and universities.*

22 (c) *PRIORITIZATION*.—*The Secretary shall, to the max-*
23 *imum extent practicable, prioritize the recruitment of indi-*
24 *viduals under this section that are from economically dis-*
25 *advantaged communities (as defined by the Secretary under*

1 *section 160 of the Water Resources Development Act of 2020*
2 *(33 U.S.C. 2201 note)), including economically disadvan-*
3 *tagged communities located in urban and rural areas.*

4 *(d) DEFINITION OF HISTORICALLY BLACK COLLEGE*
5 *OR UNIVERSITY.—In this section, the term “historically*
6 *Black college or university” has the meaning given the term*
7 *“part B institution” in section 322 of the Higher Education*
8 *Act of 1965 (20 U.S.C. 1061).*

9 *(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section*
11 *\$20,000,000 for each of fiscal years 2023 through 2027.*

12 **SEC. 8117. CORPS OF ENGINEERS SUPPORT FOR UNDER-**
13 **SERVED COMMUNITIES; OUTREACH.**

14 *(a) IN GENERAL.—It is the policy of the United States*
15 *for the Corps of Engineers to strive to understand and ac-*
16 *commodate and, in coordination with non-Federal interests,*
17 *seek to address the water resources development needs of all*
18 *communities in the United States.*

19 *(b) OUTREACH AND ACCESS.—*

20 *(1) IN GENERAL.—The Secretary shall, at Fed-*
21 *eral expense, develop, support, and implement public*
22 *awareness, education, and regular outreach and en-*
23 *gagement efforts for potential non-Federal interests*
24 *with respect to the water resources development au-*

1 *thorities of the Secretary, with particular emphasis*
2 *on—*

3 *(A) technical service programs, including*
4 *the authorities under—*

5 *(i) section 206 of the Flood Control Act*
6 *of 1960 (33 U.S.C. 709a);*

7 *(ii) section 22 of the Water Resources*
8 *Development Act of 1974 (42 U.S.C. 1962d–*
9 *16); and*

10 *(iii) section 203 of the Water Resources*
11 *Development Act of 2000 (33 U.S.C. 2269);*
12 *and*

13 *(B) continuing authority programs, as such*
14 *term is defined in section 7001(c)(1)(D) of the*
15 *Water Resources Reform and Development Act of*
16 *2014 (33 U.S.C. 2282d).*

17 *(2) IMPLEMENTATION.—In carrying out this sub-*
18 *section, the Secretary shall—*

19 *(A) develop and make publicly available*
20 *(including on a publicly available website), tech-*
21 *nical assistance materials, guidance, and other*
22 *information with respect to the water resources*
23 *development authorities of the Secretary;*

24 *(B) establish and make publicly available*
25 *(including on a publicly available website), an*

1 *appropriate point of contact at each district and*
2 *division office of the Corps of Engineers for in-*
3 *quiries from potential non-Federal interests re-*
4 *lating to the water resources development au-*
5 *thorities of the Secretary;*

6 *(C) conduct regular outreach and engage-*
7 *ment, including through hosting seminars and*
8 *community information sessions, with local elect-*
9 *ed officials, community organizations, and pre-*
10 *vious and potential non-Federal interests, on op-*
11 *portunities to address local water resources chal-*
12 *lenges through the water resources development*
13 *authorities of the Secretary;*

14 *(D) issue guidance for, and provide tech-*
15 *nical assistance through technical service pro-*
16 *grams to, non-Federal interests to assist such in-*
17 *terests in pursuing technical services and devel-*
18 *oping proposals for water resources development*
19 *projects; and*

20 *(E) provide, at the request of a non-Federal*
21 *interest, assistance with researching and identi-*
22 *fying existing project authorizations or authori-*
23 *ties to address local water resources challenges.*

24 *(3) PRIORITIZATION.—In carrying out this sub-*
25 *section, the Secretary shall, to the maximum extent*

1 *practicable, prioritize awareness, education, and out-*
2 *reach and engagement to economically disadvantaged*
3 *communities (as defined by the Secretary under sec-*
4 *tion 160 of the Water Resources Development Act of*
5 *2020 (33 U.S.C. 2201 note)), including economically*
6 *disadvantaged communities located in urban and*
7 *rural areas.*

8 (4) *AUTHORIZATION OF APPROPRIATIONS.—*

9 *There is authorized to be appropriated to carry out*
10 *this section \$30,000,000 for each fiscal year.*

11 **SEC. 8118. PILOT PROGRAMS FOR CERTAIN COMMUNITIES.**

12 (a) *PILOT PROGRAMS ON THE FORMULATION OF*
13 *CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES*
14 *AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Sec-*
15 *tion 118 of the Water Resources Development Act of 2020*
16 *(33 U.S.C. 2201 note) is amended—*

17 (1) *in subsection (b)(2)—*

18 (A) *in subparagraph (A), by striking “pub-*
19 *lish” and inserting “annually publish”; and*

20 (B) *in subparagraph (C), by striking “se-*
21 *lect” and inserting “, subject to the availability*
22 *of appropriations, annually select”; and*

23 (2) *in subsection (c)(2), in the matter preceding*
24 *subparagraph (A), by striking “projects” and insert-*
25 *ing “projects annually”.*

1 (b) *PILOT PROGRAM FOR CONTINUING AUTHORITY*
2 *PROJECTS IN SMALL OR DISADVANTAGED COMMUNITIES.*—
3 *Section 165(a) of the Water Resources Development Act of*
4 *2020 (33 U.S.C. 2201 note) is amended in paragraph*
5 *(2)(B), by striking “10” and inserting “20”.*

6 **SEC. 8119. TECHNICAL ASSISTANCE.**

7 (a) *PLANNING ASSISTANCE TO STATES.*—*Section 22 of*
8 *the Water Resources Development Act of 1974 (42 U.S.C.*
9 *1962d–16) is amended—*

10 (1) *in subsection (a)—*

11 (A) *in paragraph (1)—*

12 (i) *by inserting “local government,”*
13 *after “State or group of States,”; and*

14 (ii) *by inserting “local government,”*
15 *after “such State, interest,”;*

16 (B) *in paragraph (3), by striking “section*
17 *236 of title 10” and inserting “section 4141 of*
18 *title 10”;* and

19 (C) *by adding at the end the following:*

20 “(4) *PRIORITIZATION.*—*To the maximum extent*
21 *practicable, the Secretary shall prioritize the provi-*
22 *sion of assistance under this subsection to address*
23 *both inland and coastal life safety risks.”;*

24 (2) *in subsection (c)(2), by striking*
25 *“\$15,000,000” and inserting “\$30,000,000”; and*

1 (3) *in subsection (f)*—

2 (A) *by striking “The cost-share for assist-*
3 *ance” and inserting the following:*

4 “(1) *TRIBES AND TERRITORIES.—The cost-share*
5 *for assistance*”; *and*

6 (B) *by adding at the end the following:*

7 “(2) *ECONOMICALLY DISADVANTAGED COMMU-*
8 *NITIES.—Notwithstanding subsection (b)(1) and the*
9 *limitation in section 1156 of the Water Resources De-*
10 *velopment Act of 1986, as applicable pursuant to*
11 *paragraph (1) of this subsection, the Secretary is au-*
12 *thorized to waive the collection of fees for any local*
13 *government to which assistance is provided under*
14 *subsection (a) that the Secretary determines is an eco-*
15 *nomically disadvantaged community, as defined by*
16 *the Secretary under section 160 of the Water Re-*
17 *sources Development Act of 2020 (33 U.S.C. 2201*
18 *note) (including economically disadvantaged commu-*
19 *nities located in urban and rural areas).”.*

20 (b) *WATERSHED PLANNING AND TECHNICAL ASSIST-*
21 *ANCE.—In providing assistance under section 22 of the*
22 *Water Resources Development Act of 1974 (42 U.S.C.*
23 *1962d–16) or pursuant to section 206 of the Flood Control*
24 *Act of 1960 (33 U.S.C. 709a), the Secretary shall, upon re-*
25 *quest, provide such assistance at a watershed scale.*

1 **SEC. 8120. TECHNICAL ASSISTANCE FOR LEVEE INSPEC-**
2 **TIONS.**

3 *In any instance where the Secretary requires, as a con-*
4 *dition of eligibility for Federal assistance under section 5*
5 *of the Act of August 18, 1941 (33 U.S.C. 701n), that a non-*
6 *Federal sponsor of a flood control project undertake an elec-*
7 *tronic inspection of the portion of such project that is under*
8 *normal circumstances submerged, the Secretary shall pro-*
9 *vide to the non-Federal sponsor credit or reimbursement for*
10 *the cost of carrying out such inspection against the non-*
11 *Federal share of the cost of repair or restoration of such*
12 *project carried out under such section.*

13 **SEC. 8121. ASSESSMENT OF CORPS OF ENGINEERS LEVEES.**

14 *(a) IN GENERAL.—The Secretary shall periodically*
15 *conduct assessments of federally authorized levees under the*
16 *jurisdiction of the Corps of Engineers, to evaluate the poten-*
17 *tial Federal interest in the modification (including realign-*
18 *ment or incorporation of natural features and nature-based*
19 *features, as such terms are defined in section 1184(a) of*
20 *the Water Resources Development Act of 2016 (33 U.S.C.*
21 *2289a(a))) of levee systems to meet one or more of the fol-*
22 *lowing objectives:*

23 *(1) Increasing the flood risk reduction benefits of*
24 *such systems.*

25 *(2) Achieving greater flood resiliency.*

1 (3) *Restoring hydrological and ecological connec-*
2 *tions with adjacent floodplains that achieve greater*
3 *environmental benefits without undermining flood*
4 *risk reduction or flood resiliency for levee-protected*
5 *communities.*

6 (b) *LEVEES OPERATED BY NON-FEDERAL INTER-*
7 *ESTS.—The Secretary shall carry out an assessment under*
8 *subsection (a) for a federally authorized levee system oper-*
9 *ated by a non-Federal interest only if the non-Federal inter-*
10 *est—*

11 (1) *requests the assessment; and*

12 (2) *agrees to provide 50 percent of the cost of the*
13 *assessment.*

14 (c) *ASSESSMENTS.—*

15 (1) *CONSIDERATIONS.—In conducting an assess-*
16 *ment under subsection (a), the Secretary shall con-*
17 *sider and identify, with respect to each levee system—*

18 (A) *an estimate of the number of structures*
19 *and population at risk and protected by the levee*
20 *system that would be adversely impacted if the*
21 *levee system fails or water levels exceed the height*
22 *of any levee segment within the levee system*
23 *(which may be the applicable estimate included*
24 *in the levee database established under section*

1 *9004 of the Water Resources Development Act of*
2 *2007 (33 U.S.C. 3303), if available);*

3 *(B) the number of times the non-Federal in-*
4 *terest has received emergency flood-fighting or re-*
5 *pair assistance under section 5 of the Act of Au-*
6 *gust 18, 1941 (33 U.S.C. 701n) for the levee sys-*
7 *tem, and the total expenditures on postflood re-*
8 *pairs over the life of the levee system;*

9 *(C) the functionality of the levee system*
10 *with regard to higher precipitation levels, in-*
11 *cluding due to changing climatic conditions and*
12 *extreme weather events;*

13 *(D) the potential costs and benefits (includ-*
14 *ing environmental benefits and implications for*
15 *levee-protected communities) from modifying the*
16 *applicable levee system to restore connections*
17 *with adjacent floodplains; and*

18 *(E) available studies, information, lit-*
19 *erature, or data from relevant Federal, State, or*
20 *local entities.*

21 *(2) PRIORITIZATION.—In conducting an assess-*
22 *ment under subsection (a), the Secretary shall, to the*
23 *maximum extent practicable, prioritize levee sys-*
24 *tems—*

1 (A) associated with an area that has been
2 subject to flooding in two or more events in any
3 10-year period; and

4 (B) for which the non-Federal interest has
5 received emergency flood-fighting or repair as-
6 sistance under section 5 of the Act of August 18,
7 1941 (33 U.S.C. 701n) with respect to such flood
8 events.

9 (3) *SCOPE.*—The Secretary shall ensure that an
10 assessment under subsection (a) shall be similar in
11 cost and scope to an initial assessment prepared by
12 the Secretary pursuant to section 216 of the Flood
13 Control Act of 1970 (33 U.S.C. 549a).

14 (d) *FLOOD PLAIN MANAGEMENT SERVICES.*—In con-
15 ducting an assessment under subsection (a), the Secretary
16 shall consider information on floods and flood damages
17 compiled under section 206 of the Flood Control Act of 1960
18 (33 U.S.C. 709a).

19 (e) *REPORT TO CONGRESS.*—

20 (1) *IN GENERAL.*—Not later than 18 months
21 after the date of enactment of this section, and peri-
22 odically thereafter, the Secretary shall submit to the
23 Committee on Transportation and Infrastructure of
24 the House of Representatives and the Committee on
25 Environment and Public Works of the Senate a report

1 *on the results of the assessments conducted under sub-*
2 *section (a).*

3 (2) *INCLUSION.—The Secretary shall include in*
4 *each report submitted under paragraph (1)—*

5 (A) *identification of any levee system for*
6 *which the Secretary has conducted an assessment*
7 *under subsection (a);*

8 (B) *a description of any opportunities iden-*
9 *tified under such subsection for the modification*
10 *of a levee system, including the potential benefits*
11 *of such modification for the purposes identified*
12 *under such subsection;*

13 (C) *information relating to the willingness*
14 *and ability of each applicable non-Federal inter-*
15 *est to participate in a modification to the rel-*
16 *evant levee system, including by obtaining any*
17 *real estate necessary for the modification; and*

18 (D) *a summary of the information consid-*
19 *ered and identified under subsection (c)(1).*

20 (f) *INCORPORATION OF INFORMATION.—The Secretary*
21 *shall include in the levee database established under section*
22 *9004 of the Water Resources Development Act of 2007 (33*
23 *U.S.C. 3303) the information included in each report sub-*
24 *mitted under subsection (e), and make such information*

1 *publicly available (including on a publicly available*
2 *website).*

3 *(g) LEVEE SYSTEM DEFINED.—In this section, the*
4 *term “levee system” has the meaning given that term in*
5 *section 9002(9) of the Water Resources Development Act of*
6 *2007 (33 U.S.C. 3301).*

7 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated to carry out this section*
9 *\$10,000,000, to remain available until expended.*

10 **SEC. 8122. NATIONAL LOW-HEAD DAM INVENTORY.**

11 *The National Dam Safety Program Act (33 U.S.C. 467*
12 *et seq.) is amended by adding at the end the following:*

13 **“SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.**

14 *“(a) DEFINITIONS.—In this section:*

15 *“(1) INVENTORY.—The term ‘inventory’ means*
16 *the national low-head dam inventory developed under*
17 *subsection (b)(1)(A).*

18 *“(2) LOW-HEAD DAM.—The term ‘low-head dam’*
19 *means a river-wide artificial barrier that generally*
20 *spans a stream channel, blocking the waterway and*
21 *creating a backup of water behind the barrier, with*
22 *a drop off over the wall of not less than 6 inches and*
23 *not more than 25 feet.*

24 *“(b) NATIONAL LOW-HEAD DAM INVENTORY.—*

1 “(1) *IN GENERAL.*—Not later than 18 months
2 after the date of enactment of this section, the Sec-
3 retary of the Army, in consultation with the heads of
4 appropriate Federal and State agencies, shall—

5 “(A) develop an inventory of low-head dams
6 in the United States that includes—

7 “(i) the location, ownership, descrip-
8 tion, current use, condition, height, and
9 length of each low-head dam;

10 “(ii) any information on public safety
11 conditions at each low-head dam;

12 “(iii) public safety information on the
13 dangers of low-head dams;

14 “(iv) a directory of financial and tech-
15 nical assistance resources available to re-
16 duce safety hazards and fish passage bar-
17 riers at low-head dams; and

18 “(v) any other relevant information
19 concerning low-head dams; and

20 “(B) submit the inventory to the Committee
21 on Environment and Public Works of the Senate
22 and the Committee on Transportation and Infra-
23 structure of the House of Representatives.

24 “(2) *DATA.*—In carrying out this subsection, the
25 Secretary shall—

1 “(A) coordinate with Federal and State
2 agencies and other relevant entities; and

3 “(B) use data provided to the Secretary by
4 those agencies and entities.

5 “(3) PUBLIC AVAILABILITY.—The Secretary shall
6 make the inventory publicly available, including on a
7 publicly available website.

8 “(4) UPDATES.—The Secretary, in consultation
9 with the heads of appropriate Federal and State
10 agencies, shall maintain and periodically publish up-
11 dates to the inventory.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary to carry out
14 this section \$30,000,000.

15 “(d) CLARIFICATION.—Nothing in this section provides
16 authority to the Secretary to carry out an activity, with
17 respect to a low-head dam, that is not explicitly authorized
18 under this section.”.

19 **SEC. 8123. EXPEDITING HYDROPOWER AT CORPS OF ENGI-**
20 **NEERS FACILITIES.**

21 Section 1008 of the Water Resources Reform and De-
22 velopment Act of 2014 (33 U.S.C. 2321b) is amended—

23 (1) in subsection (b)(1), by inserting “and to
24 meet the requirements of subsection (b)” after
25 “projects”;

1 (2) *by redesignating subsections (b) and (c) as*
2 *subsections (c) and (d), respectively; and*

3 (3) *by inserting after subsection (a) the fol-*
4 *lowing:*

5 “(b) *IMPLEMENTATION OF POLICY.—The Secretary*
6 *shall—*

7 “(1) *ensure that the policy described in sub-*
8 *section (a) is implemented nationwide in an efficient,*
9 *consistent, and coordinated manner; and*

10 “(2) *assess opportunities—*

11 “(A) *to increase the development of hydro-*
12 *electric power at existing water resources devel-*
13 *opment projects of the Corps of Engineers with*
14 *hydroelectric facilities; and*

15 “(B) *to develop new hydroelectric power at*
16 *existing nonpowered water resources development*
17 *projects of the Corps of Engineers.”.*

18 **SEC. 8124. RESERVE COMPONENT TRAINING AT WATER RE-**
19 **SOURCES DEVELOPMENT PROJECTS.**

20 (a) *IN GENERAL.—In carrying out military training*
21 *activities or otherwise fulfilling military training require-*
22 *ments, units or members of a reserve component of the*
23 *Armed Forces may perform services and furnish supplies*
24 *in support of a water resources development project or pro-*
25 *gram of the Corps of Engineers without reimbursement.*

1 (b) *EXCEPTION.*—*This section shall not apply to any*
 2 *member of a reserve component of the Armed Forces who*
 3 *is employed by the Corps of Engineers on a full-time basis.*

4 **SEC. 8125. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN**
 5 **OFFICERS FROM APPROPRIATION FOR IM-**
 6 **PROVEMENTS.**

7 *Section 36 of the Act of August 10, 1956 (33 U.S.C.*
 8 *583a), is amended—*

9 (1) *by striking “Regular officers of the Corps of*
 10 *Engineers of the Army, and reserve officers of the*
 11 *Army who are assigned to the Corps of Engineers,”*
 12 *and inserting the following:*

13 “(a) *IN GENERAL.*—*The personnel described in sub-*
 14 *section (b)”;* and

15 (2) *by adding at the end the following:*

16 “(b) *PERSONNEL DESCRIBED.*—*The personnel referred*
 17 *to in subsection (a) are the following:*

18 “(1) *Regular officers of the Corps of Engineers of*
 19 *the Army.*

20 “(2) *The following members of the Army who are*
 21 *assigned to the Corps of Engineers:*

22 “(A) *Reserve component officers.*

23 “(B) *Warrant officers (whether regular or*
 24 *reserve component).*

1 “(C) *Enlisted members (whether regular or*
2 *reserve component).*”.

3 **SEC. 8126. MAINTENANCE DREDGING PERMITS.**

4 (a) *IN GENERAL.*—*The Secretary shall, to the max-*
5 *imum extent practicable, prioritize the reissuance of any*
6 *regional general permit for maintenance dredging under*
7 *section 404 of the Federal Water Pollution Control Act (33*
8 *U.S.C. 1344) that expired prior to May 1, 2021.*

9 (b) *SAVINGS PROVISION.*—*Nothing in this section af-*
10 *fects any obligation to comply with the provisions of any*
11 *Federal or State environmental law, including—*

12 (1) *the National Environmental Policy Act of*
13 *1969 (42 U.S.C. 4321 et seq.);*

14 (2) *the Federal Water Pollution Control Act (33*
15 *U.S.C. 1251 et seq.); and*

16 (3) *the Endangered Species Act of 1973 (16*
17 *U.S.C. 1531 et seq.).*

18 **SEC. 8127. ENVIRONMENTAL DREDGING.**

19 (a) *IN GENERAL.*—*In carrying out the following*
20 *projects, the Secretary shall, to the maximum extent prac-*
21 *ticable, coordinate efforts with the applicable non-Federal*
22 *interest, the Administrator of the Environmental Protection*
23 *Agency, and the heads of other Federal, State, and regional*
24 *agencies responsible for the remediation of contaminated*
25 *sediments:*

1 (1) *The project for ecosystem restoration, South*
2 *Fork of the South Branch of the Chicago River, Bub-*
3 *bly Creek, Illinois, authorized by section 401(5) of the*
4 *Water Resources Development Act of 2020 (134 Stat.*
5 *2740).*

6 (2) *The project for navigation, Columbia and*
7 *Lower Willamette Rivers, Oregon and Washington,*
8 *authorized by section 101 of the River and Harbor*
9 *Act of 1962 (76 Stat. 1177), in the vicinity of the*
10 *Albina Turning Basin, River Mile 10, and the Post*
11 *Office Bar, Portland Harbor, River Mile 2.*

12 (3) *The project for aquatic ecosystem restoration,*
13 *Mahoning River, Ohio, being carried out under sec-*
14 *tion 206 of the Water Resources Development Act of*
15 *1996 (33 U.S.C. 2330).*

16 (4) *The project for navigation, South Branch of*
17 *the Chicago River, Cook County, Illinois, in the vicin-*
18 *ity of Collateral Channel.*

19 (5) *The projects carried out under the Com-*
20 *prehensive Everglades Restoration Plan, as authorized*
21 *by or pursuant to section 601 of the Water Resources*
22 *Development Act of 2000 (114 Stat. 2680; 132 Stat.*
23 *3786), in the vicinity of Lake Okeechobee.*

24 (b) *REPORT TO CONGRESS.—Not later than 180 days*
25 *after the date of enactment of this section, the Secretary*

1 *and the Administrator of the Environmental Protection*
2 *Agency shall jointly submit to the Committee on Transpor-*
3 *tation and Infrastructure of the House of Representatives*
4 *and the Committee on Environment and Public Works of*
5 *the Senate a report on efforts to remove or remediate con-*
6 *taminated sediments associated with the projects identified*
7 *in subsection (a), including, if applicable, any specific rec-*
8 *ommendations for actions or agreements necessary to un-*
9 *dertake such work.*

10 (c) *LIMITATION ON STATUTORY CONSTRUCTION.—*
11 *Nothing in this section shall be construed to affect the rights*
12 *and responsibilities of any person under the Comprehensive*
13 *Environmental Response, Compensation, and Liability Act*
14 *of 1980 (42 U.S.C. 9601 et seq.).*

15 **SEC. 8128. ASSESSMENT OF REGIONAL CONFINED AQUATIC**
16 **DISPOSAL FACILITIES.**

17 (a) *AUTHORITY.—The Secretary is authorized to con-*
18 *duct assessments of the availability of confined aquatic dis-*
19 *posal facilities for the disposal of contaminated dredged ma-*
20 *terial.*

21 (b) *INFORMATION AND COMMENT.—In conducting an*
22 *assessment under this section, the Secretary shall—*

23 (1) *solicit information from stakeholders on po-*
24 *tential projects that may require disposal of contami-*

1 *nated sediments in a confined aquatic disposal facil-*
2 *ity;*

3 (2) *solicit information from the applicable divi-*
4 *sion of the Corps of Engineers on the need for con-*
5 *finned aquatic disposal facilities; and*

6 (3) *provide an opportunity for public comment.*

7 (c) *NEW ENGLAND DISTRICT REGION ASSESSMENT.—*

8 *In carrying out subsection (a), the Secretary shall prioritize*
9 *conducting an assessment of the availability of confined*
10 *aquatic disposal facilities in the New England District re-*
11 *gion for the disposal of contaminated dredged material in*
12 *such region.*

13 (d) *REPORT TO CONGRESS.—Not later than 1 year*
14 *after the date of enactment of this Act, the Secretary shall*
15 *submit to the Committee on Transportation and Infrastruc-*
16 *ture of the House of Representatives and the Committee on*
17 *Environment and Public Works of the Senate a report on*
18 *the results of any assessments conducted under this section,*
19 *including any recommendations of the Secretary for the*
20 *construction of new confined aquatic disposal facilities or*
21 *expanded capacity for confined aquatic disposal facilities.*

22 (e) *DEFINITION.—In this section, the term “New Eng-*
23 *land District region” means the area located within the*
24 *boundaries of the New England District in the North Atlan-*
25 *tic Division of the Corps of Engineers.*

1 **SEC. 8129. STUDIES FOR PERIODIC NOURISHMENT.**

2 (a) *IN GENERAL.*—Section 156 of the Water Resources
3 Development Act of 1976 (42 U.S.C. 1962d–5f) is amend-
4 ed—

5 (1) *in subsection (b)*—

6 (A) *in paragraph (1), by striking “15” and*
7 *inserting “50”;* and

8 (B) *in paragraph (2), by striking “15”;* and
9 (2) *in subsection (e)*—

10 (A) *by striking “10-year period” and in-*
11 *serting “16-year period”;* and

12 (B) *by striking “6 years” and inserting “12*
13 *years”.*

14 (b) *INDIAN RIVER INLET SAND BYPASS PLANT.*—For
15 purposes of the project for hurricane-flood protection and
16 beach erosion control at Indian River Inlet, Delaware, com-
17 monly known as the “Indian River Inlet Sand Bypass
18 Plant”, authorized by section 869 of the Water Resources
19 Development Act of 1986 (100 Stat. 4182), a study carried
20 out under section 156(b) of the Water Resources Develop-
21 ment Act of 1976 (42 U.S.C. 1962d–5f(b)) shall consider
22 as an alternative for periodic nourishment continued reim-
23 bursement of the Federal share of the cost to the non-Federal
24 interest for the project to operate and maintain the sand
25 bypass plant.

1 **SEC. 8130. BENEFICIAL USE OF DREDGED MATERIAL; MAN-**
2 **AGEMENT PLANS.**

3 (a) *STRATEGIC PLAN ON BENEFICIAL USE OF*
4 *DREDGED MATERIAL.*—

5 (1) *IN GENERAL.*—*Not later than 1 year after*
6 *the date of enactment of this section, the Secretary*
7 *shall submit to the Committee on Transportation and*
8 *Infrastructure of the House of Representatives and the*
9 *Committee on Environment and Public Works of the*
10 *Senate a strategic plan that identifies opportunities*
11 *and challenges relating to furthering the policy of the*
12 *United States to maximize the beneficial use of suit-*
13 *able dredged material obtained from the construction*
14 *or operation and maintenance of water resources de-*
15 *velopment projects, as described in section 125(a)(1)*
16 *of the Water Resources Development Act of 2020 (33*
17 *U.S.C. 2326g).*

18 (2) *CONSULTATION.*—*In developing the strategic*
19 *plan under paragraph (1), the Secretary shall—*

20 (A) *consult with relevant Federal agencies*
21 *involved in the beneficial use of dredged mate-*
22 *rial;*

23 (B) *solicit and consider input from State*
24 *and local governments and Indian Tribes, while*
25 *seeking to ensure a geographic diversity of input*

1 *from the various Corps of Engineers divisions;*
2 *and*

3 *(C) consider input received from other*
4 *stakeholders involved in beneficial use of dredged*
5 *material.*

6 (3) *INCLUSION.—The Secretary shall include in*
7 *the strategic plan developed under paragraph (1)—*

8 *(A) identification of any specific barriers*
9 *and conflicts that the Secretary determines im-*
10 *pede the maximization of beneficial use of*
11 *dredged material at the Federal, State, and local*
12 *level, and any recommendations of the Secretary*
13 *to address such barriers and conflicts;*

14 *(B) identification of specific measures to*
15 *improve interagency and Federal, State, local,*
16 *and Tribal communications and coordination to*
17 *improve implementation of section 125(a) of the*
18 *Water Resources Development Act of 2020 (33*
19 *U.S.C. 2326g); and*

20 *(C) identification of methods to prioritize*
21 *the use of dredged material to benefit water re-*
22 *sources development projects in areas experi-*
23 *encing vulnerabilities to coastal land loss.*

24 (b) *DREDGED MATERIAL MANAGEMENT PLANS FOR*
25 *HARBORS IN THE STATE OF OHIO.—*

1 (1) *IN GENERAL.*—

2 (A) *FORMULATION OF PLAN.*—*In developing*
3 *each dredged material management plan for a*
4 *federally authorized harbor in the State of Ohio,*
5 *including any such plan under development on*
6 *the date of enactment of this Act, each District*
7 *Commander shall include, as a constraint on the*
8 *formulation of the base plan and any alter-*
9 *natives, a prohibition consistent with section 105*
10 *of the Energy and Water Development and Re-*
11 *lated Agencies Appropriations Act, 2022 (Public*
12 *Law 117–103; 136 Stat. 217) on the use of funds*
13 *for open-lake disposal of dredged material.*

14 (B) *MAXIMIZATION OF BENEFICIAL USE.*—
15 *Each dredged material management plan for a*
16 *federally authorized harbor in the State of Ohio,*
17 *including any such dredged material manage-*
18 *ment plan under development on the date of en-*
19 *actment of this Act, shall maximize the beneficial*
20 *use of dredged material under the base plan and*
21 *under section 204(d) of the Water Resources De-*
22 *velopment Act of 1992 (33 U.S.C. 2326(d)).*

23 (2) *SAVINGS PROVISION.*—*Nothing in this sub-*
24 *section prohibits the use of funds for open-lake dis-*

1 posal of dredged material if such use is not otherwise
2 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 fol-
11 lowing:

12 (1) *The contribution of a harbor to the local and*
13 *regional economy.*

14 (2) *The extent to which a harbor has deteriorated*
15 *since the last cycle of maintenance dredging.*

16 (3) *Public safety concerns.*

17 (b) *INCLUSION IN GUIDANCE.*—The Secretary shall in-
18 clude the criteria developed under subsection (a) in the an-
19 nual 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 1986
24 (33 U.S.C. 2238(e)(3)) a ranking of projects in accordance

1 *with the criteria developed under subsection (a) of this sec-*
2 *tion.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *REMOTE AND SUBSISTENCE HARBOR.—The*
5 *term “remote and subsistence harbor” means a harbor*
6 *with respect to which section 2006 of the Water Re-*
7 *sources Development Act of 2007 (33 U.S.C. 2242)*
8 *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 appro-*
16 *priations designated by statute as being for the purpose of*
17 *carrying out this section, the Secretary may carry out*
18 *projects for underserved community harbors for purposes of*
19 *sustaining water-dependent commercial and recreational*
20 *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 the*
6 *incremental cost of a project carried out under this*
7 *section involving a disposal option for the beneficial*
8 *use of dredged material that is not the least cost dis-*
9 *posal option shall be determined as provided under*
10 *subsections (a) through (d) of section 103 of the Water*
11 *Resources Development Act of 1986 (33 U.S.C. 2213).*

12 (c) *PRIORITIZATION.—The Secretary shall prioritize*
13 *carrying out projects using funds made available under this*
14 *section based on an assessment of—*

15 (1) *the local or regional economic benefits of the*
16 *project;*

17 (2) *the environmental benefits of the project, in-*
18 *cluding the benefits to the aquatic environment to be*
19 *derived from the creation of wetland and control of*
20 *shoreline erosion; and*

21 (3) *other social effects of the project, including*
22 *protection against loss of life and contributions to*
23 *local or regional cultural heritage.*

24 (d) *CLARIFICATION.—The Secretary shall not require*
25 *the non-Federal interest for a project carried out under this*

1 *section to perform additional operation and maintenance*
2 *activities at the beneficial use placement site or the disposal*
3 *site for such project as a condition of receiving assistance*
4 *under this section.*

5 (e) *FEDERAL PARTICIPATION LIMIT.*—*The Federal*
6 *share of the cost of a project under this section shall not*
7 *exceed \$10,000,000.*

8 (f) *STATUTORY CONSTRUCTION.*—*Projects carried out*
9 *under this section shall be in addition to operation and*
10 *maintenance activities otherwise carried out by the Sec-*
11 *retary for underserved community harbors using funds ap-*
12 *propriated pursuant to section 210 of the Water Resources*
13 *Development Act of 1986 (33 U.S.C. 2238) or section 102(a)*
14 *of the Water Resources Development Act of 2020 (33 U.S.C.*
15 *2238 note).*

16 (g) *DEFINITIONS.*—*In this section:*

17 (1) *PROJECT.*—*The term “project” means a sin-*
18 *gle cycle of maintenance dredging of an underserved*
19 *community harbor and any associated placement of*
20 *dredged material at a beneficial use placement site or*
21 *disposal site.*

22 (2) *UNDERSERVED COMMUNITY HARBOR.*—*The*
23 *term “underserved community harbor” means an*
24 *emerging harbor (as defined in section 210(f) of the*

1 *Water Resources Development Act of 1986 (33 U.S.C.*
2 *2238(f)) for which—*

3 *(A) no Federal funds have been obligated for*
4 *maintenance dredging in the current fiscal year*
5 *or in any of the 4 preceding fiscal years; and*

6 *(B) State and local investments in infra-*
7 *structure have been made during any of the 4*
8 *preceding fiscal years.*

9 *(h) AUTHORIZATION OF APPROPRIATIONS.—*

10 *(1) IN GENERAL.—There is authorized to be ap-*
11 *propriated to carry out this section \$50,000,000 from*
12 *the General Fund of the Treasury for each of fiscal*
13 *years 2023 through 2026, to be deposited into the*
14 *“CORPS OF ENGINEERS—CIVIL—OPERATION AND*
15 *MAINTENANCE” account.*

16 *(2) SPECIAL RULE.—Not less than 35 percent of*
17 *the amounts made available to carry out this section*
18 *for each fiscal year shall be used for projects involving*
19 *the beneficial use of dredged material.*

20 **SEC. 8133. INLAND WATERWAYS REGIONAL DREDGE PILOT**
21 **PROGRAM.**

22 *(a) IN GENERAL.—The Secretary is authorized to es-*
23 *tablish a pilot program (referred to in this section as the*
24 *“pilot program”) to conduct a multiyear demonstration*
25 *program to award contracts with a duration of up to 5*

1 *years for dredging projects on inland waterways of the*
2 *United States described in section 206 of the Inland Water-*
3 *ways Revenue Act of 1978 (33 U.S.C. 1804).*

4 (b) *PURPOSES.—The purposes of the pilot program*
5 *shall be to—*

6 (1) *increase the reliability, availability, and effi-*
7 *ciency of federally owned and federally operated in-*
8 *land waterways projects;*

9 (2) *decrease operational risks across the inland*
10 *waterways system; and*

11 (3) *provide cost savings by combining work*
12 *across multiple projects across different accounts of*
13 *the Corps of Engineers.*

14 (c) *DEMONSTRATION.—*

15 (1) *IN GENERAL.—The Secretary shall, to the*
16 *maximum extent practicable, award contracts for*
17 *projects under subsection (a) that combine work for*
18 *construction and operation and maintenance.*

19 (2) *PROJECTS.—In awarding contracts under*
20 *paragraph (1), the Secretary shall consider projects*
21 *that—*

22 (A) *improve navigation reliability on in-*
23 *land waterways that are accessible year-round;*

24 (B) *increase freight capacity on inland wa-*
25 *terways; and*

1 (C) *have the potential to enhance the avail-*
2 *ability of containerized cargo on inland water-*
3 *ways.*

4 (d) *SAVINGS CLAUSE.—Nothing in this section affects*
5 *the responsibility of the Secretary with respect to the con-*
6 *struction and operation and maintenance of projects on the*
7 *inland waterways system.*

8 (e) *REPORT TO CONGRESS.—Not later than 1 year*
9 *after the date on which the first contract is awarded pursu-*
10 *ant to the pilot program, the Secretary shall submit to the*
11 *Committee on Environment and Public Works of the Senate*
12 *and the Committee on Transportation and Infrastructure*
13 *of the House of Representatives a report that evaluates, with*
14 *respect to the pilot program and any contracts awarded*
15 *under the pilot program—*

16 (1) *cost-effectiveness;*

17 (2) *reliability and performance;*

18 (3) *cost savings attributable to mobilization and*
19 *demobilization of dredge equipment; and*

20 (4) *response times to address navigational im-*
21 *pediments.*

22 (f) *SUNSET.—The authority of the Secretary to enter*
23 *into contracts pursuant to the pilot program shall expire*
24 *on the date that is 10 years after the date of enactment*
25 *of this Act.*

1 **SEC. 8134. NEPA REPORTING.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *CATEGORICAL EXCLUSION.—The term “cat-*
4 *egorical exclusion” has the meaning given the term in*
5 *section 1508.1 of title 40, Code of Federal Regulations*
6 *(or a successor regulation).*

7 (2) *ENVIRONMENTAL ASSESSMENT.—The term*
8 *“environmental assessment” has the meaning given*
9 *the term in section 1508.1 of title 40, Code of Federal*
10 *Regulations (or a successor regulation).*

11 (3) *ENVIRONMENTAL IMPACT STATEMENT.—The*
12 *term “environmental impact statement” means a de-*
13 *tailed written statement required under section*
14 *102(2)(C) of the National Environmental Policy Act*
15 *of 1969 (42 U.S.C. 4332(2)(C)).*

16 (4) *FINDING OF NO SIGNIFICANT IMPACT.—The*
17 *term “finding of no significant impact” has the*
18 *meaning given the term in section 1508.1 of title 40,*
19 *Code of Federal Regulations (or a successor regula-*
20 *tion).*

21 (5) *PROJECT STUDY.—The term “project study”*
22 *means a feasibility study for a project carried out*
23 *pursuant to section 905 of the Water Resources Devel-*
24 *opment Act of 1986 (33 U.S.C. 2282) for which a cat-*
25 *egorical exclusion may apply, or an environmental*
26 *assessment or an environmental impact statement is*

1 *required, pursuant to the National Environmental*
2 *Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

3 **(b) REPORTS.—**

4 **(1) NEPA DATA.—**

5 **(A) IN GENERAL.—***The Secretary shall*
6 *carry out a process to track, and annually sub-*
7 *mit to the Committee on Environment and Pub-*
8 *lic Works of the Senate and the Committee on*
9 *Transportation and Infrastructure of the House*
10 *of Representatives, a report containing the infor-*
11 *mation described in subparagraph (B).*

12 **(B) INFORMATION DESCRIBED.—***The infor-*
13 *mation referred to in subparagraph (A) is, with*
14 *respect to the Corps of Engineers—*

15 *(i) the number of project studies for*
16 *which a categorical exclusion was used dur-*
17 *ing the reporting period;*

18 *(ii) the number of project studies for*
19 *which the decision to use a categorical ex-*
20 *clusion, to prepare an environmental assess-*
21 *ment, or to prepare an environmental im-*
22 *act statement is pending on the date on*
23 *which the report is submitted;*

24 *(iii) the number of project studies for*
25 *which an environmental assessment was*

1 *issued during the reporting period, broken*
2 *down by whether a finding of no significant*
3 *impact, if applicable, was based on mitiga-*
4 *tion;*

5 *(iv) the length of time the Corps of En-*
6 *gineers took to complete each environmental*
7 *assessment described in clause (iii);*

8 *(v) the number of project studies pend-*
9 *ing on the date on which the report is sub-*
10 *mitted for which an environmental assess-*
11 *ment is being drafted;*

12 *(vi) the number of project studies for*
13 *which an environmental impact statement*
14 *was issued during the reporting period;*

15 *(vii) the length of time the Corps of*
16 *Engineers took to complete each environ-*
17 *mental impact statement described in clause*
18 *(vi); and*

19 *(viii) the number of project studies*
20 *pending on the date on which the report is*
21 *submitted for which an environmental im-*
22 *port statement is being drafted.*

23 (2) *PUBLIC ACCESS TO NEPA REPORTS.—The*
24 *Secretary shall make each annual report required*

1 *under paragraph (1) publicly available (including on*
2 *a publicly available website).*

3 **SEC. 8135. FUNDING TO PROCESS PERMITS.**

4 *Section 214(a)(2) of the Water Resources Development*
5 *Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—*

6 *(1) by striking “The Secretary” and inserting*
7 *the following:*

8 *“(A) IN GENERAL.—The Secretary”; and*
9 *(2) by adding at the end the following:*

10 *“(B) MITIGATION BANK INSTRUMENT PROC-*
11 *ESSING.—An activity carried out by the Sec-*
12 *retary to expedite evaluation of a permit de-*
13 *scribed in subparagraph (A) may include the*
14 *evaluation of an instrument for a mitigation*
15 *bank if—*

16 *“(i) the non-Federal public entity,*
17 *public-utility company, natural gas com-*
18 *pany, or railroad carrier applying for the*
19 *permit described in that subparagraph is*
20 *the sponsor of the mitigation bank; and*

21 *“(ii) expediting evaluation of the in-*
22 *strument is necessary to expedite evaluation*
23 *of the permit described in that subpara-*
24 *graph.”.*

1 **SEC. 8136. LEASE DURATIONS.**

2 *The Secretary shall issue guidance on the cir-*
3 *cumstances under which a lease under section 2667 of title*
4 *10, United States Code, or section 4 of the Act of December*
5 *22, 1944 (16 U.S.C. 460d), with a term in excess of 25 years*
6 *is appropriate and in the public interest.*

7 **SEC. 8137. REFORESTATION.**

8 *The Secretary is encouraged to consider measures to*
9 *restore swamps and other wetland forests in carrying out*
10 *studies for water resources development projects for eco-*
11 *system restoration, flood risk management, and hurricane*
12 *and storm damage risk reduction.*

13 **SEC. 8138. EMERGENCY STREAMBANK AND SHORELINE**
14 **PROTECTION.**

15 *Section 14 of the Flood Control Act of 1946 (33 U.S.C.*
16 *701r) is amended—*

17 *(1) by inserting “lighthouses (including those*
18 *lighthouses with historical value),” after “bridge ap-*
19 *proaches,”; and*

20 *(2) by striking “\$5,000,000” and inserting*
21 *“\$10,000,000”.*

22 **SEC. 8139. LEASE DEVIATIONS.**

23 *The Secretary shall fully implement the requirements*
24 *of section 153 of the Water Resources Development Act of*
25 *2020 (134 Stat. 2658).*

1 **SEC. 8140. POLICY AND TECHNICAL STANDARDS.**

2 *Every 5 years, the Secretary shall revise, rescind, or*
3 *certify as current, as applicable, each policy and technical*
4 *standards publication for the civil works programs of the*
5 *Corps of Engineers, including each engineer regulation, en-*
6 *gineer circular, engineer manual, engineer pamphlet, engi-*
7 *neer technical letter, planning guidance letter, policy guid-*
8 *ance letter, planning bulletin, and engineering and con-*
9 *struction bulletin.*

10 **SEC. 8141. CORPS RECORDS RELATING TO HARMFUL ALGAL**
11 **BLOOMS IN LAKE OKEECHOBEE, FLORIDA.**

12 *(a) SERVICE RECORDS.—The Secretary shall indicate*
13 *in the service record of a member or employee of the Corps*
14 *of Engineers who performs covered duty that such member*
15 *or employee was exposed to microcystin in the line of duty.*

16 *(b) COVERED DUTY DEFINED.—In this section, the*
17 *term “covered duty” means duty performed—*

18 *(1) during a period when the Florida Depart-*
19 *ment of Environmental Protection has determined*
20 *that there is a concentration of microcystin of greater*
21 *than 8 parts per billion in the waters of Lake Okee-*
22 *chobee resulting from a harmful algal bloom in such*
23 *lake; and*

24 *(2) at or near any of the following structures:*

25 *(A) S-77.*

26 *(B) S-78.*

1 (C) S-79.

2 (D) S-80.

3 (E) S-308.

4 **SEC. 8142. FORECASTING MODELS FOR THE GREAT LAKES.**

5 (a) *AUTHORIZATION.*—*There is authorized to be ap-*
6 *propriated to the Secretary \$10,000,000 to complete and*
7 *maintain a model suite to forecast water levels, account for*
8 *water level variability, and account for the impacts of ex-*
9 *treme weather events and other natural disasters in the*
10 *Great Lakes.*

11 (b) *SAVINGS PROVISION.*—*Nothing in this section pre-*
12 *cludes the Secretary from using funds made available pur-*
13 *suant to the Great Lakes Restoration Initiative established*
14 *by section 118(c)(7) of the Federal Water Pollution Control*
15 *Act (33 U.S.C. 1268(c)(7)) for activities described in sub-*
16 *section (a) for the Great Lakes, in addition to carrying out*
17 *activities under this section.*

18 **SEC. 8143. MONITORING AND ASSESSMENT PROGRAM FOR**
19 **SALINE LAKES IN THE GREAT BASIN.**

20 (a) *IN GENERAL.*—*The Secretary is authorized to*
21 *carry out a program (referred to in this subsection as the*
22 *“program”) to monitor and assess the hydrology of saline*
23 *lake ecosystems in the Great Basin, including the Great*
24 *Salt Lake, to inform and support Federal and non-Federal*

1 *management and conservation activities to benefit those eco-*
2 *systems.*

3 (b) *COORDINATION.*—*The Secretary shall coordinate*
4 *implementation of the program with relevant—*

5 (1) *Federal and State agencies;*

6 (2) *Indian Tribes;*

7 (3) *local governments; and*

8 (4) *nonprofit organizations.*

9 (c) *CONTRACTS AND COOPERATIVE AGREEMENTS.*—
10 *The Secretary is authorized to use contracts, cooperative*
11 *agreements, or any other authorized means to work with*
12 *institutions of higher education and with entities described*
13 *in subsection (b) to implement the program.*

14 (d) *UPDATE.*—*Not later than 1 year after the date of*
15 *enactment of this Act, the Secretary shall submit to Con-*
16 *gress an update on the progress of the Secretary in carrying*
17 *out the program.*

18 (e) *ADDITIONAL INFORMATION.*—*In carrying out the*
19 *program, the Secretary may use available studies, informa-*
20 *tion, literature, or data on the Great Basin region published*
21 *by relevant Federal, State, Tribal, or local governmental en-*
22 *tities.*

23 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
24 *authorized to be appropriated to carry out this section*
25 *\$10,000,000.*

1 **SEC. 8144. CHATTAHOOCHEE RIVER PROGRAM.**

2 (a) *ESTABLISHMENT.*—

3 (1) *IN GENERAL.*—*The Secretary shall establish*
4 *a program to provide environmental assistance to*
5 *non-Federal interests in the Chattahoochee River*
6 *Basin.*

7 (2) *FORM.*—

8 (A) *IN GENERAL.*—*The assistance provided*
9 *under paragraph (1) shall be in the form of de-*
10 *sign and construction assistance for water-re-*
11 *lated resource protection and restoration projects*
12 *affecting the Chattahoochee River Basin, based*
13 *on the comprehensive plan developed under sub-*
14 *section (b).*

15 (B) *ASSISTANCE.*—*Projects for which assist-*
16 *ance is provided under subparagraph (A) may*
17 *include—*

18 (i) *projects for—*

19 (I) *sediment and erosion control;*

20 (II) *protection of eroding shore-*
21 *lines;*

22 (III) *ecosystem restoration, in-*
23 *cluding restoration of submerged*
24 *aquatic vegetation;*

25 (IV) *protection of essential public*
26 *works;*

1 (V) wastewater treatment, and re-
2 lated facilities; and

3 (VI) beneficial uses of dredged
4 material; and

5 (ii) other related projects that may en-
6 hance the living resources of the Chattahoo-
7 chee River Basin.

8 (b) *COMPREHENSIVE PLAN.*—

9 (1) *IN GENERAL.*—Not later than 2 years after
10 the date of enactment of this Act, the Secretary, in co-
11 operation with State and local governmental officials
12 and affected stakeholders, shall develop a comprehen-
13 sive Chattahoochee River Basin restoration plan to
14 guide the implementation of projects under this sec-
15 tion.

16 (2) *COORDINATION.*—The comprehensive plan de-
17 veloped under paragraph (1) shall, to the maximum
18 extent practicable, consider and avoid duplication of
19 any ongoing or planned actions of other Federal,
20 State, and local agencies and nongovernmental orga-
21 nizations.

22 (3) *PRIORITIZATION.*—The comprehensive plan
23 developed under paragraph (1) shall give priority to
24 projects described in subsection (a)(2) that will im-
25 prove water quality or quantity or use a combination

1 *of structural and nonstructural measures, including*
2 *alternatives that use natural features or nature-based*
3 *features (as such terms are defined in section 1184 of*
4 *the Water Resources Development Act of 2016 (32*
5 *U.S.C. 2289a)).*

6 *(c) AGREEMENT.—*

7 *(1) IN GENERAL.—Before providing assistance*
8 *for a project under this section, the Secretary shall*
9 *enter into an agreement with a non-Federal interest*
10 *for the design and construction of the project.*

11 *(2) REQUIREMENTS.—Each agreement entered*
12 *into under this subsection shall provide for—*

13 *(A) the development by the Secretary, in*
14 *consultation with appropriate Federal, State,*
15 *and local officials, of a resource protection and*
16 *restoration plan, including appropriate engi-*
17 *neering plans and specifications and an estimate*
18 *of expected resource benefits; and*

19 *(B) the establishment of such legal and in-*
20 *stitutional structures as are necessary to ensure*
21 *the effective long-term operation and mainte-*
22 *nance of the project by the non-Federal interest.*

23 *(d) COST SHARING.—*

24 *(1) FEDERAL SHARE.—The Federal share of the*
25 *cost to design and construct a project under each*

1 *agreement entered into under this section shall be 75*
2 *percent.*

3 (2) *NON-FEDERAL SHARE.—*

4 (A) *VALUE OF LAND, EASEMENTS, RIGHTS-*
5 *OF-WAY, AND RELOCATIONS.—In determining the*
6 *non-Federal contribution toward carrying out an*
7 *agreement entered into under this section, the*
8 *Secretary shall provide credit to a non-Federal*
9 *interest for the value of land, easements, rights-*
10 *of-way, and relocations provided by the non-Fed-*
11 *eral interest, except that the amount of credit*
12 *provided for a project under this paragraph may*
13 *not exceed 25 percent of the total project costs.*

14 (B) *OPERATION AND MAINTENANCE*
15 *COSTS.—The non-Federal share of the costs of*
16 *operation and maintenance of a project carried*
17 *out under an agreement under this section shall*
18 *be 100 percent.*

19 (e) *PROJECTS ON FEDERAL LAND.—*

20 (1) *IN GENERAL.—Except as provided in para-*
21 *graph (2), a project carried out pursuant to the com-*
22 *prehensive plan developed under subsection (b) that is*
23 *located on Federal land shall be carried out at the ex-*
24 *penditure of the Federal agency that owns the land on*
25 *which the project will be carried out.*

1 (2) *NON-FEDERAL CONTRIBUTION.*—A Federal
2 agency carrying out a project described in paragraph
3 (1) may accept contributions of funds from non-Fed-
4 eral interests to carry out that project.

5 (f) *COOPERATION.*—In carrying out this section, the
6 Secretary shall cooperate with—

7 (1) the heads of appropriate Federal agencies,
8 including—

9 (A) the Administrator of the Environmental
10 Protection Agency;

11 (B) the Secretary of Commerce, acting
12 through the Administrator of the National Oce-
13 anic and Atmospheric Administration;

14 (C) the Secretary of the Interior, acting
15 through the Director of the United States Fish
16 and Wildlife Service; and

17 (D) the heads of such other Federal agencies
18 as the Secretary determines to be appropriate;
19 and

20 (2) agencies of any relevant State or political
21 subdivision of a State.

22 (g) *PROTECTION OF RESOURCES.*—A project estab-
23 lished under this section shall be carried out using such
24 measures as are necessary to protect environmental, his-
25 toric, and cultural resources.

1 (h) *PROJECTS REQUIRING SPECIFIC AUTHORIZA-*
2 *TION.—If the Federal share of the cost to design and con-*
3 *struct a project under this section exceeds \$15,000,000, the*
4 *Secretary may only carry out the project if Congress enacts*
5 *a law authorizing the Secretary to carry out the project.*

6 (i) *SAVINGS PROVISION.—Nothing in this section—*

7 (1) *establishes any express or implied reserved*
8 *water right in the United States for any purpose;*

9 (2) *affects any water right in existence on the*
10 *date of enactment of this Act;*

11 (3) *preempts or affects any State water law or*
12 *interstate compact governing water; or*

13 (4) *affects any Federal or State law in existence*
14 *on the date of enactment of this Act regarding water*
15 *quality or water quantity.*

16 (j) *REPORT.—Not later than 3 years after the date of*
17 *enactment of this Act, the Secretary shall submit to the*
18 *Committee on Environment and Public Works of the Senate*
19 *and the Committee on Transportation and Infrastructure*
20 *of the House of Representatives a report that describes the*
21 *results of the program established under this section.*

22 (k) *AUTHORIZATION OF APPROPRIATIONS.—There is*
23 *authorized to be appropriated to carry out this section*
24 *\$40,000,000.*

1 **SEC. 8145. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.**
2

3 (a) *ESTABLISHMENT.*—

4 (1) *IN GENERAL.*—*The Secretary shall establish*
5 *a program to provide environmental assistance to*
6 *non-Federal interests in the Lower Mississippi River*
7 *Basin.*

8 (2) *FORM.*—

9 (A) *IN GENERAL.*—*The assistance under*
10 *paragraph (1) shall be in the form of design and*
11 *construction assistance for flood or coastal storm*
12 *risk management or aquatic ecosystem restora-*
13 *tion projects in the Lower Mississippi River*
14 *Basin based on the comprehensive plan developed*
15 *under subsection (b).*

16 (B) *ASSISTANCE.*—*Projects for which assist-*
17 *ance is provided under subparagraph (A) may*
18 *include—*

19 (i) *projects for—*

20 (I) *sediment and erosion control;*

21 (II) *protection of eroding river-*
22 *banks and streambanks and shorelines;*

23 (III) *ecosystem restoration;*

24 (IV) *channel modifications; and*

25 (V) *beneficial uses of dredged ma-*
26 *terial; and*

1 (ii) other related projects that may en-
2 hance the living resources of the Lower Mis-
3 sissippi River Basin.

4 (b) *COMPREHENSIVE PLAN.*—

5 (1) *IN GENERAL.*—Not later than 2 years after
6 the date of enactment of this Act, the Secretary, in co-
7 operation with State and local governmental officials
8 and affected stakeholders, shall develop a comprehen-
9 sive Lower Mississippi River Basin restoration plan
10 to guide the implementation of projects under this sec-
11 tion.

12 (2) *COORDINATION.*—The comprehensive plan de-
13 veloped under paragraph (1) shall, to the maximum
14 extent practicable, consider and avoid duplication of
15 any ongoing or planned actions of other Federal,
16 State, and local agencies and nongovernmental orga-
17 nizations.

18 (3) *PRIORITIZATION.*—The comprehensive plan
19 developed under paragraph (1) shall give priority to
20 projects described in subsection (a)(2) that will im-
21 prove water quality, reduce hypoxia in the Lower
22 Mississippi River or the Gulf of Mexico, or use a com-
23 bination of structural and nonstructural measures,
24 including alternatives that use natural features or na-
25 ture-based features (as such terms are defined in sec-

1 *tion 1184 of the Water Resources Development Act of*
2 *2016 (32 U.S.C. 2289a)).*

3 *(c) AGREEMENT.—*

4 *(1) IN GENERAL.—Before providing assistance*
5 *for a project under this section, the Secretary shall*
6 *enter into an agreement with a non-Federal interest*
7 *for the design and construction of the project.*

8 *(2) REQUIREMENTS.—Each agreement entered*
9 *into under this subsection shall provide for—*

10 *(A) the development by the Secretary, in*
11 *consultation with appropriate Federal, State,*
12 *and local officials, of a resource protection and*
13 *restoration plan, including appropriate engi-*
14 *neering plans and specifications and an estimate*
15 *of expected resource benefits; and*

16 *(B) the establishment of such legal and in-*
17 *stitutional structures as are necessary to ensure*
18 *the effective long-term operation and mainte-*
19 *nance of the project by the non-Federal interest.*

20 *(d) COST SHARING.—*

21 *(1) FEDERAL SHARE.—The Federal share of the*
22 *cost to design and construct a project under each*
23 *agreement entered into under this section shall be 75*
24 *percent.*

25 *(2) NON-FEDERAL SHARE.—*

1 (A) *VALUE OF LAND, EASEMENTS, RIGHTS-*
2 *OF-WAY, AND RELOCATIONS.*—*In determining the*
3 *non-Federal contribution toward carrying out an*
4 *agreement entered into under this section, the*
5 *Secretary shall provide credit to a non-Federal*
6 *interest for the value of land, easements, rights-*
7 *of-way, and relocations provided by the non-Fed-*
8 *eral interest, except that the amount of credit*
9 *provided for a project under this paragraph may*
10 *not exceed 25 percent of the total project costs.*

11 (B) *OPERATION AND MAINTENANCE*
12 *COSTS.*—*The non-Federal share of the costs of*
13 *operation and maintenance of a project carried*
14 *out under an agreement under this section shall*
15 *be 100 percent.*

16 (e) *PROJECTS ON FEDERAL LAND.*—

17 (1) *IN GENERAL.*—*Except as provided in para-*
18 *graph (2), a project carried out pursuant to the com-*
19 *prehensive plan developed under subsection (b) that is*
20 *located on Federal land shall be carried out at the ex-*
21 *pense of the Federal agency that owns the land on*
22 *which the project will be carried out.*

23 (2) *NON-FEDERAL CONTRIBUTION.*—*A Federal*
24 *agency carrying out a project described in paragraph*

1 (1) *may accept contributions of funds from non-Federal*
2 *interests to carry out that project.*

3 (f) *COOPERATION.*—*In carrying out this section, the*
4 *Secretary shall cooperate with—*

5 (1) *the heads of appropriate Federal agencies,*
6 *including—*

7 (A) *the Secretary of Agriculture;*

8 (B) *the Secretary of the Interior, acting*
9 *through the Director of the United States Fish*
10 *and Wildlife Service; and*

11 (C) *the heads of such other Federal agencies*
12 *as the Secretary determines to be appropriate;*
13 *and*

14 (2) *agencies of any relevant State or political*
15 *subdivision of a State.*

16 (g) *PROTECTION OF RESOURCES.*—*A project estab-*
17 *lished under this section shall be carried out using such*
18 *measures as are necessary to protect environmental, his-*
19 *toric, and cultural resources.*

20 (h) *PROJECTS REQUIRING SPECIFIC AUTHORIZA-*
21 *TION.*—*If the Federal share of the cost to design and con-*
22 *struct a project under this section exceeds \$15,000,000, the*
23 *Secretary may only carry out the project if Congress enacts*
24 *a law authorizing the Secretary to carry out the project.*

1 (i) *REPORT.*—Not later than 3 years after the date of
2 enactment of this Act, the Secretary shall submit to the
3 Committee on Environment and Public Works of the Senate
4 and the Committee on Transportation and Infrastructure
5 of the House of Representatives a report that describes the
6 results of the program established under this section.

7 (j) *DEFINITION.*—In this section, the term “Lower
8 Mississippi River Basin” means the portion of the Mis-
9 sissippi River that begins at the confluence of the Ohio
10 River and flows to the Gulf of Mexico, and its tributaries
11 and distributaries.

12 (k) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated to carry out this section
14 \$40,000,000.

15 **SEC. 8146. WASHINGTON AQUEDUCT.**

16 (a) *CAPITAL IMPROVEMENT AUTHORITY.*—The Sec-
17 retary may carry out capital improvements for the Wash-
18 ington Aqueduct that the Secretary determines necessary for
19 the safe, effective, and efficient operation of the Aqueduct.

20 (b) *BORROWING AUTHORITY.*—

21 (1) *IN GENERAL.*—Subject to paragraphs (2)
22 through (4) and subsection (c), the Secretary is au-
23 thorized to borrow from the Treasury of the United
24 States such amounts as are sufficient to cover any ob-
25 ligations that will be incurred by the Secretary in

1 *carrying out capital improvements for the Wash-*
2 *ington Aqueduct under subsection (a).*

3 (2) *LIMITATION.*—*The amount borrowed by the*
4 *Secretary under paragraph (1) may not exceed*
5 *\$40,000,000 in any fiscal year.*

6 (3) *AGREEMENT.*—*Amounts borrowed under*
7 *paragraph (1) may only be used to carry out capital*
8 *improvements with respect to which the Secretary has*
9 *entered into an agreement with each customer.*

10 (4) *TERMS OF BORROWING.*—

11 (A) *IN GENERAL.*—*Subject to subsection (c),*
12 *the Secretary of the Treasury shall provide*
13 *amounts borrowed under paragraph (1) under*
14 *such terms and conditions as the Secretary of*
15 *Treasury determines to be necessary and in the*
16 *public interest.*

17 (B) *TERM.*—*The term of any loan made*
18 *under paragraph (1) shall be for a period of not*
19 *less than 20 years.*

20 (C) *PREPAYMENT.*—*There shall be no pen-*
21 *alty for the prepayment of any amounts bor-*
22 *rowed under paragraph (1).*

23 (c) *CONTRACTS WITH CUSTOMERS.*—

24 (1) *IN GENERAL.*—*The Secretary may not bor-*
25 *row any amounts under subsection (b) until such*

1 *time as the Secretary has entered into a contract with*
2 *each customer under which the customer commits to*
3 *pay a pro rata share (based on water purchase) of the*
4 *principal and interest owed to the Secretary of the*
5 *Treasury under subsection (b).*

6 (2) *PREPAYMENT.*—*Any customer may pay, in*
7 *advance, the pro rata share of the principal and in-*
8 *terest owed by the customer, or any portion thereof,*
9 *without penalty.*

10 (3) *RISK OF DEFAULT.*—*A customer that enters*
11 *into a contract under this subsection shall, as a con-*
12 *dition of the contract, commit to pay any additional*
13 *amount necessary to fully offset the risk of default on*
14 *the contract.*

15 (4) *OBLIGATIONS.*—*Each contract entered into*
16 *under paragraph (1) shall include such terms and*
17 *conditions as the Secretary of the Treasury may re-*
18 *quire so that the total value to the Government of all*
19 *contracts entered into under paragraph (1) is esti-*
20 *mated to be equal to the obligations of the Secretary*
21 *for carrying out capital improvements for the Wash-*
22 *ington Aqueduct.*

23 (5) *OTHER CONDITIONS.*—*Each contract entered*
24 *into under paragraph (1) shall—*

1 (A) include other conditions consistent with
2 this section that the Secretary and the Secretary
3 of the Treasury determine to be appropriate; and

4 (B) provide the United States priority in
5 regard to income from fees assessed to operate
6 and maintain the Washington Aqueduct.

7 (d) *CUSTOMER DEFINED.*—In this section, the term
8 “customer” means—

9 (1) the District of Columbia;

10 (2) Arlington County, Virginia; and

11 (3) Fairfax County, Virginia.

12 **SEC. 8147. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
13 **PARTNERSHIP PILOT PROGRAM.**

14 Section 5014 of the Water Resources Reform and De-
15 velopment Act of 2014 (33 U.S.C. 2201 note) is amended—

16 (1) in subsection (a), by striking “aquatic”; and

17 (2) in subsection (d)(1), by inserting “ecosystem
18 restoration,” after “flood damage reduction,”.

19 **SEC. 8148. ADVANCE PAYMENT IN LIEU OF REIMBURSE-**
20 **MENT FOR CERTAIN FEDERAL COSTS.**

21 (a) *IN GENERAL.*—The Secretary is authorized to pro-
22 vide in advance to a non-Federal interest the Federal share
23 of funds required for the acquisition of land, easements, and
24 rights-of-way and the performance of relocations for a water

1 *resources development project or a separable element of a*
2 *water resources development project—*

3 *(1) that is authorized to be constructed at Fed-*
4 *eral expense;*

5 *(2) for which the Secretary has determined under*
6 *section 103(b)(2) of the Water Resources Development*
7 *Act of 1986 (33 U.S.C. 2213(b)(2)) that additional*
8 *costs are a Federal responsibility; or*

9 *(3) that is listed in subsection (b), if at any time*
10 *the cost to acquire the land, easements, and rights-of-*
11 *way required for the project is projected to exceed the*
12 *non-Federal share of the cost of the project.*

13 *(b) LISTED PROJECTS.—The projects referred to in*
14 *subsection (a)(3) are the following:*

15 *(1) Project for hurricane and storm damage risk*
16 *reduction, Delaware Beneficial Use of Dredged Mate-*
17 *rial for the Delaware River, Delaware, authorized by*
18 *section 401(3) of the Water Resources Development*
19 *Act of 2020 (134 Stat. 2736), as modified by this Act.*

20 *(2) Project for ecosystem restoration, Mississippi*
21 *River Gulf Outlet, Louisiana, authorized by section*
22 *7013(a)(4) of the Water Resources Development Act of*
23 *2007 (121 Stat. 1281), as modified by this Act.*

24 *(3) Project for ecosystem restoration, Great Lakes*
25 *and Mississippi River Interbasin project, Brandon*

1 *Road, Will County, Illinois, authorized by title IV of*
2 *the Water Resources Development Act of 2020 (134*
3 *Stat. 2740), as modified by this Act.*

4 (4) *Project for navigation, Port of Nome, Alaska,*
5 *authorized by section 401(1) of the Water Resources*
6 *Development Act of 2020 (134 Stat. 2733), as modi-*
7 *fied by this Act.*

8 (5) *Project for storm damage reduction and*
9 *shoreline erosion protection, Lake Michigan, Illinois,*
10 *from Wilmette, Illinois, to the Illinois-Indiana State*
11 *line, authorized by section 101(a)(12) of the Water*
12 *Resources Development Act of 1996 (110 Stat. 3664),*
13 *as modified by this Act.*

14 (6) *Project for flood control, Milton, West Vir-*
15 *ginia, authorized by section 580 of the Water Re-*
16 *sources Development Act of 1996 (110 Stat. 3790; 114*
17 *Stat. 2612; 121 Stat. 1154), as modified by this 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 Act.*

21 **SEC. 8149. USE OF OTHER FEDERAL FUNDS.**

22 *Section 2007 of the Water Resources Development Act*
23 *of 2007 (33 U.S.C. 2222) is amended—*

24 (1) *by striking “water resources study or*
25 *project” and inserting “water resources development*

1 *study or project, including a study or project under*
2 *a continuing authority program (as defined in section*
3 *7001(c)(1)(D) of the Water Resources Reform and De-*
4 *velopment Act of 2014 (33 U.S.C. 2282d(c)(1)(D)))*
5 *and a study or project under an environmental infra-*
6 *structure assistance program,”; and*

7 *(2) by striking “if the Federal agency that pro-*
8 *vides the funds determines that the funds are author-*
9 *ized to be used to carry out the study or project.” and*
10 *inserting the following: “if—*

11 *“(1) the statutory authority for the funds pro-*
12 *vided by the Federal agency does not expressly pro-*
13 *hibit use of the funds for a study or project of the*
14 *Corps of Engineers; and*

15 *“(2) the Federal agency that provides the funds*
16 *determines that the study or project activities for*
17 *which the funds will be used are otherwise eligible for*
18 *funding under such statutory authority.”.*

19 **SEC. 8150. NON-FEDERAL INTEREST ADVISORY COMMITTEE.**

20 *(a) IN GENERAL.—Not later than 90 days after the*
21 *date of enactment of this Act, the Secretary shall establish*
22 *a committee, to be known as the “Non-Federal Interest Ad-*
23 *visory Committee” and referred to in this section as the*
24 *“Committee”, to develop and make recommendations to the*
25 *Secretary and the Chief of Engineers on activities and ac-*

1 *tions that should be undertaken by the Corps of Engineers*
2 *to ensure more effective and efficient delivery of water re-*
3 *sources development projects, programs, and other assist-*
4 *ance.*

5 *(b) MEMBERSHIP.—*

6 *(1) IN GENERAL.—The Committee shall be com-*
7 *posed of the members described in paragraph (2), who*
8 *shall—*

9 *(A) be appointed by the Secretary; and*

10 *(B) have the requisite experiential or tech-*
11 *nical knowledge needed to address issues related*
12 *to water resources needs and challenges.*

13 *(2) REPRESENTATIVES.—The members of the*
14 *Committee shall include the following:*

15 *(A) 1 representative of each of the following:*

16 *(i) A non-Federal interest for a project*
17 *for navigation for an inland harbor.*

18 *(ii) A non-Federal interest for a*
19 *project for navigation for a harbor.*

20 *(iii) A non-Federal interest for a*
21 *project for flood risk management.*

22 *(iv) A non-Federal interest for a*
23 *project for coastal storm risk management.*

24 *(v) A non-Federal interest for a project*
25 *for aquatic ecosystem restoration.*

1 (B) 1 representative of each of the following:

2 (i) A non-Federal stakeholder with re-
3 spect to inland waterborne transportation.

4 (ii) A non-Federal stakeholder with re-
5 spect to water supply.

6 (iii) A non-Federal stakeholder with
7 respect to recreation.

8 (iv) A non-Federal stakeholder with re-
9 spect to hydropower.

10 (v) A non-Federal stakeholder with re-
11 spect to emergency preparedness, including
12 coastal protection.

13 (C) 1 representative of each of the following:

14 (i) An organization with expertise in
15 conservation.

16 (ii) An organization with expertise in
17 environmental policy.

18 (iii) An organization with expertise in
19 rural water resources.

20 (c) DUTIES.—

21 (1) RECOMMENDATIONS.—The Committee shall
22 provide advice and make recommendations to the Sec-
23 retary and the Chief of Engineers to assist the Corps
24 of Engineers in—

1 (A) *efficiently and effectively delivering*
2 *water resources development projects;*

3 (B) *improving the capability and capacity*
4 *of the workforce of the Corps of Engineers to de-*
5 *liver such projects and other assistance;*

6 (C) *improving the capacity and effectiveness*
7 *of Corps of Engineers consultation and liaison*
8 *roles in communicating water resources needs*
9 *and solutions, including regionally specific rec-*
10 *ommendations; and*

11 (D) *strengthening partnerships with non-*
12 *Federal interests to advance water resources solu-*
13 *tions.*

14 (2) *MEETINGS.*—*The Committee shall meet as*
15 *appropriate to develop and make recommendations*
16 *under paragraph (1).*

17 (3) *REPORT.*—*Recommendations made under*
18 *paragraph (1) shall be—*

19 (A) *included in a report submitted to the*
20 *Committee on Environment and Public Works of*
21 *the Senate and the Committee on Transportation*
22 *and Infrastructure of the House of Representa-*
23 *tives; and*

24 (B) *made publicly available, including on a*
25 *publicly available website.*

1 (d) *INDEPENDENT JUDGMENT.*—Any recommendation
2 made by the Committee to the Secretary and the Chief of
3 Engineers under subsection (c)(1) shall reflect the inde-
4 pendent judgment of the Committee.

5 (e) *ADMINISTRATION.*—

6 (1) *COMPENSATION.*—Except as provided in
7 paragraph (2), the members of the Committee shall
8 serve without compensation.

9 (2) *TRAVEL EXPENSES.*—The members of the
10 Committee shall receive travel expenses, including per
11 diem in lieu of subsistence, in accordance with appli-
12 cable provisions under subchapter I of chapter 57 of
13 title 5, United States Code.

14 (3) *TREATMENT.*—The members of the Com-
15 mittee shall not be considered to be Federal employees,
16 and the meetings and reports of the Committee shall
17 not be considered a major Federal action under the
18 National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.).

20 **SEC. 8151. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**
21 **RESTORATION, OR REHABILITATION OF CER-**
22 **TAIN PUBLIC RECREATION FACILITIES.**

23 (a) *AUTHORIZATION.*—During a period of low water
24 at an eligible public recreation facility, the Secretary is au-
25 thorized to—

1 (1) *accept and use materials, services, and funds*
2 *from a non-Federal interest to repair, restore, or re-*
3 *habilitate the facility; and*

4 (2) *reimburse the non-Federal interest for the*
5 *Federal share of the materials, services, or funds.*

6 (b) *REQUIREMENT.*—*The Secretary may not reimburse*
7 *a non-Federal interest for the use of materials or services*
8 *accepted under this section unless the materials or serv-*
9 *ices—*

10 (1) *meet the specifications of the Secretary; and*

11 (2) *comply with all applicable laws and regula-*
12 *tions that would apply if the materials and services*
13 *were acquired by the Secretary, including subchapter*
14 *IV of chapter 31 and chapter 37 of title 40, United*
15 *States Code, and section 8302 of title 41, United*
16 *States Code.*

17 (c) *AGREEMENT.*—*Before the acceptance of materials,*
18 *services, or funds under this section, the Secretary and the*
19 *non-Federal interest shall enter into an agreement that—*

20 (1) *specifies that the non-Federal interest shall*
21 *hold and save the United States free from liability for*
22 *any and all damages that arise from use of materials*
23 *or services of the non-Federal interest, except for dam-*
24 *ages due to the fault or negligence of the United*
25 *States or its contractors;*

1 (2) requires that the non-Federal interest certify
2 that the materials or services comply with the appli-
3 cable laws and regulations described in subsection
4 (b)(2); and

5 (3) includes any other term or condition re-
6 quired by the Secretary.

7 (d) *SUNSET*.—The authority to enter into an agree-
8 ment under this section shall expire on the date that is 10
9 years after the date of enactment of this Act.

10 (e) *DEFINITION OF ELIGIBLE PUBLIC RECREATION*
11 *FACILITY*.—In this section, the term “eligible public recre-
12 ation facility” means a facility that—

13 (1) is located—

14 (A) at a reservoir operated by the Corps of
15 Engineers; and

16 (B) in the Upper Missouri River Basin;

17 (2) was constructed to enable public use of and
18 access to the reservoir; and

19 (3) requires repair, restoration, or rehabilitation
20 to function.

21 (f) *AUTHORIZATION OF APPROPRIATIONS*.—There is
22 authorized to be appropriated to carry out subsection (a)(2)
23 \$20,000,000, to remain available until expended.

1 **SEC. 8152. REHABILITATION OF PUMP STATIONS.**

2 *Section 133 of the Water Resources Development Act*
3 *of 2020 (33 U.S.C. 2327a) is amended—*

4 *(1) in subsection (a), by striking paragraph (1)*
5 *and inserting the following:*

6 *“(1) ELIGIBLE PUMP STATION.—The term ‘eligi-*
7 *ble pump station’ means a pump station—*

8 *“(A) that is a feature of—*

9 *“(i) a federally authorized flood or*
10 *coastal storm risk management project; or*

11 *“(ii) an integrated flood risk reduction*
12 *system that includes a federally authorized*
13 *flood or coastal storm risk management*
14 *project; and*

15 *“(B) the failure of which the Secretary has*
16 *determined would demonstrably impact the func-*
17 *tion of the federally authorized flood or coastal*
18 *storm risk management project.”;*

19 *(2) by striking subsection (b) and inserting the*
20 *following:*

21 *“(b) AUTHORIZATION.—The Secretary may carry out*
22 *rehabilitation of an eligible pump station, if the Secretary*
23 *determines that—*

24 *“(1) the eligible pump station has a major defi-*
25 *ciency; and*

26 *“(2) the rehabilitation is feasible.”; and*

1 (3) *by adding at the end the following:*

2 “(g) *PRIORITIZATION.—To the maximum extent prac-*
3 *ticable, the Secretary shall prioritize the rehabilitation of*
4 *eligible pump stations under this section that benefit eco-*
5 *nomically disadvantaged communities, as defined by the*
6 *Secretary under section 160 of the Water Resources Devel-*
7 *opment Act of 2020 (33 U.S.C. 2201 note), including eco-*
8 *nomically disadvantaged communities located in urban and*
9 *rural areas.”.*

10 **SEC. 8153. REPORT TO CONGRESS ON CORPS OF ENGI-**
11 **NEERS RESERVOIRS.**

12 (a) *IN GENERAL.—Not later than 1 year after the date*
13 *of enactment of this Act, the Secretary shall complete the*
14 *updated report required under section 1046(a)(2)(B) of the*
15 *Water Resources Reform and Development Act of 2014 (128*
16 *Stat. 1252).*

17 (b) *REPORT TO CONGRESS; PUBLIC AVAILABILITY.—*
18 *Upon completion of the report as required by subsection (a),*
19 *the Secretary shall—*

20 (1) *submit the report to Congress; and*

21 (2) *make the full report publicly available, in-*
22 *cluding on a publicly available website.*

1 **SEC. 8154. TEMPORARY RELOCATION ASSISTANCE PILOT**
2 **PROGRAM.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date of enactment of this Act, the Secretary shall establish
5 a pilot program to evaluate the extent to which the provi-
6 sion of temporary relocation assistance enhances the com-
7 pleteness, effectiveness, efficiency, acceptability, and equi-
8 table implementation of covered water resources develop-
9 ment projects.

10 (b) *ASSISTANCE AUTHORIZED.*—Subject to subsection
11 (c)—

12 (1) *the non-Federal interest for a covered water*
13 *resources development project included in the pilot*
14 *program established under this section may provide*
15 *temporary relocation assistance to a temporarily dis-*
16 *placed person; and*

17 (2) *the Secretary shall, pursuant to a project*
18 *partnership agreement—*

19 (A) *include the temporary relocation assist-*
20 *ance provided by the non-Federal interest for a*
21 *covered water resources development project*
22 *under paragraph (1) in the value of the land,*
23 *easements, and rights-of-way required for the*
24 *project; and*

25 (B) *credit the amount of the temporary re-*
26 *location assistance provided by the non-Federal*

1 *interest for the covered water resources develop-*
2 *ment project under paragraph (1) toward the*
3 *non-Federal share of the cost of the project.*

4 *(c) REQUIREMENTS.—*

5 *(1) REQUEST OF NON-FEDERAL INTEREST.—At*
6 *the request of the non-Federal interest for a covered*
7 *water resources development project, the Secretary*
8 *may include the project in the pilot program estab-*
9 *lished under this section.*

10 *(2) DUPLICATION OF BENEFITS.—The Secretary*
11 *and the non-Federal interest for a covered water re-*
12 *sources development project included in the pilot pro-*
13 *gram established under this section shall ensure that*
14 *no temporarily displaced person receives temporary*
15 *relocation assistance under this section for expenses*
16 *for which the temporarily displaced person has re-*
17 *ceived financial assistance from any insurance, other*
18 *program, or any other governmental source.*

19 *(3) EQUAL TREATMENT.—The non-Federal inter-*
20 *est for a covered water resources development project*
21 *included in the pilot program established under this*
22 *section shall provide temporary relocation assistance*
23 *to each temporarily displaced person on equal terms.*

24 *(4) MAXIMUM AMOUNT OF CREDIT.—The Sec-*
25 *retary shall not include in the value of the land, ease-*

1 *ments, and rights-of-way required for a covered water*
2 *resources development project, or credit toward the*
3 *non-Federal share of the cost of the project, any*
4 *amount paid to individuals of a single household by*
5 *the non-Federal interest for the project under sub-*
6 *section (b) that exceeds \$20,000.*

7 *(d) REPORT TO CONGRESS.—Not later than 1 year*
8 *after the date of enactment of this Act, and biennially there-*
9 *after, the Secretary shall submit to the Committee on Envi-*
10 *ronment and Public Works of the Senate and the Committee*
11 *on Transportation and Infrastructure of the House of Rep-*
12 *resentatives a report that includes findings and rec-*
13 *ommendations of the Secretary with respect to the provision*
14 *of temporary relocation assistance for covered water re-*
15 *sources development projects included in the pilot program*
16 *established under this section.*

17 *(e) SUNSET.—The authority to enter into or amend*
18 *a project partnership agreement for a covered water re-*
19 *sources development project under the pilot program estab-*
20 *lished under this section shall expire on the date that is*
21 *10 years after the date of enactment of this Act.*

22 *(f) SAVINGS PROVISION.—Nothing in this section af-*
23 *fects the eligibility for, or entitlement to, relocation assist-*
24 *ance under the Uniform Relocation Assistance and Real*

1 *Property Acquisition Policies Act of 1970 (42 U.S.C. 4601*
2 *et seq.) for any individual.*

3 (g) *DEFINITIONS.—In this section:*

4 (1) *COVERED WATER RESOURCES DEVELOPMENT*
5 *PROJECT.—The term “covered water resources devel-*
6 *opment project” means the following projects:*

7 (A) *Project for hurricane and storm damage*
8 *risk reduction, Charleston Peninsula, Coastal*
9 *Storm Risk Management, South Carolina, au-*
10 *thorized by this Act.*

11 (B) *Project for hurricane and storm damage*
12 *risk reduction, Fire Island Inlet to Montauk*
13 *Point, New York, authorized by section 401(3) of*
14 *the Water Resources Development Act of 2020*
15 *(134 Stat. 2738).*

16 (C) *Project for hurricane and storm damage*
17 *risk reduction, Rahway River Basin, New Jer-*
18 *sey, authorized by section 401(3) of the Water*
19 *Resources Development Act of 2020 (134 Stat.*
20 *2737).*

21 (D) *Project for flood risk management,*
22 *Peckman River Basin, New Jersey, authorized*
23 *by section 401(2) of the Water Resources Devel-*
24 *opment Act of 2020 (134 Stat. 2735).*

1 (E) *Project for hurricane and storm damage*
2 *reduction, New Jersey Back Bays, Cape May,*
3 *Ocean, Atlantic, Monmouth, and Burlington*
4 *Counties, authorized by resolutions of the Com-*
5 *mittee on Public Works and Transportation of*
6 *the House of Representatives and the Committee*
7 *on Environment and Public Works of the Senate,*
8 *approved in December 1987, under study on the*
9 *date of enactment of this Act.*

10 (2) *DWELLING.*—*The term “dwelling” means—*

11 (A) *a single-family house;*

12 (B) *a single-family unit in a two-family,*
13 *multifamily, or multipurpose property;*

14 (C) *a unit of a condominium or cooperative*
15 *housing project;*

16 (D) *a mobile home; or*

17 (E) *any other residential unit.*

18 (3) *HOUSEHOLD.*—*The term “household” means*
19 *1 or more individuals occupying a single dwelling.*

20 (4) *TEMPORARILY DISPLACED PERSON.*—*The*
21 *term “temporarily displaced person” means an indi-*
22 *vidual who is—*

23 (A) *required to temporarily move from a*
24 *dwelling that is the primary residence of the in-*
25 *dividual as a direct result of the elevation or*

1 *modification of the dwelling by the Secretary or*
2 *a non-Federal interest as part of a covered water*
3 *resources development project; and*

4 *(B) not otherwise entitled to temporary re-*
5 *location assistance under the Uniform Relocation*
6 *Assistance and Real Property Acquisition Poli-*
7 *cies Act of 1970 (42 U.S.C. 4601 et seq.).*

8 (5) *TEMPORARY RELOCATION ASSISTANCE.*—*The*
9 *term “temporary relocation assistance” means assist-*
10 *ance that covers all or any portion of the documented*
11 *reasonable living expenses, excluding food and per-*
12 *sonal transportation, incurred by a temporarily dis-*
13 *placed person during a period of displacement.*

14 **SEC. 8155. CONTINUATION OF CONSTRUCTION.**

15 *(a) CONTINUATION OF CONSTRUCTION.*—

16 (1) *IN GENERAL.*—*Upon the transmittal of an*
17 *initial notification pursuant to subsection (b)(1) with*
18 *respect to a water resources development project, the*
19 *Secretary shall not, solely on the basis of the max-*
20 *imum cost requirements under section 902 of the*
21 *Water Resources Development Act of 1986 (33 U.S.C.*
22 *2280)—*

23 (A) *defer the initiation or continuation of*
24 *construction of the water resources development*
25 *project during the covered period; or*

1 (B) terminate during or after the covered
2 period, a contract for design or construction of
3 the water resources development project that was
4 entered into prior to or during the covered pe-
5 riod.

6 (2) *RESUMPTION OF CONSTRUCTION.*—The Sec-
7 retary shall, upon the transmittal of an initial notifi-
8 cation pursuant to subsection (b)(1) with respect to a
9 water resources development project for which con-
10 struction was deferred, during the period beginning
11 on October 1, 2021, and ending on the date of enact-
12 ment of this Act, because the cost of such project ex-
13 ceeded the maximum cost permitted under section 902
14 of the Water Resources Development Act of 1986 (33
15 U.S.C. 2280), resume construction of the project.

16 (b) *NOTIFICATION.*—

17 (1) *INITIAL NOTIFICATION.*—Not later than 30
18 days after the Chief of Engineers makes a determina-
19 tion that a water resources development project ex-
20 ceeds, or is expected to exceed, the maximum cost of
21 the project permitted under section 902 of the Water
22 Resources Development Act of 1986 (33 U.S.C. 2280),
23 the Chief of Engineers shall transmit a written notifi-
24 cation concurrently to the Secretary and to the Com-
25 mittee on Environment and Public Works of the Sen-

1 *ate and the Committee on Transportation and Infra-*
2 *structure of the House of Representatives for each*
3 *such determination.*

4 (2) *SUPPLEMENTAL NOTIFICATION.*—*Not later*
5 *than 60 days after the Chief of Engineers transmits*
6 *an initial notification required under paragraph (1),*
7 *the Chief shall transmit concurrently to the Secretary*
8 *and to the Committee on Environment and Public*
9 *Works of the Senate and the Committee on Transpor-*
10 *tation and Infrastructure of the House of Representa-*
11 *tives a supplemental notification that includes, based*
12 *on information available to the Corps of Engineers on*
13 *the date of the supplemental notification—*

14 (A) *an estimate of the expected increase in*
15 *the cost of the project that is in excess of the au-*
16 *thorized maximum cost for the project;*

17 (B) *a description of the reason for the in-*
18 *creased cost of the project; and*

19 (C) *the expected timeline for submission of*
20 *a post-authorization change report for the project*
21 *in accordance with section 1132 of the Water Re-*
22 *sources Development Act of 2016 (33 U.S.C.*
23 *2282e).*

24 (3) *TRANSMITTAL.*—*The notifications described*
25 *in paragraphs (1) and (2) may not be delayed as a*

1 *result of consideration being given to changes in pol-*
2 *icy or priority with respect to project consideration.*

3 (c) *DEFERRAL OF CONSTRUCTION.*—*After expiration*
4 *of the covered period, the Secretary shall not enter into any*
5 *new contract, or exercise any option in a contract, for con-*
6 *struction of a water resources development project if the*
7 *project exceeds the maximum cost of the project permitted*
8 *under section 902 of the Water Resources Development Act*
9 *of 1986 (33 U.S.C. 2280), until the date on which Congress*
10 *authorizes an increase in the cost of the project.*

11 (d) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
12 *tion waives the obligation of the Secretary to submit to the*
13 *Committee on Environment and Public Works of the Senate*
14 *and the Committee on Transportation and Infrastructure*
15 *of the House of Representatives a post-authorization change*
16 *report recommending an increase in the authorized cost of*
17 *a project if the project otherwise would exceed the maximum*
18 *cost of the project permitted under section 902 of the Water*
19 *Resources Development Act of 1986 (33 U.S.C. 2280).*

20 (e) *DEFINITION OF COVERED PERIOD.*—*In this sec-*
21 *tion, the term “covered period” means the period beginning*
22 *on the date of enactment of this Act and ending on Decem-*
23 *ber 31, 2024.*

1 **SEC. 8156. FEDERAL INTEREST DETERMINATION.**

2 *Section 905(b)(1) of the Water Resources Development*
3 *Act of 1986 (33 U.S.C. 2282(b)(1)) is amended by amend-*
4 *ing subparagraph (B) to read as follows:*

5 *“(B) OTHER COMMUNITIES.—In preparing*
6 *a feasibility report under subsection (a) for a*
7 *study that will benefit a community other than*
8 *a community described in subparagraph (A),*
9 *upon request by the non-Federal interest for the*
10 *study, the Secretary may, with respect to not*
11 *more than 20 studies in each fiscal year, first de-*
12 *termine the Federal interest in carrying out the*
13 *study and the projects that may be proposed in*
14 *the study.”.*

15 **SEC. 8157. INLAND WATERWAY PROJECTS.**

16 *(a) IN GENERAL.—Section 102(a) of the Water Re-*
17 *sources Development Act of 1986 (33 U.S.C. 2212(a)) is*
18 *amended—*

19 *(1) in the matter preceding paragraph (1), by*
20 *striking “One-half of the costs” and inserting “65*
21 *percent of the costs”; and*

22 *(2) in the undesignated matter following para-*
23 *graph (3), in the second sentence, by striking “One-*
24 *half of such costs” and inserting “35 percent of such*
25 *costs”.*

1 (b) *APPLICATION.*—*The amendments made by sub-*
 2 *section (a) shall apply beginning on October 1, 2022, to*
 3 *any construction of a project for navigation on the inland*
 4 *waterways that is new or ongoing on or after that date.*

5 (c) *CONFORMING AMENDMENT.*—*Section 109 of the*
 6 *Water Resources Development Act of 2020 (33 U.S.C. 2212*
 7 *note) is amended by striking “fiscal years 2021 through*
 8 *2031” and inserting “fiscal years 2021 through 2022”.*

9 **SEC. 8158. CORPS OF ENGINEERS WESTERN WATER COOP-**
 10 **ERATIVE COMMITTEE.**

11 (a) *ESTABLISHMENT.*—

12 (1) *IN GENERAL.*—*Not later than 90 days after*
 13 *the date of enactment of this Act, the Secretary shall*
 14 *establish a Western Water Cooperative Committee (re-*
 15 *ferred to in this section as the “Cooperative Com-*
 16 *mittee”).*

17 (2) *PURPOSE.*—*The purpose of the Cooperative*
 18 *Committee is to ensure that Corps of Engineers flood*
 19 *control projects in Western States are operated con-*
 20 *sistent with congressional directives by identifying*
 21 *opportunities to avoid or minimize conflicts between*
 22 *the operation of Corps of Engineers projects and*
 23 *water rights and water laws in such States.*

24 (3) *MEMBERSHIP.*—*The Cooperative Committee*
 25 *shall be composed of—*

1 (A) *the Assistant Secretary of the Army for*
2 *Civil Works (or a designee);*

3 (B) *the Chief of Engineers (or a designee);*

4 (C) *1 representative from each of the West-*
5 *ern States, who may serve on the Western States*
6 *Water Council, to be appointed by the Governor*
7 *of each State;*

8 (D) *1 representative with legal experience*
9 *from each of the Western States, to be appointed*
10 *by the attorney general of each State; and*

11 (E) *1 employee from each of the impacted*
12 *regional offices of the Bureau of Indian Affairs.*

13 (4) *MEETINGS.—*

14 (A) *IN GENERAL.—The Cooperative Com-*
15 *mittee shall meet not less than once each year in*
16 *one of the Western States.*

17 (B) *AVAILABLE TO PUBLIC.—Each meeting*
18 *of the Cooperative Committee shall be open and*
19 *accessible to the public.*

20 (C) *NOTIFICATION.—The Cooperative Com-*
21 *mittee shall publish in the Federal Register ade-*
22 *quate advance notice of a meeting of the Cooper-*
23 *ative Committee.*

24 (5) *DUTIES.—*

1 (A) *IN GENERAL.*—*The Cooperative Com-*
2 *mittee shall develop and make recommendations*
3 *to avoid or minimize conflicts between the oper-*
4 *ation of Corps of Engineers projects and the*
5 *water rights and water laws of Western States.*

6 (B) *LIMITATION.*—*In carrying out subpara-*
7 *graph (A), the Cooperative Committee shall—*

8 (i) *make recommendations that only*
9 *apply to Western States; and*

10 (ii) *ensure that any recommended*
11 *changes or modifications to policy or regu-*
12 *lations for Corps of Engineers projects*
13 *would not adversely affect water resources*
14 *within the State of Missouri.*

15 (6) *STATUS UPDATES.*—

16 (A) *IN GENERAL.*—*On an annual basis, the*
17 *Secretary shall provide to the Committee on En-*
18 *vironment and Public Works of the Senate and*
19 *the Committee on Transportation and Infra-*
20 *structure of the House of Representatives a writ-*
21 *ten report that includes—*

22 (i) *a summary of the contents of meet-*
23 *ings of the Cooperative Committee;*

1 (ii) any legislative proposal from a
2 Western State proposed to the Cooperative
3 Committee; and

4 (iii) a description of any recommenda-
5 tions made by the Cooperative Committee
6 under paragraph (5), including actions
7 taken by the Secretary in response to such
8 recommendations.

9 (B) COMMENT.—

10 (i) IN GENERAL.—Not later than 45
11 days following the conclusion of a meeting
12 of the Cooperative Committee, the Secretary
13 shall provide to members of the Cooperative
14 Committee an opportunity to comment on
15 the contents of the meeting and any rec-
16 ommendations made under paragraph (5).

17 (ii) INCLUSION.—Comments provided
18 under clause (i) shall be included in the re-
19 port provided under subparagraph (A).

20 (7) COMPENSATION.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), the members of the Coopera-
23 tive Committee shall serve without compensation.

24 (B) TRAVEL EXPENSES.—The members of
25 the Cooperative Committee shall receive travel

1 *expenses, including per diem in lieu of subsist-*
2 *ence, in accordance with applicable provisions*
3 *under subchapter I of chapter 57 of title 5,*
4 *United States Code.*

5 (8) *MAINTENANCE OF RECORDS.*—*The Coopera-*
6 *tive Committee shall maintain records pertaining to*
7 *operating costs and records of the Cooperative Com-*
8 *mittee for a period of not less than 3 years.*

9 (9) *SAVINGS PROVISIONS.*—

10 (A) *NO ADDITIONAL AUTHORITY.*—*Nothing*
11 *in this section provides authority to the Coopera-*
12 *tive Committee to affect any Federal or State*
13 *water law or interstate compact governing water.*

14 (B) *OTHER STATES.*—*Nothing in this sec-*
15 *tion may be interpreted, by negative implication*
16 *or otherwise, as suggesting that States not rep-*
17 *resented on the Cooperative Committee have less-*
18 *er interest or authority, in relation to Western*
19 *States, in managing the water within their bor-*
20 *ders or in vindicating State water rights and*
21 *water laws.*

22 (b) *DEFINITION OF WESTERN STATES.*—*In this sec-*
23 *tion, the term “Western States” means the States of Alaska,*
24 *Arizona, California, Colorado, Idaho, Kansas, Montana,*
25 *Nebraska, Nevada, New Mexico, North Dakota, Oklahoma,*

1 *Oregon, South Dakota, Texas, Utah, Washington, and Wyo-*
2 *ming.*

3 **SEC. 8159. SUPPORT OF ARMY CIVIL WORKS MISSIONS.**

4 *The Secretary is authorized to use contracts, coopera-*
5 *tive agreements, or any other authorized means, in support*
6 *of the Corps of Engineers civil works missions, to work*
7 *with—*

8 *(1) the University of Delaware to conduct aca-*
9 *demie research on water resource ecology, water qual-*
10 *ity, aquatic ecosystem restoration (including shellfish*
11 *aquaculture), coastal restoration, and water resource-*
12 *related emergency management, in the State of Dela-*
13 *ware, the Delaware River Basin, and the Chesapeake*
14 *Bay watershed;*

15 *(2) the University of Missouri to conduct eco-*
16 *nomie analyses and other academic research to im-*
17 *prove water management, enhance flood resiliency,*
18 *and preserve water resources for the State of Missouri,*
19 *the Lower Missouri River Basin, and Upper Mis-*
20 *sissippi River Basin;*

21 *(3) Oregon State University to conduct a study*
22 *and other academic research on the associated im-*
23 *pacts of wildfire on water resource ecology, water sup-*
24 *ply, quality, and distribution in the Willamette River*
25 *Basin and to develop a water resource assessment and*

1 *management platform for the Willamette River Basin;*
2 *and*

3 *(4) West Virginia University to conduct aca-*
4 *demie research on flood risk management, water re-*
5 *source-related emergency management, aquatic eco-*
6 *system restoration, water quality, hydropower, and*
7 *water resource-related recreation in the State of West*
8 *Virginia.*

9 **SEC. 8160. CIVIL WORKS RESEARCH AND DEVELOPMENT.**

10 *(a) IN GENERAL.—Section 7 of the Water Resources*
11 *Development Act of 1988 (33 U.S.C. 2313) is amended to*
12 *read as follows:*

13 **“SEC. 7. RESEARCH AND DEVELOPMENT.**

14 *“(a) IN GENERAL.—The Secretary is authorized to*
15 *carry out basic, applied, and advanced research activities*
16 *as required to aid in the planning, design, construction,*
17 *operation, and maintenance of water resources development*
18 *projects and to support the missions and authorities of the*
19 *Corps of Engineers.*

20 *“(b) TESTING AND APPLICATION.—In carrying out*
21 *subsection (a), the Secretary is authorized to test and apply*
22 *technology, tools, techniques, and materials developed pur-*
23 *suant to such subsection, including the testing and applica-*
24 *tion of such technology, tools, techniques, and materials at*

1 *authorized water resources development projects, in con-*
2 *sultation with the non-Federal interests for such projects.*

3 “(c) *OTHER TRANSACTIONAL AUTHORITY FOR PROTO-*
4 *TYPE PROJECTS.—*

5 “(1) *IN GENERAL.—In carrying out subsection*
6 *(b), the Secretary is authorized to enter into trans-*
7 *actions (other than contracts, cooperative agreements,*
8 *or grants) to carry out prototype projects to support*
9 *basic, applied, and advanced research activities that*
10 *are directly relevant to the civil works missions and*
11 *authorities of the Corps of Engineers.*

12 “(2) *FOLLOW-ON PRODUCTION TRANSACTIONS.—*
13 *A transaction entered into under paragraph (1) for a*
14 *prototype project may provide for the award of a fol-*
15 *low-on production contract or transaction to the par-*
16 *ticipants in the transaction in accordance with the*
17 *requirements of section 4022 of title 10, United States*
18 *Code.*

19 “(3) *GUIDANCE.—Prior to entering into the first*
20 *transaction under this subsection, the Secretary shall*
21 *issue guidance for entering into transactions under*
22 *this subsection (including guidance for follow-on pro-*
23 *duction contracts or transactions under paragraph*
24 *(2)).*

1 “(4) *CONDITIONS.*—*In carrying out this sub-*
2 *section, the Secretary shall ensure that—*

3 “(A) *competitive procedures are used to the*
4 *maximum extent practicable to award each*
5 *transaction; and*

6 “(B) *at least one of the following conditions*
7 *is met with respect to each transaction:*

8 “(i) *The prototype project includes sig-*
9 *nificant participation by at least one non-*
10 *profit research institution or nontraditional*
11 *defense contractor, as that term is defined*
12 *in section 3014 of title 10, United States*
13 *Code.*

14 “(ii) *All significant participants in the*
15 *transaction other than the Federal Govern-*
16 *ment are small business concerns, as that*
17 *term is used in section 3 of the Small Busi-*
18 *ness Act (15 U.S.C. 632) (including such*
19 *concerns participating in a program de-*
20 *scribed in section 9 of such Act (15 U.S.C.*
21 *638)).*

22 “(iii) *At least one-third of the total*
23 *cost of the prototype project is to be paid*
24 *out of funds provided by sources other than*
25 *the Federal Government.*

1 “(iv) *The Head of the Contracting Ac-*
2 *tivity for the Corps of Engineers submits to*
3 *the Committee on Transportation and In-*
4 *frastructure of the House of Representatives*
5 *and the Committee on Environment and*
6 *Public Works of the Senate a notification*
7 *that exceptional circumstances justify the*
8 *use of a transaction that provides for inno-*
9 *vative business arrangements or structures*
10 *that would not be feasible or appropriate*
11 *under a contract, cooperative agreement, or*
12 *grant.*

13 “(5) *NOTIFICATION.—Not later than 30 days be-*
14 *fore the Secretary enters into a transaction under*
15 *paragraph (1), the Secretary shall notify the Com-*
16 *mittee on Transportation and Infrastructure of the*
17 *House of Representatives and the Committee on Envi-*
18 *ronment and Public Works of the Senate of—*

19 “(A) *the dollar amount of the transaction;*

20 “(B) *the entity carrying out the prototype*
21 *project that is the subject of the transaction;*

22 “(C) *the justification for the transaction;*

23 *and*

1 “(D) as applicable, the water resources de-
2 velopment project where the prototype project
3 will be carried out.

4 “(6) REPORT.—Not later than 4 years after the
5 date of enactment of the Water Resources Development
6 Act of 2022, the Secretary shall submit to the Com-
7 mittee on Transportation and Infrastructure of the
8 House of Representatives and the Committee on Envi-
9 ronment and Public Works of the Senate a report de-
10 scribing the use of the authority under this subsection.

11 “(7) COMPTROLLER GENERAL ACCESS TO INFOR-
12 MATION.—

13 “(A) EXAMINATION OF RECORDS.—Each
14 transaction entered into under this subsection
15 shall provide for mandatory examination by the
16 Comptroller General of the United States of the
17 records of any party to the transaction or any
18 entity that participates in the performance of the
19 transaction.

20 “(B) LIMITATIONS.—

21 “(i) PARTIES AND ENTITIES.—Exam-
22 ination of records by the Comptroller Gen-
23 eral pursuant to subparagraph (A) shall be
24 limited as provided under clause (ii) in the
25 case of a party to the transaction, an entity

1 *that participates in the performance of the*
2 *transaction, or a subordinate element of*
3 *that party or entity if the only transactions*
4 *that the party, entity, or subordinate ele-*
5 *ment entered into with Government entities*
6 *in the year prior to the date of that trans-*
7 *action were entered into under paragraph*
8 *(1) or under section 4021 or 4022 of title*
9 *10, United States Code.*

10 “(i) *RECORDS.*—*The only records of a*
11 *party, other entity, or subordinate element*
12 *referred to in clause (i) that the Comptroller*
13 *General may examine pursuant to subpara-*
14 *graph (A) are records of the same type as*
15 *the records that the Government has had the*
16 *right to examine under the audit access*
17 *clauses of the previous transactions referred*
18 *to in such clause that were entered into by*
19 *that particular party, entity, or subordinate*
20 *element.*

21 “(C) *WAIVER.*—*The Head of the Con-*
22 *tracting Activity for the Corps of Engineers may*
23 *waive the applicability of subparagraph (A) to a*
24 *transaction if the Head of the Contracting Activ-*
25 *ity for the Corps of Engineers—*

1 “(i) determines that it would not be in
2 the public interest to apply the requirement
3 to the transaction; and

4 “(ii) transmits to the Committee on
5 Environment and Public Works of the Sen-
6 ate, the Committee on Transportation and
7 Infrastructure of the House of Representa-
8 tives, and the Comptroller General, before
9 the transaction is entered into, a notifica-
10 tion of the waiver, including the rationale
11 for the determination under clause (i).

12 “(D) *TIMING.*—The Comptroller General
13 may not examine records pursuant to subpara-
14 graph (A) more than 3 years after the final pay-
15 ment is made by the United States under the
16 transaction.

17 “(E) *REPORT.*—Not later than 1 year after
18 the date of enactment of the Water Resources De-
19 velopment Act of 2022, and annually thereafter,
20 the Comptroller General shall submit to the Com-
21 mittee on Environment and Public Works of the
22 Senate and the Committee on Transportation
23 and Infrastructure of the House of Representa-
24 tives a report on the use of the authority under
25 this paragraph.

1 “(8) *TERMINATION OF AUTHORITY.*—*The author-*
2 *ity to enter into a transaction under this subsection*
3 *shall terminate on December 31, 2028.*

4 “(d) *COORDINATION AND CONSULTATION.*—*In car-*
5 *rying out this section, the Secretary may coordinate and*
6 *consult with Federal agencies, State and local agencies, In-*
7 *dian Tribes, universities, consortiums, councils, and other*
8 *relevant entities that will aid in the planning, design, con-*
9 *struction, operation, and maintenance of water resources*
10 *development projects.*

11 “(e) *ANNUAL REPORT.*—

12 “(1) *IN GENERAL.*—*For fiscal year 2025, and*
13 *annually thereafter, in conjunction with the annual*
14 *budget submission of the President to Congress under*
15 *section 1105(a) of title 31, United States Code, the*
16 *Secretary 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 basic, applied,*
20 *and advanced research activities and prototype*
21 *projects carried out under this section.*

22 “(2) *CONTENTS.*—*Each report under paragraph*
23 *(1) shall include—*

24 “(A) *a description of each ongoing and new*
25 *activity or project, including—*

1 “(i) *the estimated total cost of the ac-*
2 *tivity or project;*

3 “(ii) *the amount of Federal expendi-*
4 *tures for the activity or project;*

5 “(iii) *the amounts provided by a non-*
6 *Federal party to a transaction described in*
7 *subsection (c), if applicable;*

8 “(iv) *the estimated timeline for comple-*
9 *tion of the activity or project;*

10 “(v) *the requesting district of the Corps*
11 *of Engineers, if applicable; and*

12 “(vi) *how the activity or project is con-*
13 *sistent with subsection (a); and*

14 “(B) *any additional information that the*
15 *Secretary determines to be appropriate.*

16 “(f) *SAVINGS CLAUSE.—Nothing in this section affects*
17 *the authority of the Secretary to carry out, through the En-*
18 *gineer Research and Development Center, any activity re-*
19 *quested by a district of the Corps of Engineers in support*
20 *of a water resources development project or feasibility study*
21 *(as defined in section 105(d) of the Water Resources Devel-*
22 *opment Act of 1986 (33 U.S.C. 2215(d)).*

23 “(g) *ESTABLISHMENT OF ACCOUNT.—The Secretary,*
24 *in consultation with the Director of the Office of Manage-*
25 *ment and Budget, shall establish a separate appropriations*

1 *account for administering funds made available to carry*
2 *out this section.”.*

3 (b) *CLERICAL AMENDMENT.—The table of contents*
4 *contained in section 1(b) of the Water Resources Develop-*
5 *ment Act of 1988 (102 Stat. 4012) is amended by striking*
6 *the item relating to section 7 and inserting the following:*
7 *“Sec. 7. Research and development.”.*

7 **SEC. 8161. SENSE OF CONGRESS ON OPERATIONS AND**
8 **MAINTENANCE OF RECREATION SITES.**

9 *It is the sense of Congress that the Secretary, in each*
10 *work plan submitted to Congress by the Secretary, should*
11 *distribute amounts provided for the operations and mainte-*
12 *nance of recreation sites of the Corps of Engineers so that*
13 *each site receives an amount that is not less than 80 percent*
14 *of the recreation fees generated by such site in a given year.*

15 **SEC. 8162. SENSE OF CONGRESS RELATING TO POST-DIS-**
16 **ASTER REPAIRS.**

17 *It is the sense of Congress that in scoping and funding*
18 *post-disaster repairs, the Secretary should, to the maximum*
19 *extent practicable, repair assets—*

20 (1) *to project design levels; or*

21 (2) *if the original project design is outdated, to*
22 *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 Con-*
8 *gress on Future Water Resources Development” submitted*
9 *to Congress pursuant to section 7001 of the Water Resources*
10 *Reform and Development Act of 2014 (33 U.S.C. 2282d)*
11 *or otherwise reviewed by Congress:*

12 (1) *DUDLEYVILLE, ARIZONA.*—*Project for flood*
13 *risk management, Dudleyville, Arizona.*

14 (2) *MCMICKEN DAM, ARIZONA.*—*Project for flood*
15 *risk management, McMicken Dam, Arizona.*

16 (3) *CONN CREEK DAM, CALIFORNIA.*—*Project for*
17 *flood risk management, Conn Creek Dam, California.*

18 (4) *CITY OF HUNTINGTON BEACH, CALIFORNIA.*—
19 *Project for hurricane and storm damage risk reduc-*
20 *tion, including sea level rise, and shoreline stabiliza-*
21 *tion, City of Huntington Beach, California.*

22 (5) *NAPA RIVER, CALIFORNIA.*—*Project for navi-*
23 *gation, Federal Channel of Napa River, California.*

1 (6) *PETALUMA RIVER WETLANDS, CALIFORNIA.—*
2 *Project for ecosystem restoration, City of Petaluma,*
3 *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 for*
8 *hurricane and storm damage risk reduction, includ-*
9 *ing sea level rise, and ecosystem restoration, North*
10 *Richmond, California.*

11 (9) *STRATFORD, CONNECTICUT.—Project for hur-*
12 *ricane and storm damage risk reduction and flood*
13 *risk management, Stratford, Connecticut.*

14 (10) *THATCHBED ISLAND, CONNECTICUT.—*
15 *Project for flood risk management and ecosystem res-*
16 *toration, Thatchbed Island, Essex, Connecticut.*

17 (11) *WOODBIDGE, CONNECTICUT.—Project for*
18 *flood risk management, Woodbridge, Connecticut.*

19 (12) *FEDERAL TRIANGLE AREA, WASHINGTON,*
20 *DISTRICT OF COLUMBIA.—Project for flood risk man-*
21 *agement, Federal Triangle Area, Washington, District*
22 *of Columbia, including construction of improvements*
23 *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, WASH-*
4 *INGTON, DISTRICT OF COLUMBIA, MARYLAND, AND VIR-*
5 *GINIA.—Project for water supply, including the iden-*
6 *tification of a secondary water source and additional*
7 *water storage capability for the Washington Metro-*
8 *politan Area, Washington, District of Columbia,*
9 *Maryland, and Virginia.*

10 (15) *TOWN OF LONGBOAT KEY, FLORIDA.—*
11 *Project for whole island hurricane and storm damage*
12 *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 and*
19 *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 management,*
3 *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 for*
7 *flood risk management, City of East Point, Georgia.*

8 (22) *CUMBERLAND ISLAND AND SEA ISLAND,*
9 *GEORGIA.—Project for ecosystem restoration and*
10 *coastal storm risk management, Cumberland Island*
11 *and Sea Island, Georgia.*

12 (23) *FLINT RIVER BASIN HEADWATERS, CLAYTON*
13 *COUNTY, GEORGIA.—Project for flood risk manage-*
14 *ment and ecosystem restoration, Flint River Basin*
15 *Headwaters, Clayton County, Georgia.*

16 (24) *COUNTY OF HAWAI‘I, HAWAII.—Project for*
17 *flood and coastal storm risk management, County of*
18 *Hawai‘i, Hawaii.*

19 (25) *MAUI, HAWAII.—Project for coastal storm*
20 *risk management, County of Maui, Hawaii.*

21 (26) *WAIKĪKĪ, HAWAII.—Project for ecosystem*
22 *restoration and hurricane and storm damage risk re-*
23 *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 risk*
10 *management and water supply, Jenkins, Kentucky.*

11 (31) *KENTUCKY RIVER, KENTUCKY.—Project for*
12 *flood risk management on the Kentucky River and its*
13 *tributaries and watersheds in Breathitt, Clay, Estill,*
14 *Harlan, Lee, Leslie, Letcher, Owsley, Perry, and*
15 *Wolfe Counties, Kentucky.*

16 (32) *NEWPORT, KENTUCKY.—Project for eco-*
17 *system restoration, flood risk management, and recre-*
18 *ation, Newport, Kentucky.*

19 (33) *ELLICOTT CITY AND HOWARD COUNTY,*
20 *MARYLAND.—Project for flood risk management,*
21 *Ellicott City and Howard County, Maryland.*

22 (34) *ASSAWOMPSET POND COMPLEX, MASSACHU-*
23 *SETTS.—Project for ecosystem restoration, flood risk*
24 *management, and water supply, Assawompset Pond*
25 *Complex, Massachusetts.*

1 (35) *CHARLES RIVER, MASSACHUSETTS.—Project*
2 *for flood risk management and ecosystem restoration,*
3 *Charles River, Massachusetts.*

4 (36) *CHELSEA CREEK AND MILL CREEK, MASSA-*
5 *CHUSETTS.—Project for flood risk management and*
6 *ecosystem restoration, including bank stabilization,*
7 *City of Chelsea, Massachusetts.*

8 (37) *CONNECTICUT RIVER STREAMBANK ERO-*
9 *SION, MASSACHUSETTS, VERMONT, AND NEW HAMP-*
10 *SHIRE.—Project for streambank erosion, Connecticut*
11 *River, Massachusetts, Vermont, and New Hampshire.*

12 (38) *DEERFIELD RIVER, MASSACHUSETTS.—*
13 *Project for flood risk management and ecosystem res-*
14 *toration, Deerfield River, Massachusetts.*

15 (39) *TOWN OF NORTH ATTLEBOROUGH, MASSA-*
16 *CHUSETTS.—Project for ecosystem restoration and*
17 *flood risk management, Ten Mile River, North*
18 *Attleborough, Massachusetts.*

19 (40) *TOWN OF HULL, MASSACHUSETTS.—Project*
20 *for flood risk management and hurricane and storm*
21 *damage risk reduction, Hull, Massachusetts.*

22 (41) *CITY OF REVERE, MASSACHUSETTS.—*
23 *Project for flood risk management and marsh eco-*
24 *system restoration, City of Revere, Massachusetts.*

1 (42) *LOWER EAST SIDE, DETROIT, MICHIGAN.—*
2 *Project for flood risk management, Lower East Side,*
3 *Detroit, Michigan.*

4 (43) *ELIJAH ROOT DAM, MICHIGAN.—Project for*
5 *dam removal, by carrying out a disposition study*
6 *under section 216 of the Flood Control Act of 1970*
7 *(33 U.S.C. 549a), Elijah Root Dam, Michigan.*

8 (44) *GROSSE POINTE SHORES AND GROSSE*
9 *POINTE FARMS, MICHIGAN.—Project for ecosystem res-*
10 *toration and flood risk management, Grosse Pointe*
11 *Shores and Grosse Pointe Farms, Michigan.*

12 (45) *SOUTHEAST MICHIGAN, MICHIGAN.—Project*
13 *for flood risk management, Southeast Michigan.*

14 (46) *TITTABAWASSEE RIVER, CHIPPEWA RIVER,*
15 *PINE RIVER, AND TOBACCO RIVER, MICHIGAN.—*
16 *Project for flood risk management and ecosystem res-*
17 *toration, Tittabawassee River, Chippewa River, Pine*
18 *River, and Tobacco River, Michigan.*

19 (47) *SOUTHWEST MISSISSIPPI, MISSISSIPPI.—*
20 *Project for ecosystem restoration and flood risk man-*
21 *agement, Wilkinson, Adams, Warren, Claiborne,*
22 *Franklin, Amite, and Jefferson Counties, Mississippi.*

23 (48) *BELLEVUE, NEBRASKA.—Project for flood*
24 *risk management, Bellevue, Nebraska, including the*
25 *placement of a pump station near Offutt Ditch.*

1 (49) *PAPILLION CREEK, NEBRASKA.—Project for*
2 *flood risk management, including levee improvement,*
3 *Papillion Creek, Nebraska.*

4 (50) *SARPY COUNTY, NEBRASKA.—Project for*
5 *flood risk management, Sarpy County, Nebraska.*

6 (51) *CAMDEN AND GLOUCESTER COUNTY, NEW*
7 *JERSEY.—Project for tidal and riverine flood risk*
8 *management, Camden and Gloucester Counties, New*
9 *Jersey.*

10 (52) *EDGEWATER, NEW JERSEY.—Project for*
11 *flood risk management, Edgewater, New Jersey.*

12 (53) *MAURICE RIVER, NEW JERSEY.—Project for*
13 *navigation and for beneficial use of dredged materials*
14 *for hurricane and storm damage risk reduction and*
15 *ecosystem restoration, Maurice River, New Jersey.*

16 (54) *NORTHERN NEW JERSEY INLAND FLOODING,*
17 *NEW JERSEY.—Project for inland flood risk manage-*
18 *ment in Hudson, Essex, Union, Bergen, Hunterdon,*
19 *Morris, Somerset, Warren, Passaic, and Sussex Coun-*
20 *ties, New Jersey.*

21 (55) *RISER DITCH, NEW JERSEY.—Project for*
22 *flood risk management, including channel improve-*
23 *ments, and other related water resource needs related*
24 *to Riser Ditch in the communities of South Hacken-*

1 *sack, Hasbrouck Heights, Little Ferry, Teterboro, and*
2 *Moonachie, New Jersey.*

3 (56) *ROCKAWAY RIVER, NEW JERSEY.—Project*
4 *for flood risk management and ecosystem restoration,*
5 *including bank stabilization, Rockaway River, New*
6 *Jersey.*

7 (57) *TENAKILL BROOK, NEW JERSEY.—Project*
8 *for flood risk management, Tenakill Brook, New Jer-*
9 *sey.*

10 (58) *VERONA, CEDAR GROVE, AND WEST*
11 *CALDWELL, NEW JERSEY.—Project for flood risk man-*
12 *agement along the Peckman River Basin in the town-*
13 *ships of Verona (and surrounding area), Cedar Grove,*
14 *and West Caldwell, New Jersey.*

15 (59) *WHIPPANY RIVER WATERSHED, NEW JER-*
16 *SEY.—Project for flood risk management, Morris*
17 *County, New Jersey.*

18 (60) *LAKE FARMINGTON DAM, NEW MEXICO.—*
19 *Project for water supply, Lake Farmington Dam,*
20 *New Mexico.*

21 (61) *MCCLURE DAM, NEW MEXICO.—Project for*
22 *dam safety improvements and flood risk management,*
23 *McClure Dam, City of Santa Fe, New Mexico.*

24 (62) *BLIND BROOK, NEW YORK.—Project for*
25 *flood risk management, coastal storm risk manage-*

1 *ment, navigation, ecosystem restoration, and water*
2 *supply, Blind Brook, New York.*

3 (63) *BROOKLYN NAVY YARD, NEW YORK.—Project*
4 *for flood risk management and hurricane and storm*
5 *damage risk reduction, Brooklyn Navy Yard, New*
6 *York.*

7 (64) *CONNETQUOT RIVER AND GREEN CREEK,*
8 *NEW YORK.—Project for navigation, Connetquot River*
9 *and Green Creek, Suffolk County, New York.*

10 (65) *HUTCHINSON RIVER, NEW YORK.—Project*
11 *for flood risk management and ecosystem restoration,*
12 *Hutchinson River, New York.*

13 (66) *MOHAWK RIVER BASIN, NEW YORK.—Project*
14 *for flood risk management, navigation, and environ-*
15 *mental restoration, Mohawk River Basin, New York.*

16 (67) *NEWTOWN CREEK, NEW YORK.—Project for*
17 *ecosystem restoration, Newtown Creek, New York.*

18 (68) *JOHN J. BURNS PARK, OYSTER BAY, NEW*
19 *YORK.—Project for flood risk management and hurri-*
20 *cane and storm risk reduction, Oyster Bay, New*
21 *York, in the vicinity of John J. Burns Park,*
22 *Massapequa, New York, including the replacement*
23 *and reconstruction of the existing bulkhead system.*

24 (69) *JOSEPH J. SALADINO MEMORIAL MARINA,*
25 *OYSTER BAY, NEW YORK.—Project for flood risk man-*

1 *agement and hurricane and storm risk reduction,*
2 *Oyster Bay, New York, in the vicinity of the Joseph*
3 *J. Saladino Memorial Marina, Massapequa, New*
4 *York, including the replacement and reconstruction of*
5 *the existing bulkhead system.*

6 (70) *SAW MILL RIVER, NEW YORK.—Project for*
7 *flood risk management and ecosystem restoration to*
8 *address areas in the City of Yonkers and the Village*
9 *of Hastings-on-Hudson within the 100-year flood*
10 *zone, Saw Mill River, New York.*

11 (71) *SOUTH SHORE OF LONG ISLAND, NEW*
12 *YORK.—Project for flood and coastal storm risk man-*
13 *agement, navigation, and ecosystem restoration,*
14 *South Shore of Long Island, New York.*

15 (72) *UPPER EAST RIVER AND FLUSHING BAY,*
16 *NEW YORK.—Project for ecosystem restoration, Upper*
17 *East River and Flushing Bay, New York.*

18 (73) *CAPE FEAR RIVER BASIN, NORTH CARO-*
19 *LINA.—Project for flood and coastal storm risk man-*
20 *agement, Cape Fear River Basin, North Carolina.*

21 (74) *OREGON INLET, NORTH CAROLINA.—Project*
22 *for navigation, Oregon Inlet, North Carolina.*

23 (75) *MINERAL RIDGE DAM, OHIO.—Project for*
24 *dam safety improvements and rehabilitation, Mineral*
25 *Ridge Dam, Ohio.*

1 (76) *MILL CREEK LEVEE AND WALLA WALLA*
2 *RIVER, OREGON.—Project for ecosystem restoration,*
3 *Mill Creek Levee and Walla Walla River, Oregon.*

4 (77) *BRODHEAD CREEK WATERSHED, PENNSYL-*
5 *VANIA.—Project for ecosystem restoration and flood*
6 *risk management, Brodhead Creek Watershed, Penn-*
7 *sylvania.*

8 (78) *CHARTIERS CREEK WATERSHED, PENNSYL-*
9 *VANIA.—Project for flood risk management, Chartiers*
10 *Creek Watershed, Pennsylvania.*

11 (79) *COPLAY CREEK, PENNSYLVANIA.—Project*
12 *for flood risk management, Coplay Creek, Pennsyl-*
13 *vania.*

14 (80) *BERKELEY COUNTY, SOUTH CAROLINA.—*
15 *Project for ecosystem restoration and flood risk man-*
16 *agement, Berkeley County, South Carolina.*

17 (81) *BIG SIOUX RIVER, SOUTH DAKOTA.—Project*
18 *for flood risk management, City of Watertown and vi-*
19 *cinity, South Dakota.*

20 (82) *EL PASO COUNTY, TEXAS.—Project for flood*
21 *risk management for economically disadvantaged*
22 *communities, as defined by the Secretary under sec-*
23 *tion 160 of the Water Resources Development Act of*
24 *2020 (33 U.S.C. 2201 note), along the United States-*
25 *Mexico border, El Paso County, Texas.*

1 (83) *GULF INTRACOASTAL WATERWAY-CHANNEL*
2 *TO PALACIOS, TEXAS.—Project for navigation, Gulf*
3 *Intracoastal Waterway-Channel to Palacios, Texas.*

4 (84) *HIDALGO AND CAMERON COUNTIES,*
5 *TEXAS.—Project for flood risk management and eco-*
6 *system restoration, the Resacas, Hidalgo and Cam-*
7 *eron Counties, Texas.*

8 (85) *SIKES LAKE, TEXAS.—Project for ecosystem*
9 *restoration and flood risk management, Sikes Lake,*
10 *Texas.*

11 (86) *SOUTHWEST BORDER REGION, TEXAS.—*
12 *Project for flood risk management for economically*
13 *disadvantaged communities, as defined by the Sec-*
14 *retary under section 160 of the Water Resources De-*
15 *velopment Act of 2020 (33 U.S.C. 2201 note), along*
16 *the United States-Mexico border in Webb, Zapata,*
17 *and Starr Counties, Texas.*

18 (87) *LOWER CLEAR CREEK AND DICKINSON*
19 *BAYOU, TEXAS.—Project for flood risk management,*
20 *Lower Clear Creek and Dickinson Bayou, Texas.*

21 (88) *GREAT SALT LAKE, UTAH.—Project for eco-*
22 *system restoration and water supply, Great Salt*
23 *Lake, Utah.*

1 (89) *CEDAR ISLAND, VIRGINIA.—Project for eco-*
2 *system restoration, hurricane and storm damage risk*
3 *reduction, and navigation, Cedar Island, Virginia.*

4 (90) *BALLINGER CREEK, WASHINGTON.—Project*
5 *for ecosystem restoration, City of Shoreline, Wash-*
6 *ington.*

7 (91) *CITY OF NORTH BEND, WASHINGTON.—*
8 *Project for water supply, City of North Bend, Wash-*
9 *ington.*

10 (92) *TANEUM CREEK, WASHINGTON.—Project for*
11 *ecosystem restoration, Taneum Creek, Washington.*

12 (93) *CITY OF HUNTINGTON, WEST VIRGINIA.—*
13 *Project for flood risk management, Huntington, West*
14 *Virginia.*

15 (94) *FOX-WOLF BASIN, WISCONSIN.—Project for*
16 *flood risk management and water supply, Fox-Wolf*
17 *Basin, Wisconsin.*

18 (b) *PROJECT MODIFICATIONS.—The Secretary is au-*
19 *thorized to conduct a feasibility study for the following*
20 *project modifications:*

21 (1) *CRAIGHEAD, POINSETT, AND CROSS COUN-*
22 *TIES, ARKANSAS.—Modifications to the project for*
23 *flood protection and major drainage improvement in*
24 *the Saint Francis River Basin, Missouri and Arkan-*
25 *sas, authorized by section 204 of the Flood Control*

1 *Act of 1950 (64 Stat. 172), to provide flood risk man-*
2 *agement for the tributaries and drainage of Straight*
3 *Slough, Craighead, Poinsett, and Cross Counties, Ar-*
4 *kansas.*

5 (2) *SHINGLE CREEK AND KISSIMMEE RIVER,*
6 *FLORIDA.—Modifications to the project for ecosystem*
7 *restoration and water storage, Shingle Creek and Kis-*
8 *simmee River, Florida, authorized by section*
9 *201(a)(5) of the Water Resources Development Act of*
10 *2020 (134 Stat. 2670), for flood risk management.*

11 (3) *JACKSONVILLE HARBOR, FLORIDA.—Modi-*
12 *fications to the project for navigation, Jacksonville*
13 *Harbor, Florida, authorized by section 7002 of the*
14 *Water Resources Reform and Development Act of*
15 *2014 (128 Stat. 1364), for outer channel improve-*
16 *ments.*

17 (4) *SAVANNAH HARBOR, GEORGIA.—Modifica-*
18 *tions to the project for navigation, Savannah Harbor*
19 *Expansion Project, Georgia, authorized by section*
20 *7002(1) of the Water Resources Reform and Develop-*
21 *ment Act of 2014 (128 Stat. 1364; 132 Stat. 3839),*
22 *without evaluation of additional deepening.*

23 (5) *HONOLULU HARBOR, HAWAII.—Modifications*
24 *to the project for navigation, Honolulu Harbor, Ha-*
25 *waii, for navigation improvements and coastal storm*

1 *risk management, authorized by the first section of*
2 *the Act of March 3, 1905 (chapter 1482, 33 Stat.*
3 *1146).*

4 (6) *CEDAR RIVER, CEDAR RAPIDS, IOWA.—Modi-*
5 *fications to the project for flood risk management,*
6 *Cedar River, Cedar Rapids, Iowa, authorized by sec-*
7 *tion 7002(2) of the Water Resources Reform and De-*
8 *velopment Act of 2014 (128 Stat. 1366), consistent*
9 *with the City of Cedar Rapids, Iowa, Cedar River*
10 *Flood Control System Master Plan.*

11 (7) *SOUTH HAVEN HARBOR, MICHIGAN.—Modi-*
12 *fications to the project for navigation, South Haven*
13 *Harbor, Michigan, for turning basin improvements,*
14 *authorized by the first section of the Act of August 11,*
15 *1888 (chapter 860, 25 Stat. 406).*

16 (8) *SALEM RIVER, SALEM COUNTY, NEW JER-*
17 *SEY.—Modifications to the project for navigation,*
18 *Salem River, Salem County, New Jersey, authorized*
19 *by section 1 of the Act of March 2, 1907 (chapter*
20 *2509, 34 Stat. 1080), to increase the authorized*
21 *depth.*

22 (9) *PORT OF OGDENSBURG, NEW YORK.—Modi-*
23 *fications to the project for navigation, Port of*
24 *Ogdensburg, New York, including deepening, author-*

1 *ized by the first section of the Act of June 25, 1910*
2 *(chapter 382, 36 Stat. 635).*

3 (10) *ROLLINSON CHANNEL AND HATTERAS INLET*
4 *TO HATTERAS, NORTH CAROLINA.—Modifications to*
5 *the project for navigation, Rollinson Channel and*
6 *channel from Hatteras Inlet to Hatteras, North Caro-*
7 *lina, authorized by section 101 of the River and Har-*
8 *bor Act of 1962 (76 Stat. 1174), to incorporate the*
9 *ocean bar.*

10 (11) *HIRAM M. CHITTENDEN LOCKS, LAKE WASH-*
11 *INGTON SHIP CANAL, WASHINGTON.—Modifications to*
12 *the Hiram M. Chittenden Locks (also known as*
13 *Ballard Locks), Lake Washington Ship Canal, Wash-*
14 *ington, authorized by the Act of June 25, 1910 (chap-*
15 *ter 382, 36 Stat. 666), for the construction of fish lad-*
16 *der improvements, including efforts to address ele-*
17 *vated temperature and low dissolved oxygen levels in*
18 *the Canal.*

19 (12) *HUNTINGTON, WEST VIRGINIA.—Modifica-*
20 *tions to the Huntington Local Protection Project,*
21 *Huntington, West Virginia.*

22 (c) *SPECIAL RULES.—*

23 (1) *WAILUPE STREAM WATERSHED, HAWAII.—*
24 *The study authorized by subsection (a)(27) shall be*
25 *considered a resumption and a continuation of the*

1 *general reevaluation initiated on December 30, 2003,*
2 *pursuant to section 209 of the Flood Control Act (76*
3 *Stat. 1197).*

4 (2) *BELLEVUE AND PAPILLION CREEK, NE-*
5 *BRASKA.—The studies authorized by paragraphs (48)*
6 *and (49) of subsection (a) shall be considered a con-*
7 *tinuation of the study that resulted in the Chief's Re-*
8 *port for the project for Papillion Creek and Tribu-*
9 *taries Lakes, Nebraska, signed January 24, 2022.*

10 (3) *SOUTH SHORE OF LONG ISLAND, NEW*
11 *YORK.—In carrying out the study authorized by sub-*
12 *section (a)(71), the Secretary shall study the South*
13 *Shore of Long Island, New York, as a whole system,*
14 *including inlets that are Federal channels.*

15 (4) *PROJECT MODIFICATIONS.—Each study au-*
16 *thorized by subsection (b) shall be considered a new*
17 *phase investigation and afforded the same treatment*
18 *as a general reevaluation.*

19 **SEC. 8202. EXPEDITED COMPLETION.**

20 (a) *FEASIBILITY STUDIES.—The Secretary shall expe-*
21 *dite the completion of a feasibility study for each of the*
22 *following projects, and if the Secretary determines that the*
23 *project is justified in a completed report, may proceed di-*
24 *rectly to preconstruction planning, engineering, and design*
25 *of the project:*

1 (1) *Modifications to the project for navigation,*
2 *Auke Bay, Alaska.*

3 (2) *Project for flood risk management, Cave*
4 *Buttes Dam, Arizona.*

5 (3) *Project for navigation, Branford Harbor and*
6 *Stony Creek Channel, Connecticut.*

7 (4) *Project for flood risk management, East*
8 *Hartford Levee System, Connecticut.*

9 (5) *Project for navigation, Guilford Harbor and*
10 *Sluice Channel, Connecticut.*

11 (6) *Project for ecosystem restoration, Lake Okeechobee,*
12 *Florida.*

13 (7) *Project for ecosystem restoration, Western*
14 *Everglades, Florida.*

15 (8) *Modifications to the project for navigation,*
16 *Hilo Harbor, Hawaii.*

17 (9) *Project for ecosystem restoration, Fox River,*
18 *Illinois, included in the comprehensive plan under*
19 *section 519 of the Water Resources Development Act*
20 *of 2000 (114 Stat. 2653).*

21 (10) *Project for ecosystem restoration, recreation,*
22 *and other purposes, Illinois River, Chicago River,*
23 *Calumet River, Grand Calumet River, Little Calumet*
24 *River, and other waterways in the vicinity of Chi-*
25 *cago, Illinois, authorized by section 201(a)(7) of the*

1 *Water Resources Development Act of 2020 (134 Stat.*
2 *2670).*

3 (11) *Project for hurricane and storm damage*
4 *risk reduction, Chicago Shoreline, Illinois, authorized*
5 *by section 101(a)(12) of the Water Resources Develop-*
6 *ment Act of 1996 (110 Stat. 3664; 128 Stat. 1372).*

7 (12) *Project for coastal storm risk management,*
8 *St. Tammany Parish, Louisiana.*

9 (13) *Modifications to the project for navigation,*
10 *Baltimore Harbor and Channels—Seagirt Loop Deep-*
11 *ening, Maryland, including to a depth of 50 feet.*

12 (14) *Project for flood and coastal storm risk*
13 *management and ecosystem restoration, Boston North*
14 *Shore, Revere, Saugus, Lynn, Malden, and Everett,*
15 *Massachusetts.*

16 (15) *Project for flood and coastal storm risk*
17 *management, Chelsea, Massachusetts, authorized by a*
18 *study resolution of the Committee on Public Works of*
19 *the Senate dated September 12, 1969.*

20 (16) *Project for ecosystem restoration, Herring*
21 *River Estuary, Barnstable County, Massachusetts,*
22 *authorized by a resolution of the Committee on*
23 *Transportation and Infrastructure of the House of*
24 *Representatives, approved July 23, 1997.*

1 (17) *Modifications to the project for flood risk*
2 *management, North Adams, Massachusetts, authorized*
3 *by section 5 of the Act of June 22, 1936 (chapter 688,*
4 *49 Stat. 1572; 55 Stat. 639), for flood risk manage-*
5 *ment and ecosystem restoration.*

6 (18) *Project for coastal storm risk management,*
7 *ecosystem restoration, and navigation, Nauset Barrier*
8 *Beach and inlet system, Chatham, Massachusetts, au-*
9 *thorized by a study resolution of the Committee on*
10 *Public Works of the Senate dated September 12, 1969.*

11 (19) *Project for flood risk management, DeSoto*
12 *County, Mississippi.*

13 (20) *Project for flood risk management, Rahway,*
14 *New Jersey, authorized by section 336 of the Water*
15 *Resources Development Act of 2020 (134 Stat. 2712).*

16 (21) *Project for coastal storm risk management,*
17 *Raritan Bay and Sandy Hook Bay, New Jersey.*

18 (22) *Project for coastal storm risk management,*
19 *Sea Bright to Manasquan, New Jersey.*

20 (23) *Project for flood risk management, Rio*
21 *Grande de Loiza, Puerto Rico.*

22 (24) *Project for flood risk management, Rio*
23 *Nigua, Salinas, Puerto Rico.*

1 (25) *Project for flood risk management,*
2 *Kanawha River Basin, West Virginia, Virginia, and*
3 *North Carolina.*

4 (b) *POST-AUTHORIZATION CHANGE REPORTS.—The*
5 *Secretary shall expedite completion of a post-authorization*
6 *change report for the following projects:*

7 (1) *Project for ecosystem restoration, Tres Rios,*
8 *Arizona, authorized by section 101(b)(4) of the Water*
9 *Resources Development Act of 2000 (114 Stat. 2577).*

10 (2) *Project for coastal storm risk management,*
11 *Surf City and North Topsail Beach, North Carolina,*
12 *authorized by section 7002(3) of the Water Resources*
13 *Reform and Development Act of 2014 (128 Stat.*
14 *1367).*

15 (c) *WATERSHED AND RIVER BASIN ASSESSMENTS.—*

16 (1) *GREAT LAKES COASTAL RESILIENCY*
17 *STUDY.—The Secretary shall expedite the completion*
18 *of the comprehensive assessment of water resources*
19 *needs for the Great Lakes System under section 729*
20 *of the Water Resources Development Act of 1986 (33*
21 *U.S.C. 2267a), as required by section 1219 of the*
22 *Water Resources Development Act of 2018 (132 Stat.*
23 *3811; 134 Stat. 2683).*

24 (2) *COUNTY OF HAWAII, HAWAII.—The Secretary*
25 *shall expedite the completion of a watershed assess-*

1 *ment for the County of Hawai'i, Hawaii, under sec-*
2 *tion 729 of the Water Resources Development Act of*
3 *1986 (33 U.S.C. 2267a).*

4 *(d) MAINTENANCE OF NAVIGATION CHANNELS.—The*
5 *Secretary shall expedite the completion of a determination*
6 *of the feasibility of improvements proposed by the non-Fed-*
7 *eral interest under section 204(f)(1)(A)(i) of the Water Re-*
8 *sources Development Act of 1986 (33 U.S.C.*
9 *2232(f)(1)(A)(i)), for the deepening and widening of the*
10 *navigation project for Coos Bay, Oregon, authorized by the*
11 *Act of March 3, 1879 (chapter 181, 20 Stat. 370).*

12 **SEC. 8203. EXPEDITED MODIFICATIONS OF EXISTING FEASI-**
13 **BILITY STUDIES.**

14 *The Secretary shall expedite the completion of the fol-*
15 *lowing feasibility studies, as modified by this section, and*
16 *if the Secretary determines that a project that is the subject*
17 *of the feasibility study is justified in the completed report,*
18 *may proceed directly to preconstruction planning, engineer-*
19 *ing, and design of the project:*

20 *(1) MARE ISLAND STRAIT, CALIFORNIA.—The*
21 *study for navigation, Mare Island Strait channel, au-*
22 *thorized by section 406 of the Water Resources Devel-*
23 *opment Act of 1999 (113 Stat. 323), is modified to*
24 *authorize the Secretary to consider the economic and*
25 *national security benefits from recent proposals for*

1 *utilization of the channel for Department of Defense*
2 *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 Stat.*
8 *1077), is modified to authorize the Secretary to inves-*
9 *tigate increasing the scope of the project to provide*
10 *protection against a 200-year storm event.*

11 (3) *BLACKSTONE RIVER VALLEY, RHODE ISLAND*
12 *AND MASSACHUSETTS.—*

13 (A) *IN GENERAL.—The study for ecosystem*
14 *restoration, Blackstone River Valley, Rhode Is-*
15 *land and Massachusetts, authorized by section*
16 *569 of the Water Resources Development Act of*
17 *1996 (110 Stat. 3788), is modified to authorize*
18 *the Secretary to conduct a study for water sup-*
19 *ply, water flow, and wetland restoration and*
20 *protection within the scope of the study.*

21 (B) *INCORPORATION OF EXISTING DATA.—*
22 *In carrying out the study described in subpara-*
23 *graph (A), the Secretary shall use, to the extent*
24 *practicable, any existing data for the project pre-*
25 *pared under the authority of section 206 of the*

1 *Water Resources Development Act of 1996 (33*
2 *U.S.C. 2330).*

3 (4) *LOWER SADDLE RIVER, NEW JERSEY.*—*The*
4 *study for flood control, Lower Saddle River, New Jer-*
5 *sey, authorized by section 401(a) of the Water Re-*
6 *sources Development Act of 1986 (100 Stat. 4119), is*
7 *modified to authorize the Secretary to review the pre-*
8 *viously authorized study and take into consideration*
9 *changes in hydraulic and hydrologic circumstances*
10 *and local economic development since the study was*
11 *initially authorized.*

12 (5) *TRINITY RIVER AND TRIBUTARIES, TEXAS.*—
13 *The study for navigation, Liberty, Texas, authorized*
14 *by section 1201(7) of the Water Resources Develop-*
15 *ment Act of 2018 (132 Stat. 3802), is modified to au-*
16 *thorize the Secretary to include in the study flood risk*
17 *management and ecosystem restoration.*

18 **SEC. 8204. CORPS OF ENGINEERS RESERVOIR SEDIMENTA-**
19 **TION ASSESSMENT.**

20 (a) *IN GENERAL.*—*The Secretary, at Federal expense,*
21 *shall conduct an assessment of sediment in reservoirs owned*
22 *and operated by the Secretary.*

23 (b) *CONTENTS.*—*For each reservoir for which the Sec-*
24 *retary carries out an assessment under subsection (a), the*
25 *Secretary shall include in the assessment—*

1 (1) *an estimation of the volume of sediment in*
2 *the reservoir;*

3 (2) *an evaluation of the effects of such sediment*
4 *on reservoir storage capacity, including a quantifica-*
5 *tion of lost reservoir storage capacity due to the sedi-*
6 *ment and an evaluation of how such lost reservoir*
7 *storage capacity affects the allocated storage space for*
8 *authorized purposes within the reservoir (including,*
9 *where applicable, allocations for dead storage, inac-*
10 *tive storage, active conservation, joint use, and flood*
11 *surcharge);*

12 (3) *the identification of any additional effects of*
13 *sediment on the operations of the reservoir or the abil-*
14 *ity of the reservoir to meet its authorized purposes;*

15 (4) *the identification of any potential effects of*
16 *the sediment over the 10-year period beginning on the*
17 *date of enactment of this Act on the areas imme-*
18 *diately upstream and downstream of the reservoir;*

19 (5) *the identification of any existing sediment*
20 *monitoring and management plans associated with*
21 *the reservoir;*

22 (6) *for any reservoir that does not have a sedi-*
23 *ment monitoring and management plan—*

1 (A) an identification of whether a sediment
2 management plan for the reservoir is under de-
3 velopment; or

4 (B) an assessment of whether a sediment
5 management plan for the reservoir would be use-
6 ful in the long-term operation and maintenance
7 of the reservoir for its authorized purposes; and

8 (7) any opportunities for beneficial use of the
9 sediment in the vicinity of the reservoir.

10 (c) *REPORT TO CONGRESS; PUBLIC AVAILABILITY.*—
11 *Not later than 2 years after the date of enactment of this*
12 *Act, the Secretary shall submit to the Committee on Trans-*
13 *portation and Infrastructure of the House of Representa-*
14 *tives and the Committee on Environment and Public Works*
15 *of the Senate, and make publicly available (including on*
16 *a publicly available website), a report describing the results*
17 *of the assessment carried out under subsection (a).*

18 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated to carry out this section*
20 *\$10,000,000, to remain available until expended.*

21 **SEC. 8205. REPORT AND RECOMMENDATIONS ON DREDGE**
22 **CAPACITY.**

23 (a) *IN GENERAL.*—*Not later than 2 years after the*
24 *date of enactment of this Act, the Secretary shall submit*
25 *to the Committee on Transportation and Infrastructure of*

1 *the House of Representatives and the Committee on Envi-*
2 *ronment and Public Works of the Senate, and make publicly*
3 *available (including on a publicly available website), a re-*
4 *port that includes—*

5 *(1) a quantification of the expected hopper and*
6 *pipeline dredging needs of authorized water resources*
7 *development projects for the 10 years after the date of*
8 *enactment of this Act, including—*

9 *(A) the dredging needs to—*

10 *(i) construct deepenings or widenings*
11 *at authorized but not constructed projects*
12 *and the associated operations and mainte-*
13 *nance needs of such projects; and*

14 *(ii) operate and maintain existing*
15 *Federal navigation channels;*

16 *(B) the amount of dredging to be carried*
17 *out by the Corps of Engineers for other Federal*
18 *agencies;*

19 *(C) the dredging needs associated with au-*
20 *thorized hurricane and storm damage risk reduc-*
21 *tion projects (including periodic renourishment);*
22 *and*

23 *(D) the dredging needs associated with*
24 *projects for the beneficial use of dredged material*
25 *authorized by section 1122 of the Water Re-*

1 *sources Development Act of 2016 (33 U.S.C.*
2 *2326 note);*

3 *(2) an identification of the Federal appropri-*
4 *tions for dredging projects and expenditures from the*
5 *Harbor Maintenance Trust Fund for fiscal year 2015*
6 *and each fiscal year thereafter;*

7 *(3) an identification of the dredging capacity of*
8 *the domestic hopper and pipeline dredge fleet, includ-*
9 *ing publicly owned and privately owned vessels, in*
10 *each of the 10 years preceding the date of enactment*
11 *of this Act;*

12 *(4) an analysis of the ability of the domestic*
13 *hopper and pipeline dredge fleet to meet the expected*
14 *dredging needs identified under paragraph (1), in-*
15 *cluding an analysis of such ability in each of—*

16 *(A) the east coast region;*

17 *(B) the west coast region, including the*
18 *States of Alaska and Hawaii;*

19 *(C) the gulf coast region; and*

20 *(D) the Great Lakes region;*

21 *(5) an identification of the dredging capacity of*
22 *domestic hopper and pipeline dredge vessels that are*
23 *under contract for construction and intended to be*
24 *used at water resources development projects;*

1 (6) *an identification of any hopper or pipeline*
2 *dredge vessel expected to be retired or become unavail-*
3 *able during the 10-year period beginning on the date*
4 *of enactment of this section;*

5 (7) *an identification of the potential costs of*
6 *using either public or private dredging to carry out*
7 *authorized water resources development projects; and*

8 (8) *any recommendations of the Secretary for*
9 *adding additional domestic hopper and pipeline*
10 *dredging capacity, including adding public and pri-*
11 *vate dredging vessels to the domestic hopper and pipe-*
12 *line dredge fleet to efficiently service water resources*
13 *development projects.*

14 (b) *OPPORTUNITY FOR PARTICIPATION.*—*In carrying*
15 *out subsection (a), the Secretary shall provide interested*
16 *stakeholders, including representatives from the commercial*
17 *dredging industry, with an opportunity to submit com-*
18 *ments to the Secretary.*

19 (c) *SENSE OF CONGRESS.*—*It is the sense of Congress*
20 *that the Corps of Engineers should add additional dredging*
21 *capacity if the addition of such capacity would—*

22 (1) *enable the Corps of Engineers to carry out*
23 *water resources development projects in an efficient*
24 *and cost-effective manner; and*

25 (2) *be in the best interests of the United States.*

1 **SEC. 8206. ASSESSMENT OF IMPACTS FROM CHANGING OP-**
2 **ERATION AND MAINTENANCE RESPONSIBIL-**
3 **ITIES.**

4 (a) *IN GENERAL.*—*The Secretary shall carry out an*
5 *assessment of the consequences of amending section 101(b)*
6 *of the Water Resources Development Act of 1986 (33 U.S.C.*
7 *2211(b)) to authorize the operation and maintenance of*
8 *navigation projects for a harbor or inland harbor con-*
9 *structed by the Secretary at 100-percent Federal cost to a*
10 *depth of 55 feet.*

11 (b) *CONTENTS.*—*In carrying out the assessment under*
12 *subsection (a), the Secretary shall—*

13 (1) *describe all existing Federal navigation*
14 *projects that are authorized or constructed to a depth*
15 *of 55 feet or greater;*

16 (2) *describe any Federal navigation project that*
17 *is likely to seek authorization or modification to a*
18 *depth of 55 feet or greater during the 10-year period*
19 *beginning on the date of enactment of this section;*

20 (3) *estimate—*

21 (A) *the potential annual increase in Fed-*
22 *eral costs that would result from authorizing op-*
23 *eration and maintenance of a navigation project*
24 *to a depth of 55 feet at Federal expense; and*

25 (B) *the potential cumulative increase in*
26 *such Federal costs during the 10-year period be-*

1 ginning on the date of enactment of this section;
2 and

3 (4) assess the potential effect of authorizing oper-
4 ation and maintenance of a navigation project to a
5 depth of 55 feet at Federal expense on other Federal
6 navigation operation and maintenance activities, in-
7 cluding the potential impact on activities at donor
8 ports, energy transfer ports, emerging harbor projects,
9 and projects carried out in the Great Lakes Naviga-
10 tion System, as such terms are defined in section
11 102(a)(2) of the Water Resources Development Act of
12 2020 (33 U.S.C. 2238 note).

13 (c) *REPORT.*—Not later than 18 months after the date
14 of enactment of this section, the Secretary shall submit to
15 the Committee on Transportation and Infrastructure of the
16 House of Representatives and the Committee on Environ-
17 ment and Public Works of the Senate, and make publicly
18 available (including on a publicly available website), a re-
19 port describing the results of the assessment carried out
20 under subsection (a).

21 **SEC. 8207. MAINTENANCE DREDGING DATA.**

22 Section 1133(b)(3) of the Water Resources Develop-
23 ment Act of 2016 (33 U.S.C. 2326f(b)(3)) is amended by
24 inserting “, including a separate line item for all Federal

1 *costs associated with the disposal of dredged material” be-*
2 *fore the semicolon.*

3 **SEC. 8208. WESTERN INFRASTRUCTURE STUDY.**

4 (a) *COMPREHENSIVE STUDY.*—*The Secretary shall*
5 *conduct a comprehensive study to evaluate the effectiveness*
6 *of carrying out additional measures, including measures*
7 *that use natural features or nature-based features, at or up-*
8 *stream of covered reservoirs, for the purposes of—*

9 (1) *sustaining operations in response to chang-*
10 *ing hydrological and climatic conditions;*

11 (2) *mitigating the risk of drought or floods, in-*
12 *cluding the loss of storage capacity due to sediment*
13 *accumulation;*

14 (3) *increasing water supply; or*

15 (4) *aquatic ecosystem restoration.*

16 (b) *STUDY FOCUS.*—*In conducting the study under*
17 *subsection (a), the Secretary shall include all covered res-*
18 *ervoirs located in the South Pacific Division of the Corps*
19 *of Engineers.*

20 (c) *CONSULTATION AND USE OF EXISTING DATA.*—

21 (1) *CONSULTATION.*—*In conducting the study*
22 *under subsection (a), the Secretary shall consult with*
23 *applicable—*

24 (A) *Federal, State, and local agencies;*

25 (B) *Indian Tribes;*

1 (C) *non-Federal interests; and*

2 (D) *stakeholders, as determined appropriate*
3 *by the Secretary.*

4 (2) *USE OF EXISTING DATA AND PRIOR STUD-*
5 *IES.—In conducting the study under subsection (a),*
6 *the Secretary shall, to the maximum extent prac-*
7 *ticable and where appropriate—*

8 (A) *use existing data provided to the Sec-*
9 *retary by entities described in paragraph (1);*
10 *and*

11 (B) *incorporate—*

12 (i) *relevant information from prior*
13 *studies and projects carried out by the Sec-*
14 *retary; and*

15 (ii) *the relevant technical data and sci-*
16 *entific approaches with respect to changing*
17 *hydrological and climatic conditions.*

18 (d) *REPORT.—Not later than 3 years after the date*
19 *of enactment of this Act, the Secretary shall submit to the*
20 *Committee on Transportation and Infrastructure of the*
21 *House of Representatives and the Committee on Environ-*
22 *ment and Public Works of the Senate a report that de-*
23 *scribes—*

24 (1) *the results of the study; and*

1 (2) *any recommendations for additional study in*
2 *specific geographic areas.*

3 (e) *SAVINGS PROVISION.—Nothing in this section pro-*
4 *vides authority to the Secretary to change the authorized*
5 *purposes of any covered reservoir.*

6 (f) *DEFINITIONS.—In this section:*

7 (1) *COVERED RESERVOIR.—The term “covered*
8 *reservoir” means a reservoir owned and operated by*
9 *the Secretary or for which the Secretary has flood*
10 *control responsibilities under section 7 of the Act of*
11 *December 22, 1944 (33 U.S.C. 709).*

12 (2) *NATURAL FEATURE AND NATURE-BASED FEA-*
13 *TURE.—The terms “natural feature” and “nature-*
14 *based feature” have the meanings given such terms in*
15 *section 1184(a) of the Water Resources Development*
16 *Act of 2016 (33 U.S.C. 2289a(a)).*

17 **SEC. 8209. RECREATION AND ECONOMIC DEVELOPMENT AT**
18 **CORPS FACILITIES IN APPALACHIA.**

19 (a) *IN GENERAL.—Not later than 1 year after the date*
20 *of enactment of this Act, the Secretary shall prepare and*
21 *submit to the Committee on Environment and Public Works*
22 *of the Senate and the Committee on Transportation and*
23 *Infrastructure of the House of Representatives a plan to im-*
24 *plement the recreational and economic development oppor-*
25 *tunities identified by the Secretary in the report submitted*

1 *under section 206 of the Water Resources Development Act*
2 *of 2020 (134 Stat. 2680) at Corps of Engineers facilities*
3 *located within a distressed county or an at-risk county (as*
4 *described in subsection (a)(1) of such section) in Appa-*
5 *lachia.*

6 (b) *CONSIDERATIONS.—In accordance with existing*
7 *guidance, in preparing the plan under subsection (a), the*
8 *Secretary shall consider options for Federal funding, part-*
9 *nerships, and outgrants to Federal, State, and local govern-*
10 *ments, nonprofit organizations, and commercial businesses.*

11 **SEC. 8210. OUACHITA RIVER WATERSHED, ARKANSAS AND**
12 **LOUISIANA.**

13 *The Secretary shall conduct a review of projects in the*
14 *Ouachita River watershed, Arkansas and Louisiana, under*
15 *section 216 of the Flood Control Act of 1970 (33 U.S.C.*
16 *549a).*

17 **SEC. 8211. REPORT ON SANTA BARBARA STREAMS, LOWER**
18 **MISSION CREEK, CALIFORNIA.**

19 *Not later than 1 year after the date of enactment of*
20 *this section, the Secretary shall submit to the Committee*
21 *on Transportation and Infrastructure of the House of Rep-*
22 *resentatives and the Committee on Environment and Public*
23 *Works of the Senate, and make publicly available (includ-*
24 *ing on a publicly available website), a report that provides*
25 *an updated economic review of the remaining portions of*

1 *the project for flood damage reduction, Santa Barbara*
2 *streams, Lower Mission Creek, California, authorized by*
3 *section 101(b) of the Water Resources Development Act of*
4 *2000 (114 Stat. 2577), taking into consideration work al-*
5 *ready completed by the non-Federal interest.*

6 **SEC. 8212. DISPOSITION STUDY ON SALINAS DAM AND RES-**
7 **ERVOIR, CALIFORNIA.**

8 *In carrying out the disposition study for the project*
9 *for Salinas Dam (Santa Margarita Lake), California, pur-*
10 *suant to section 202(d) of the Water Resources Development*
11 *Act of 2020 (134 Stat. 2675), the Secretary shall—*

12 *(1) ensure that the County of San Luis Obispo*
13 *is provided right of first refusal for any potential con-*
14 *veyance of the project; and*

15 *(2) ensure that the study identifies and describes*
16 *any potential repairs or modifications to the project*
17 *necessary to meet Federal and State dam safety re-*
18 *quirements prior to transferring the project.*

19 **SEC. 8213. EXCESS LANDS REPORT FOR WHITTIER NAR-**
20 **ROWS DAM, CALIFORNIA.**

21 *(a) IN GENERAL.—Not later than 1 year after the date*
22 *of enactment of this section, the Secretary shall submit to*
23 *the Committee on Transportation and Infrastructure of the*
24 *House of Representatives and the Committee on Environ-*
25 *ment and Public Works of the Senate a report that identi-*

1 *fies any real property associated with the Whittier Narrows*
2 *Dam element of the Los Angeles County Drainage Area*
3 *project that the Secretary determines—*

4 (1) *is not needed to carry out the authorized*
5 *purposes of the Whittier Narrows Dam element of*
6 *such project; and*

7 (2) *could be transferred to the City of Pico Ri-*
8 *vera, California, for the replacement of recreational*
9 *facilities located in such city that were adversely im-*
10 *acted by dam safety construction activities associ-*
11 *ated with the Whittier Narrows Dam element of such*
12 *project.*

13 **(b) LOS ANGELES COUNTY DRAINAGE AREA PROJECT**
14 *DEFINED.—In this section, the term “Los Angeles County*
15 *Drainage Area project” means the project for flood control,*
16 *Los Angeles County Drainage Area, California, authorized*
17 *by section 101(b) of the Water Resources Development Act*
18 *of 1990 (104 Stat. 4611; 130 Stat. 1690).*

19 **SEC. 8214. COMPREHENSIVE CENTRAL AND SOUTHERN**
20 **FLORIDA STUDY.**

21 (a) *IN GENERAL.—The Secretary is authorized to*
22 *carry out a feasibility study for resiliency and comprehen-*
23 *sive improvements or modifications to existing water re-*
24 *sources development projects in the central and southern*
25 *Florida area, for the purposes of flood risk management,*

1 *water supply, ecosystem restoration (including preventing*
2 *saltwater intrusion), recreation, and related purposes.*

3 (b) *REQUIREMENTS.—In carrying out the feasibility*
4 *study under subsection (a), the Secretary—*

5 (1) *is authorized to—*

6 (A) *review the report of the Chief of Engi-*
7 *neers on central and southern Florida, published*
8 *as House Document 643, 80th Congress, 2d Ses-*
9 *sion, and other related reports of the Secretary;*
10 *and*

11 (B) *recommend cost-effective structural and*
12 *nonstructural projects for implementation that*
13 *provide a systemwide approach for the purposes*
14 *described in subsection (a); and*

15 (2) *shall ensure the study and any projects rec-*
16 *ommended under paragraph (1)(B) will not interfere*
17 *with the efforts undertaken to carry out the Com-*
18 *prehensive Everglades Restoration Plan pursuant to*
19 *section 601 of the Water Resources Development Act*
20 *of 2000 (114 Stat. 2680; 132 Stat. 3786).*

21 **SEC. 8215. NORTHERN ESTUARIES ECOSYSTEM RESTORA-**
22 **TION, FLORIDA.**

23 (a) *DEFINITIONS.—In this section:*

24 (1) **CENTRAL AND SOUTHERN FLORIDA**
25 **PROJECT.**—*The term “Central and Southern Florida*

1 *Project*” has the meaning given that term in section
2 601 of the Water Resources Development Act of 2000.

3 (2) *NORTHERN ESTUARIES*.—The term “northern
4 *estuaries*” means the Caloosahatchee Estuary, Char-
5 lotte Harbor, Indian River Lagoon, Lake Worth La-
6 goon, and St. Lucie River Estuary.

7 (3) *SOUTH FLORIDA ECOSYSTEM*.—

8 (A) *IN GENERAL*.—The term “South Flor-
9 *ida ecosystem*” means the area consisting of the
10 land and water within the boundary of the
11 South Florida Water Management District in ef-
12 fect on July 1, 1999.

13 (B) *INCLUSIONS*.—The term “South Florida
14 *ecosystem*” includes—

- 15 (i) the Everglades;
16 (ii) the Florida Keys;
17 (iii) the contiguous near-shore coastal
18 water of South Florida; and
19 (iv) Florida’s Coral Reef.

20 (4) *STUDY AREA*.—The term “study area” means
21 all lands and waters within—

- 22 (A) the northern estuaries;
23 (B) the South Florida ecosystem; and
24 (C) the study area boundaries of the Indian
25 River Lagoon National Estuary Program and

1 *the Coastal and Heartland Estuary Partnership,*
2 *authorized pursuant to section 320 of the Federal*
3 *Water Pollution Control Act (33 U.S.C. 1330).*

4 ***(b) PROPOSED COMPREHENSIVE PLAN.—***

5 ***(1) DEVELOPMENT.—****The Secretary shall de-*
6 *velop, in cooperation with the non-Federal sponsors of*
7 *the Central and Southern Florida project and any*
8 *relevant Federal, State, and Tribal agencies, a pro-*
9 *posed comprehensive plan for the purpose of restoring,*
10 *preserving, and protecting the northern estuaries.*

11 ***(2) INCLUSIONS.—****In carrying out paragraph*
12 *(1), the Secretary shall develop a proposed com-*
13 *prehensive plan that provides for ecosystem restora-*
14 *tion within the northern estuaries, including the*
15 *elimination of harmful discharges from Lake Okee-*
16 *chobee.*

17 ***(3) SUBMISSION.—****Not later than 3 years after*
18 *the date of enactment of this Act, the Secretary shall*
19 *submit to Congress for approval—*

20 ***(A) the proposed comprehensive plan devel-***
21 *oped under this subsection; and*

22 ***(B) recommendations for future feasibility***
23 *studies within the study area for the ecosystem*
24 *restoration of the northern estuaries.*

1 (4) *INTERIM REPORTS.*—Not later than 1 year
2 after the date of enactment of this Act, and annually
3 thereafter until the submission of the proposed com-
4 prehensive plan under paragraph (3), the Secretary
5 shall submit to Congress an interim report on the de-
6 velopment of the proposed comprehensive plan.

7 (5) *ADDITIONAL STUDIES AND ANALYSES.*—Not-
8 withstanding the submission of the proposed com-
9 prehensive plan under paragraph (3), the Secretary
10 shall continue to conduct such studies and analyses
11 after the date of such submission as are necessary for
12 the purpose of restoring, preserving, and protecting
13 the northern estuaries.

14 (c) *LIMITATION.*—Nothing in this section shall be con-
15 strued to require the alteration or amendment of the sched-
16 ule for completion of the Comprehensive Everglades Res-
17 toration Plan.

18 **SEC. 8216. STUDY ON SHELLFISH HABITAT AND SEAGRASS,**
19 **FLORIDA CENTRAL GULF COAST.**

20 (a) *IN GENERAL.*—Not later than 24 months after the
21 date of enactment of this Act, the Secretary shall carry out
22 a study, and submit to the Committee on Transportation
23 and Infrastructure of the House of Representatives and the
24 Committee on Environment and Public Works of the Senate
25 a report, on projects and activities carried out through the

1 *Engineer Research and Development Center to restore shell-*
2 *fish habitat and seagrass in coastal estuaries in the Florida*
3 *Central Gulf Coast.*

4 (b) *REQUIREMENTS.—In conducting the study under*
5 *subsection (a), the Secretary shall—*

6 (1) *consult with independent expert scientists*
7 *and other regional stakeholders with relevant expertise*
8 *and experience; and*

9 (2) *coordinate with Federal, State, and local*
10 *agencies providing oversight for both short- and long-*
11 *term monitoring of the projects and activities de-*
12 *scribed in subsection (a).*

13 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated to carry out this section*
15 *\$2,000,000, to remain available until expended.*

16 **SEC. 8217. REPORT ON SOUTH FLORIDA ECOSYSTEM RES-**
17 **TORATION PLAN IMPLEMENTATION.**

18 (a) *REPORT.—Not later than 180 days after the date*
19 *of enactment of this Act, the Secretary shall submit to the*
20 *Committee on Transportation and Infrastructure of the*
21 *House of Representatives and the Committee on Environ-*
22 *ment and Public Works of the Senate a report that provides*
23 *an update on—*

24 (1) *Comprehensive Everglades Restoration Plan*
25 *projects, as authorized by or pursuant to section 601*

1 *of the Water Resources Development Act of 2000 (114*
2 *Stat. 2680; 121 U.S.C. 1269; 132 U.S.C. 3786);*

3 *(2) the review of the Lake Okeechobee Regulation*
4 *Schedule pursuant to section 1106 of the Water Re-*
5 *sources Development Act of 2018 (132 Stat. 3773)*
6 *and section 210 of the Water Resources Development*
7 *Act of 2020 (134 U.S.C. 2682); and*

8 *(3) any additional water resources development*
9 *projects and studies included in the South Florida*
10 *Ecosystem Restoration Plan Integrated Delivery*
11 *Schedule prepared in accordance with part 385 of*
12 *title 33, Code of Federal Regulations.*

13 *(b) CONTENTS.—The Secretary shall include in the re-*
14 *port submitted under subsection (a) the status of each au-*
15 *thorized water resources development project or study de-*
16 *scribed in such subsection, including—*

17 *(1) an estimated implementation or completion*
18 *date of the project or study; and*

19 *(2) the estimated costs to complete implementa-*
20 *tion or construction, as applicable, of the project or*
21 *study.*

22 **SEC. 8218. GREAT LAKES RECREATIONAL BOATING.**

23 *Notwithstanding subsection (f) of section 455 of the*
24 *Water Resources Development Act of 1999 (42 U.S.C.*
25 *1962d–21), not later than 1 year after the date of enactment*

1 *of this Act, the Secretary shall prepare, at Federal expense,*
2 *and submit to the Committee on Environment and Public*
3 *Works of the Senate and the Committee on Transportation*
4 *and Infrastructure of the House of Representatives a report*
5 *updating the findings of the report on the economic benefits*
6 *of recreational boating in the Great Lakes basin prepared*
7 *under subsection (c) of such section.*

8 **SEC. 8219. HYDRAULIC EVALUATION OF UPPER MISSISSIPPI**
9 **RIVER AND ILLINOIS RIVER.**

10 (a) *STUDY.*—*The Secretary, in coordination with rel-*
11 *evant Federal agencies, shall, at Federal expense, periodi-*
12 *cally carry out a study to—*

13 (1) *evaluate the flow frequency probabilities of*
14 *the Upper Mississippi River and the Illinois River;*
15 *and*

16 (2) *develop updated water surface profiles for*
17 *such rivers.*

18 (b) *AREA OF EVALUATION.*—*In carrying out sub-*
19 *section (a), the Secretary shall conduct analysis along the*
20 *mainstem of the Mississippi River from upstream of the*
21 *Minnesota River confluence near Anoka, Minnesota, to just*
22 *upstream of the Ohio River confluence near Cairo, Illinois,*
23 *and along the Illinois River from Dresden Island Lock and*
24 *Dam to the confluence with the Mississippi River, near*
25 *Grafton, Illinois.*

1 (c) *REPORTS.*—Not later than 5 years after the date
2 of enactment of this Act, and not less frequently than every
3 20 years thereafter, the Secretary shall submit to the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives and the Committee on Environment and
6 Public Works of the Senate a report containing the results
7 of a study carried out under subsection (a).

8 (d) *PUBLIC AVAILABILITY.*—Any information devel-
9 oped under subsection (a) shall be made publicly available,
10 including on a publicly available website.

11 **SEC. 8220. DISPOSITION STUDY ON HYDROPOWER IN THE**
12 **WILLAMETTE VALLEY, OREGON.**

13 (a) *DISPOSITION STUDY.*—

14 (1) *IN GENERAL.*—The Secretary shall carry out
15 a disposition study to determine the Federal interest
16 in, and identify the effects of, deauthorizing hydro-
17 power as an authorized purpose, in whole or in part,
18 of the Willamette Valley hydropower project.

19 (2) *CONTENTS.*—In carrying out the disposition
20 study under paragraph (1), the Secretary shall review
21 the effects of deauthorizing hydropower on—

22 (A) Willamette Valley hydropower project
23 operations;

24 (B) other authorized purposes of such
25 project;

1 (C) cost apportionments;

2 (D) dam safety;

3 (E) compliance with the requirements of the
4 *Endangered Species Act (16 U.S.C. 1531 et seq.)*;
5 and

6 (F) the operations of the remaining dams
7 within the Willamette Valley hydropower project.

8 (3) *RECOMMENDATIONS.*—If the Secretary,
9 through the disposition study authorized by para-
10 graph (1), determines that hydropower should be re-
11 moved as an authorized purpose of any part of the
12 Willamette Valley hydropower project, the Secretary
13 shall also investigate and recommend any necessary
14 structural or operational changes at such project that
15 are necessary to achieve an appropriate balance
16 among the remaining authorized purposes of such
17 project or changes to such purposes.

18 (b) *REPORT.*—Not later than 18 months after the date
19 of enactment of this Act, the Secretary shall issue a report
20 to the Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on Envi-
22 ronment and Public Works of the Senate that describes—

23 (1) the results of the disposition study on
24 deauthorizing hydropower as a purpose of the Wil-
25 lamette Valley hydropower project; and

1 (2) *any recommendations required under sub-*
2 *section (a)(3).*

3 (c) *COSTS.—Until such time as the report required*
4 *under subsection (b) is issued, any new construction-related*
5 *expenditures of the Secretary at the Willamette Valley hy-*
6 *dropower project that are assigned to hydropower shall not*
7 *be reimbursable.*

8 (d) *DEFINITION.—In this section, the term “Willam-*
9 *ette Valley hydropower project” means the system of dams*
10 *and reservoir projects authorized to generate hydropower*
11 *and the power features that operate in conjunction with the*
12 *main regulating dam facilities, including the Big Cliff,*
13 *Dexter, and Foster re-regulating dams in the Willamette*
14 *River Basin, Oregon, as authorized by section 4 of the Flood*
15 *Control Act of 1938 (chapter 795, 52 Stat. 1222; 62 Stat.*
16 *1178; 64 Stat. 177; 68 Stat. 1264; 74 Stat. 499; 100 Stat.*
17 *4144).*

18 **SEC. 8221. HOUSTON SHIP CHANNEL EXPANSION CHANNEL**
19 **IMPROVEMENT PROJECT, TEXAS.**

20 *The Secretary shall expedite the completion of a study*
21 *under section 216 of the Flood Control Act of 1970 (33*
22 *U.S.C. 549a) for modifications of the project for navigation,*
23 *Houston Ship Channel Expansion Channel Improvement*
24 *Project, Harris, Chambers, and Galveston Counties, Texas,*
25 *authorized by section 401 of the Water Resources Develop-*

1 *ment Act of 2020 (134 Stat. 2734), to incorporate into the*
2 *project the construction of barge lanes immediately adjacent*
3 *to either side of the Houston Ship Channel from Bolivar*
4 *Roads to Morgan’s Point.*

5 **SEC. 8222. SABINE–NECHES WATERWAY NAVIGATION IM-**
6 **PROVEMENT PROJECT, TEXAS.**

7 *The Secretary shall expedite the review and coordina-*
8 *tion of the feasibility study for the project for navigation,*
9 *Sabine–Neches Waterway, Texas, under section 203(b) of*
10 *the Water Resources Development Act of 1986 (33 U.S.C.*
11 *2231(b)).*

12 **SEC. 8223. NORFOLK HARBOR AND CHANNELS, VIRGINIA.**

13 *Not later than December 31, 2023, the Secretary shall*
14 *complete a post-authorization change report for the Anchor-*
15 *age F modifications to the project for navigation, Norfolk*
16 *Harbor and Channels, Virginia, authorized by section 201*
17 *of the Water Resources Development Act of 1986 (100 Stat.*
18 *4090; 132 Stat. 3840).*

19 **SEC. 8224. COASTAL VIRGINIA, VIRGINIA.**

20 *(a) IN GENERAL.—In carrying out the feasibility*
21 *study for the project for flood risk management, ecosystem*
22 *restoration, and navigation, Coastal Virginia, authorized*
23 *by section 1201(9) of the Water Resources Development Act*
24 *of 2018 (132 Stat. 3802), the Secretary is authorized to*
25 *enter into a written agreement with any Federal agency*

1 *that owns or operates property in the area of the project*
2 *to accept and expend funds from such Federal agency to*
3 *include in the study an analysis with respect to property*
4 *owned or operated by such Federal agency.*

5 (b) *INFORMATION.*—*The Secretary shall use any rel-*
6 *evant information obtained from a Federal agency de-*
7 *scribed in subsection (a) to carry out the feasibility study*
8 *described in such subsection.*

9 **SEC. 8225. WEST VIRGINIA HYDROPOWER.**

10 (a) *IN GENERAL.*—*For water resources development*
11 *projects described in subsection (b), the Secretary is author-*
12 *ized to evaluate Federal and non-Federal modifications to*
13 *such projects for the purposes of adding capacity for hydro-*
14 *power generation or energy storage.*

15 (b) *PROJECTS DESCRIBED.*—*The projects referred to*
16 *in subsection (a) are the following:*

17 (1) *Sutton Dam, Braxton County, West Vir-*
18 *ginia, authorized by section 5 of the Act of June 22,*
19 *1936 (chapter 688, 49 Stat. 1586).*

20 (2) *Hildebrand Lock and Dam, Monongahela*
21 *County, West Virginia, authorized by section 101 of*
22 *the River and Harbor Act of 1950 (chapter 188, 64*
23 *Stat. 166).*

1 (3) *Bluestone Lake, Summers County, West Vir-*
 2 *ginia, authorized by section 5 of the Act of June 22,*
 3 *1936 (chapter 688, 49 Stat. 1586).*

4 (4) *R.D. Bailey Dam, Wyoming County, West*
 5 *Virginia, authorized by section 203 of the Flood Con-*
 6 *trol Act of 1962 (76 Stat. 1188).*

7 (5) *Stonewall Jackson Dam, Lewis County, West*
 8 *Virginia, authorized by section 203 of the Flood Con-*
 9 *trol Act of 1966 (80 Stat. 1421).*

10 (6) *East Lynn Dam, Wayne County, West Vir-*
 11 *ginia, authorized by section 5 of the Act of June 22,*
 12 *1936 (chapter 688, 49 Stat. 1586).*

13 (7) *Burnsville Lake, Braxton County, West Vir-*
 14 *ginia, authorized by section 5 of the Act of June 22,*
 15 *1936 (chapter 688, 49 Stat. 1586).*

16 (c) *DEMONSTRATION PROJECTS.—In carrying out sub-*
 17 *section (a), the Secretary may carry out demonstration*
 18 *projects for purposes of testing and evaluating technology*
 19 *for adding capacity for hydropower generation or energy*
 20 *storage to a project described in subsection (b).*

21 **SEC. 8226. ELECTRONIC PREPARATION AND SUBMISSION**
 22 **OF APPLICATIONS.**

23 *Section 2040(f) of the Water Resources Development*
 24 *Act of 2007 (33 U.S.C. 2345(f)) is amended—*

1 (1) *in paragraph (1), by striking “Water Re-*
2 *sources Development Act of 2016” and inserting*
3 *“Water Resources Development Act of 2022”; and*

4 (2) *by striking paragraph (2) and inserting the*
5 *following:*

6 “(2) *UPDATE ON ELECTRONIC SYSTEM IMPLE-*
7 *MENTATION.—The Secretary shall submit to the Com-*
8 *mittee on Transportation and Infrastructure of the*
9 *House of Representatives and the Committee on Envi-*
10 *ronment and Public Works of the Senate a quarterly*
11 *update describing the status of the implementation of*
12 *this section.”.*

13 **SEC. 8227. INVESTMENTS FOR RECREATION AREAS.**

14 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
15 *that the Corps of Engineers should use all available authori-*
16 *ties to promote and enhance development and recreational*
17 *opportunities at lakes that are part of authorized civil*
18 *works projects under the administrative jurisdiction of the*
19 *Corps of Engineers.*

20 (b) *REPORT.—Not later than 180 days after the date*
21 *of enactment of this Act, the Secretary shall submit to the*
22 *Committee on Environment and Public Works of the Senate*
23 *and the Committee on Transportation and Infrastructure*
24 *of the House of Representatives a report on investments*
25 *needed to support recreational activities that are part of*

1 *authorized water resources development projects under the*
2 *administrative jurisdiction of the Corps of Engineers.*

3 (c) *REQUIREMENTS.—The report under subsection (b)*
4 *shall include—*

5 (1) *a list of deferred maintenance projects, in-*
6 *cluding maintenance projects relating to recreational*
7 *facilities and sites and associated access roads;*

8 (2) *a plan to fund the projects described in para-*
9 *graph (1) during the 5-year period beginning on the*
10 *date of enactment of this Act;*

11 (3) *a description of efforts made by the Corps of*
12 *Engineers to coordinate investments in recreational*
13 *facilities and sites and associated access roads with—*

14 (A) *State and local governments; or*

15 (B) *private entities; and*

16 (4) *an assessment of whether the modification of*
17 *Federal contracting requirements could accelerate the*
18 *availability of funds for the projects described in*
19 *paragraph (1).*

20 **SEC. 8228. AUTOMATED FEE MACHINES.**

21 *For the purpose of mitigating adverse impacts to pub-*
22 *lic access to outdoor recreation, to the maximum extent*
23 *practicable, the Secretary shall consider alternatives to the*
24 *use of automated fee machines for the collection of fees for*

1 *the use of developed recreation sites and facilities in West*
2 *Virginia.*

3 **SEC. 8229. REVIEW OF RECREATIONAL HAZARDS.**

4 (a) *IN GENERAL.*—*The Secretary shall—*

5 (1) *carry out a review of potential threats to*
6 *human life and safety from use of covered sites; and*

7 (2) *install such technologies and other measures,*
8 *including sirens, strobe lights, and signage, that the*
9 *Secretary, based on the review carried out under*
10 *paragraph (1), determines necessary for alerting the*
11 *public of hazardous water conditions or to otherwise*
12 *minimize or eliminate any identified threats to*
13 *human life and safety.*

14 (b) *COVERED SITES DEFINED.*—*In this section, the*
15 *term “covered sites” means—*

16 (1) *designated recreational areas at the Buford*
17 *Dam, Lake Sidney Lanier, Georgia, authorized by*
18 *section 1 of the Act of July 24, 1946 (chapter 595, 60*
19 *Stat. 635);*

20 (2) *designated recreational areas at the banks of*
21 *the Mississippi River, Louisiana; and*

22 (3) *the project for navigation, Murderkill River,*
23 *Delaware, authorized by the first section of the Act of*
24 *July 13, 1892 (chapter 158, 27 Stat. 98).*

1 **SEC. 8230. ASSESSMENT OF COASTAL FLOODING MITIGA-**
2 **TION MODELING AND TESTING CAPACITY.**

3 (a) *IN GENERAL.*—*The Secretary, acting through the*
4 *Director of the Engineer Research and Development Center,*
5 *shall carry out an assessment of the current capacity of the*
6 *Corps of Engineers to model coastal flood mitigation sys-*
7 *tems and test the effectiveness of such systems in preventing*
8 *flood damage resulting from coastal storm surges.*

9 (b) *CONSIDERATIONS.*—*In carrying out the assessment*
10 *under subsection (a), the Secretary shall—*

11 (1) *identify the capacity of the Corps of Engi-*
12 *neers to—*

13 (A) *carry out the testing of the performance*
14 *and reliability of coastal flood mitigation sys-*
15 *tems; or*

16 (B) *collaborate with private industries to*
17 *carry out such testing;*

18 (2) *identify any limitations or deficiencies at*
19 *Corps of Engineers facilities that are capable of test-*
20 *ing the performance and reliability of coastal flood*
21 *mitigation systems;*

22 (3) *assess any benefits that would result from ad-*
23 *dressing the limitations or deficiencies identified*
24 *under paragraph (2); and*

25 (4) *provide recommendations for addressing such*
26 *limitations or deficiencies.*

1 (c) *REPORT TO CONGRESS.*—Not later than 1 year
2 after the date of enactment of this section, the Secretary
3 shall submit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the Com-
5 mittee on Environment and Public Works of the Senate,
6 and make publicly available (including on a publicly avail-
7 able website), a report describing the results of the assess-
8 ment carried out under subsection (a).

9 **SEC. 8231. REPORT ON SOCIALLY AND ECONOMICALLY DIS-**
10 **ADVANTAGED SMALL BUSINESS CONCERNS.**

11 (a) *IN GENERAL.*—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives and the Committee on Environ-
15 ment and Public Works of the Senate, and make publicly
16 available (including on a publicly available website), a re-
17 port that describes and documents the use of contracts and
18 subcontracts with Small Disadvantaged Businesses in car-
19 rying out the water resources development authorities of the
20 Secretary.

21 (b) *INFORMATION.*—The Secretary shall include in the
22 report under subsection (a) information on the distribution
23 of funds to Small Disadvantaged Businesses on a
24 disaggregated basis.

1 (c) *DEFINITION.*—*In this section, the term “Small Dis-*
2 *advantaged Business” has the meaning given that term in*
3 *section 124.1001 of title 13, Code of Federal Regulations*
4 *(or successor regulations).*

5 **SEC. 8232. REPORT ON SOLAR ENERGY OPPORTUNITIES.**

6 (a) *ASSESSMENT.*—

7 (1) *IN GENERAL.*—*The Secretary shall conduct*
8 *an assessment, in collaboration with relevant Federal*
9 *agencies and after consultation with relevant non-*
10 *Federal interests, of opportunities to install and*
11 *maintain photovoltaic solar panels (including float-*
12 *ing solar panels) at covered projects.*

13 (2) *CONTENTS.*—*The assessment conducted under*
14 *paragraph (1) shall—*

15 (A) *include a description of the economic,*
16 *environmental, and technical viability of install-*
17 *ing and maintaining, or contracting with third*
18 *parties to install and maintain, photovoltaic*
19 *solar panels at covered projects;*

20 (B) *identify covered projects with a high po-*
21 *tential for the installation and maintenance of*
22 *photovoltaic solar panels and whether such in-*
23 *stallation and maintenance would require addi-*
24 *tional authorization;*

1 (C) account for potential impacts of photo-
2 voltaic solar panels at covered projects and the
3 authorized purposes of such projects, including
4 potential impacts on flood risk reduction, navi-
5 gation, recreation, water supply, and fish and
6 wildlife; and

7 (D) account for the availability of electric
8 grid infrastructure close to covered projects, in-
9 cluding underutilized transmission infrastruc-
10 ture.

11 (b) *REPORT TO CONGRESS.*—Not later than 18 months
12 after the date of enactment of this Act, the Secretary shall
13 submit to Congress, and make publicly available (including
14 on a publicly available website), a report containing the
15 results of the assessment conducted under subsection (a).

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 authorized to be appropriated to the Secretary \$10,000,000
18 to carry out this section.

19 (d) *DEFINITION.*—In this section, the term “covered
20 project” means—

21 (1) any property under the control of the Corps
22 of Engineers; and

23 (2) any water resources development project con-
24 structed by the Secretary or over which the Secretary
25 has financial or operational responsibility.

1 **SEC. 8233. REPORT TO CONGRESS ON ECONOMIC VALU-**
2 **ATION OF PRESERVATION OF OPEN SPACE,**
3 **RECREATIONAL AREAS, AND HABITAT ASSO-**
4 **CIATED WITH PROJECT LANDS.**

5 (a) *IN GENERAL.*—*The Secretary shall conduct a re-*
6 *view of the existing statutory, regulatory, and policy re-*
7 *quirements related to the determination of the economic*
8 *value of lands that—*

9 (1) *may be provided by the non-Federal interest,*
10 *as necessary, for the construction of a project for flood*
11 *risk reduction or hurricane and storm risk reduction*
12 *in accordance with section 103(i) of the Water Re-*
13 *sources Development Act of 1986 (33 U.S.C. 2213(i));*

14 (2) *are being maintained for open space, rec-*
15 *reational areas, or preservation of fish and wildlife*
16 *habitat; and*

17 (3) *will continue to be so maintained as part of*
18 *the project.*

19 (b) *REPORT TO CONGRESS.*—*Not later than 1 year*
20 *after the date of enactment of this section, the Secretary*
21 *shall issue to the Committee on Transportation and Infra-*
22 *structure of the House of Representatives and the Committee*
23 *on Environment and Public Works of the Senate a report*
24 *containing the results of the review conducted under sub-*
25 *section (a), including—*

1 (1) a summary of the existing statutory, regula-
2 tory, and policy requirements described in such sub-
3 section;

4 (2) a description of the requirements and process
5 the Secretary uses to place an economic value on the
6 lands described in such subsection;

7 (3) an assessment of whether such requirements
8 and process affect the ability of a non-Federal interest
9 to provide such lands for the construction of a project
10 described in such subsection;

11 (4) an assessment of whether such requirements
12 and process directly or indirectly encourage the selec-
13 tion of developed lands for the construction of a
14 project, or have the potential to affect the total cost
15 of a project; and

16 (5) the identification of alternative measures for
17 determining the economic value of such lands that
18 could provide incentives for the preservation of open
19 space, recreational areas, and habitat in association
20 with the construction of a project.

21 **SEC. 8234. REPORT ON CORROSION PREVENTION ACTIVI-**
22 **TIES.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Secretary shall submit to the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 *representatives and the Committee on Environment and Public*
2 *Works of the Senate, and make publicly available (includ-*
3 *ing on a publicly available website), a report that de-*
4 *scribes—*

5 *(1) the extent to which the Secretary has carried*
6 *out section 1033 of the Water Resources Reform and*
7 *Development Act of 2014 (33 U.S.C. 2350);*

8 *(2) the extent to which the Secretary has incor-*
9 *porated corrosion prevention activities (as defined in*
10 *such section) at water resources development projects*
11 *constructed or maintained by the Secretary since the*
12 *date of enactment of such section; and*

13 *(3) in instances where the Secretary has not in-*
14 *corporated corrosion prevention activities at such*
15 *water resources development projects since such date,*
16 *an explanation of why such corrosion prevention ac-*
17 *tivities have not been incorporated.*

18 **SEC. 8235. REPORT TO CONGRESS ON EASEMENTS RELATED**
19 **TO WATER RESOURCES DEVELOPMENT**
20 **PROJECTS.**

21 *(a) IN GENERAL.—The Secretary shall conduct a re-*
22 *view of the existing statutory, regulatory, and policy re-*
23 *quirements and procedures related to the use, in relation*
24 *to the construction of a project for flood risk management,*
25 *hurricane and storm damage risk reduction, or ecosystem*

1 restoration, of covered easements that may be provided to
2 the Secretary by non-Federal interests.

3 (b) *REPORT TO CONGRESS.*—Not later than 1 year
4 after the date of enactment of this Act, the Secretary shall
5 submit to the Committee on Transportation and Infrastruc-
6 ture of the House of Representatives and the Committee on
7 Environment and Public Works of the Senate a report con-
8 taining the results of the review conducted under subsection
9 (a), including—

10 (1) the findings of the Secretary relating to—

11 (A) the minimum rights in property that
12 are necessary to construct, operate, or maintain
13 projects for flood risk management, hurricane
14 and storm damage risk reduction, or ecosystem
15 restoration;

16 (B) whether increased use of covered ease-
17 ments in relation to such projects could promote
18 greater participation from cooperating land-
19 owners in addressing local flooding or ecosystem
20 restoration challenges; and

21 (C) whether such increased use could result
22 in cost savings in the implementation of the
23 projects, without any reduction in project bene-
24 fits; and

1 (2) *any recommendations of the Secretary relat-*
2 *ing to whether existing requirements or procedures re-*
3 *lated to such use of covered easements should be re-*
4 *vised to reflect the results of the review.*

5 (c) *DEFINITION.—In this section, the term “covered*
6 *easement” means an easement or other similar interest in*
7 *real property that—*

8 (1) *reserves for the Secretary rights in the prop-*
9 *erty that are necessary to construct, operate, or main-*
10 *tain a water resources development project;*

11 (2) *provides for appropriate public use of the*
12 *property, and retains the right of continued use of the*
13 *property by the owner of the property, to the extent*
14 *such uses are consistent with purposes of the covered*
15 *easement;*

16 (3) *provides access to the property for oversight*
17 *and inspection by the Secretary;*

18 (4) *is permanently recorded; and*

19 (5) *is enforceable under Federal and State law.*

20 **SEC. 8236. GAO STUDIES.**

21 (a) *STUDY ON PROJECT DISTRIBUTION.—*

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 anal-*
25 *ysis of—*

1 (A) *the geographic distribution of annual*
2 *and supplemental funding for water resources*
3 *development projects carried out by the Secretary*
4 *over the immediately preceding 5 fiscal years;*
5 *and*

6 (B) *the factors contributing to such dis-*
7 *tribution.*

8 (2) *REPORT.*—*Upon completion of the analysis*
9 *required under paragraph (1), the Comptroller Gen-*
10 *eral shall submit to the Committee on Environment*
11 *and Public Works of the Senate and the Committee on*
12 *Transportation and Infrastructure of the House of*
13 *Representatives a report on the findings of such anal-*
14 *ysis.*

15 (b) *ASSESSMENT OF CONCESSIONAIRE PRACTICES.*—

16 (1) *IN GENERAL.*—*Not later than 1 year after*
17 *the date of enactment of this Act, the Comptroller*
18 *General of the United States shall initiate an assess-*
19 *ment of the concessionaire lease practices of the Corps*
20 *of Engineers.*

21 (2) *SCOPE.*—*In conducting the assessment under*
22 *paragraph (1), the Comptroller General shall assess—*

23 (A) *the extent to which the formula of the*
24 *Corps of Engineers for calculating concessionaire*
25 *rental rates allows concessionaires to obtain a*

1 *reasonable return on investment, taking into ac-*
2 *count operating margins for sales of food and*
3 *fuel; and*

4 *(B) the process and formula for assessing*
5 *administrative fees for concessionaire leases that*
6 *addresses—*

7 *(i) the statutory authority for such*
8 *fees; and*

9 *(ii) the extent to which the process and*
10 *formula for assessing such fees are trans-*
11 *parent and consistent across districts of the*
12 *Corps of Engineers.*

13 *(3) REPORT.—Upon completion of the assess-*
14 *ment required under paragraph (1), the Comptroller*
15 *General shall submit to the Committee on Environ-*
16 *ment and Public Works of the Senate and the Com-*
17 *mittee on Transportation and Infrastructure of the*
18 *House of Representatives a report on the findings of*
19 *such assessment.*

20 *(c) AUDIT OF PROJECTS OVER BUDGET OR BEHIND*
21 *SCHEDULE.—*

22 *(1) LIST REQUIRED.—Not later than 90 days*
23 *after the date of enactment of this Act, the Secretary*
24 *shall provide to the Comptroller General of the United*

1 *States a list of each covered ongoing water resources*
2 *development project.*

3 (2) *REVIEW.*—*Not later than 1 year after receiv-*
4 *ing the list under paragraph (1), the Comptroller*
5 *General shall initiate a review of the factors and con-*
6 *ditions resulting in the estimated project cost or com-*
7 *pletion date exceedances for each covered ongoing*
8 *water resources development project.*

9 (3) *REPORT.*—*Upon completion of the review*
10 *conducted under paragraph (2), the Comptroller Gen-*
11 *eral shall submit to the Committee on Environment*
12 *and Public Works of the Senate and the Committee on*
13 *Transportation and Infrastructure of the House of*
14 *Representatives a report on the findings of such re-*
15 *view.*

16 (4) *DEFINITION OF COVERED ONGOING WATER*
17 *RESOURCES DEVELOPMENT PROJECT.*—*In this sub-*
18 *section, the term “covered ongoing water resources de-*
19 *velopment project” means a water resources develop-*
20 *ment project being carried out by the Secretary for*
21 *which, as of the date of enactment of this Act—*

22 (A) *the estimated total project cost of the*
23 *project exceeds the authorized total project cost of*
24 *the project by not less than \$50,000,000; or*

1 (B) *the estimated completion date of the*
2 *project exceeds the original estimated completion*
3 *date of the project by not less than 5 years.*

4 (d) *STUDIES ON MITIGATION.—*

5 (1) *STUDY ON MITIGATION FOR WATER RE-*
6 *SOURCES DEVELOPMENT PROJECTS.—*

7 (A) *IN GENERAL.—Not later than 1 year*
8 *after the date of enactment of this Act, the*
9 *Comptroller General of the United States shall*
10 *initiate a review of projects and activities to*
11 *mitigate fish and wildlife losses resulting from*
12 *the construction, or operation and maintenance,*
13 *of an authorized water resources development*
14 *project.*

15 (B) *REQUIREMENTS.—In conducting the re-*
16 *view under subparagraph (A), the Comptroller*
17 *General shall—*

18 (i) *assess the extent to which—*

19 (I) *districts of the Corps of Engi-*
20 *neers consistently implement the final*
21 *rule of the Department of Defense and*
22 *the Environmental Protection Agency*
23 *titled “Compensatory Mitigation for*
24 *Losses of Aquatic Resources” and*

1 *issued on April 10, 2008 (73 Fed. Reg.*
2 *19594);*

3 *(II) mitigation projects and ac-*
4 *tivities (including the acquisition of*
5 *lands or interests in lands) restore the*
6 *natural hydrologic conditions, restore*
7 *native vegetation, and otherwise sup-*
8 *port native fish and wildlife species, as*
9 *required under section 906 of the*
10 *Water Resources Development Act of*
11 *1986 (33 U.S.C. 2283);*

12 *(III) mitigation projects or activi-*
13 *ties (including the acquisition of lands*
14 *or interests in lands) are undertaken*
15 *before, or concurrent with, the con-*
16 *struction of the authorized water re-*
17 *sources development project for which*
18 *such mitigation is required;*

19 *(IV) mitigation projects or activi-*
20 *ties (including the acquisition of lands*
21 *or interests in lands) are completed;*

22 *(V) mitigation projects or activi-*
23 *ties are undertaken to mitigate fish*
24 *and wildlife losses resulting from the*
25 *operation and maintenance of an au-*

1 *thorized water resources development*
2 *project, including based on periodic re-*
3 *view and updating of such projects or*
4 *activities;*

5 *(VI) the Secretary includes miti-*
6 *gation plans, as required by section*
7 *906(d) of the Water Resources Develop-*
8 *ment Act of 1986 (33 U.S. 2283), in*
9 *any project study (as defined in section*
10 *2034(l) of the Water Resources Devel-*
11 *opment Act of 2007 (33 U.S.C. 2343));*

12 *(VII) processing and approval of*
13 *mitigation projects and activities (in-*
14 *cluding the acquisition of lands or in-*
15 *terests in lands) affects the timeline of*
16 *completion of authorized water re-*
17 *sources development projects; and*

18 *(VIII) mitigation projects and ac-*
19 *tivities (including the acquisition of*
20 *lands or interests in lands) affect the*
21 *total cost of authorized water resources*
22 *development projects;*

23 *(ii) evaluate the performance of each of*
24 *the mitigation mechanisms included in the*
25 *final rule described in clause (i)(I);*

1 (iii) evaluate the efficacy of the use of
2 alternative methods, such as a performance-
3 based contract, to satisfy mitigation re-
4 quirements of authorized water resources de-
5 velopment projects;

6 (iv) review any reports submitted to
7 Congress in accordance with section 2036(b)
8 of the Water Resources Development Act of
9 2007 (121 Stat. 1094) on the status of con-
10 struction of authorized water resources de-
11 velopment projects that require mitigation;
12 and

13 (v) consult with independent scientists,
14 economists, and other stakeholders with ex-
15 pertise and experience to conduct such re-
16 view.

17 (C) *DEFINITION OF PERFORMANCE-BASED*
18 *CONTRACT.*—*In this paragraph, the term “per-*
19 *formance-based contract” means a procurement*
20 *mechanism by which the Corps of Engineers con-*
21 *tracts with a public or private non-Federal enti-*
22 *ty for a specific mitigation outcome requirement,*
23 *with payment to the entity linked to delivery of*
24 *verifiable, sustainable, and functionally equiva-*
25 *lent mitigation performance.*

1 (D) *REPORT.*—Upon completion of the re-
2 view conducted under this paragraph, the Comp-
3 troller General shall submit to the Committee on
4 Environment and Public Works of the Senate
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives a re-
7 port on the findings of such review.

8 (2) *STUDY ON COMPENSATORY MITIGATION.*—

9 (A) *IN GENERAL.*—Not later than 1 year
10 after the date of enactment of this Act, the
11 Comptroller General of the United States shall
12 initiate a review of the performance metrics for,
13 compliance with, and adequacy of potential
14 mechanisms for fulfilling compensatory mitiga-
15 tion obligations pursuant to the Federal Water
16 Pollution Control Act (33 U.S.C. 1251 et seq.).

17 (B) *REQUIREMENTS.*—The Comptroller
18 General shall include in the review conducted
19 under subparagraph (A) an analysis of—

20 (i) the primary mechanisms for ful-
21 filling compensatory mitigation obligations,
22 including—

23 (I) mitigation banks;

24 (II) in-lieu fee programs; and

1 (III) *direct mitigation by permit-*
2 *tees;*

3 (ii) *the timeliness of initiation and*
4 *successful completion of compensatory miti-*
5 *gation activities in relation to when a per-*
6 *mitted activity occurs;*

7 (iii) *the timeliness of processing and*
8 *approval of compensatory mitigation activi-*
9 *ties;*

10 (iv) *the costs of carrying out compen-*
11 *satory mitigation activities borne by the*
12 *Federal Government, a permittee, or any*
13 *other involved entity;*

14 (v) *Federal and State agency oversight*
15 *and short- and long-term monitoring of*
16 *compensatory mitigation activities;*

17 (vi) *whether a compensatory mitiga-*
18 *tion activity successfully replaces any lost*
19 *or adversely affected habitat with a habitat*
20 *having similar functions of equal or greater*
21 *ecological value; and*

22 (vii) *the continued, long-term oper-*
23 *ation of the compensatory mitigation activi-*
24 *ties over a 5-, 10-, 20-, and 50-year period,*
25 *including ecological performance and the*

1 *functioning of long-term funding mecha-*
2 *nisms.*

3 (C) *UPDATE.*—*In conjunction with the re-*
4 *view required under subparagraph (A), the*
5 *Comptroller General shall review and update the*
6 *findings and recommendations contained in the*
7 *report of the Comptroller General titled “Corps*
8 *of Engineers Does Not Have an Effective Over-*
9 *sight Approach to Ensure That Compensatory*
10 *Mitigation Is Occurring” and dated September*
11 *2005 (GAO–05–898), including a review of Fed-*
12 *eral agency compliance with such recommenda-*
13 *tions.*

14 (D) *REPORT.*—*Upon completion of the re-*
15 *view conducted under required subparagraph*
16 *(A), the Comptroller General shall submit to the*
17 *Committee on Environment and Public Works of*
18 *the Senate and the Committee on Transportation*
19 *and Infrastructure of the House of Representa-*
20 *tives a report on the findings of such review.*

21 (e) *STUDY ON WATERBORNE COMMERCE STATIS-*
22 *TICS.*—

23 (1) *IN GENERAL.*—*Not later than 18 months*
24 *after the date of enactment of this Act, the Comp-*
25 *troller General of the United States shall initiate a*

1 *review of the Waterborne Commerce Statistics Center*
2 *of the Corps of Engineers that includes—*

3 *(A) an assessment of ways in which the Wa-*
4 *terborne Commerce Statistics Center can im-*
5 *prove the collection of information relating to all*
6 *commercial maritime activity within the juris-*
7 *isdiction of a port, including the collection and re-*
8 *porting of records of fishery landings and aqua-*
9 *culture harvest; and*

10 *(B) recommendations to improve the collec-*
11 *tion of such information from non-Federal enti-*
12 *ties, taking into consideration—*

13 *(i) the cost, efficiency, and accuracy of*
14 *collecting such information; and*

15 *(ii) the protection of proprietary infor-*
16 *mation.*

17 *(2) REPORT.—Upon completion of the review*
18 *conducted out under paragraph (1), the Comptroller*
19 *General shall submit to the Committee on Transpor-*
20 *tation and Infrastructure of the House of Representa-*
21 *tives and the Committee on Environment and Public*
22 *Works of the Senate a report containing the results of*
23 *such review.*

24 *(f) STUDY ON THE INTEGRATION OF INFORMATION*
25 *INTO THE NATIONAL LEVEE DATABASE.—*

1 (1) *IN GENERAL.*—Not later than 18 months
2 after the date of enactment of this Act, the Comp-
3 troller General of the United States shall initiate a
4 review of the sharing of levee information, and the in-
5 tegration of such information into the National Levee
6 Database, by the Corps of Engineers and the Federal
7 Emergency Management Agency in accordance with
8 section 9004 of the Water Resources Development Act
9 of 2007 (33 U.S.C. 3303).

10 (2) *REQUIREMENTS.*—In conducting the review
11 under paragraph (1), the Comptroller General shall—

12 (A) investigate the information-sharing pro-
13 tocols and procedures between the Corps of Engi-
14 neers and the Federal Emergency Management
15 Agency regarding the construction of new Fed-
16 eral flood protection projects;

17 (B) analyze the timeliness of the integration
18 of information relating to newly constructed
19 Federal flood protection projects into the Na-
20 tional Levee Database;

21 (C) identify any delays between the con-
22 struction of a new Federal flood protection
23 project and when a policyholder of the National
24 Flood Insurance Program would realize a pre-

1 *mium discount due to the construction of a new*
2 *Federal flood protection project; and*

3 *(D) determine whether such information-*
4 *sharing protocols are adversely impacting the*
5 *ability of the Secretary to perform accurate ben-*
6 *efit-cost analyses for future flood risk manage-*
7 *ment activities.*

8 *(3) REPORT.—Upon completion of the review*
9 *conducted under paragraph (1), the Comptroller Gen-*
10 *eral shall submit to the Committee on Transportation*
11 *and Infrastructure of the House of Representatives*
12 *and the Committee on Environment and Public*
13 *Works of the Senate a report containing the results of*
14 *such review.*

15 *(g) AUDIT OF JOINT COSTS FOR OPERATION AND*
16 *MAINTENANCE.—*

17 *(1) IN GENERAL.—Not later than 1 year after*
18 *the date of enactment of this Act, the Comptroller*
19 *General of the United States shall initiate a review*
20 *of the practices of the Corps of Engineers with respect*
21 *to the determination of joint costs associated with op-*
22 *erations and maintenance of reservoirs owned and op-*
23 *erated by the Secretary.*

24 *(2) REPORT.—Upon completion of the review*
25 *conducted under paragraph (1), the Comptroller Gen-*

1 *eral shall submit to the Committee on Environment*
2 *and Public Works of the Senate and the Committee on*
3 *Transportation and Infrastructure of the House of*
4 *Representatives a report on the findings of such re-*
5 *view and any recommendations that result from such*
6 *review.*

7 **SEC. 8237. ASSESSMENT OF FOREST, RANGELAND, AND WA-**
8 **TERSHERD RESTORATION SERVICES ON LANDS**
9 **OWNED BY THE CORPS OF ENGINEERS.**

10 *(a) IN GENERAL.—The Secretary shall carry out an*
11 *assessment of forest, rangeland, and watershed restoration*
12 *services on lands owned by the Corps of Engineers, includ-*
13 *ing an assessment of whether the provision of such services*
14 *on such lands by non-Federal interests through good neigh-*
15 *bor agreements would be in the best interests of the United*
16 *States.*

17 *(b) CONSIDERATIONS.—In carrying out the assessment*
18 *under subsection (a), the Secretary shall—*

19 *(1) describe the forest, rangeland, and watershed*
20 *restoration services provided by the Secretary on*
21 *lands owned by the Corps of Engineers;*

22 *(2) assess whether such services, including efforts*
23 *to reduce hazardous fuels and to restore and improve*
24 *forest, rangeland, and watershed health (including the*
25 *health of fish and wildlife habitats) would be en-*

1 hanced by authorizing the Secretary to enter into a
2 good neighbor agreement with a non-Federal interest;

3 (3) describe the process for ensuring that Federal
4 requirements for land management plans for forests
5 on lands owned by the Corps of Engineers remain in
6 effect under good neighbor agreements;

7 (4) assess whether Congress should authorize the
8 Secretary to enter into a good neighbor agreement
9 with a non-Federal interest to provide forest, range-
10 land, and watershed restoration services on lands
11 owned by the Corps of Engineers, including by assess-
12 ing any interest expressed by a non-Federal interest
13 to enter into such an agreement;

14 (5) consider whether implementation of a good
15 neighbor agreement on lands owned by the Corps of
16 Engineers would benefit State and local governments
17 and Indian Tribes that are located in the same geo-
18 graphic area as such lands; and

19 (6) consult with the heads of other Federal agen-
20 cies authorized to enter into good neighbor agreements
21 with non-Federal interests.

22 (c) *REPORT TO CONGRESS.*—Not later than 18 months
23 after the date of enactment of this section, the Secretary
24 shall submit to the Committee on Transportation and In-
25 frastructure of the House of Representatives and the Com-

1 *mittee on Environment and Public Works of the Senate,*
2 *and make publicly available (including on a publicly avail-*
3 *able website), a report describing the results of the assess-*
4 *ment carried out under subsection (a).*

5 *(d) DEFINITIONS.—In this section:*

6 *(1) FOREST, RANGELAND, AND WATERSHED RES-*
7 *TORATION SERVICES.—The term “forest, rangeland,*
8 *and watershed restoration services” has the meaning*
9 *given such term in section 8206 of the Agricultural*
10 *Act of 2014 (16 U.S.C. 2113a).*

11 *(2) GOOD NEIGHBOR AGREEMENT.—The term*
12 *“good neighbor agreement” means a cooperative*
13 *agreement or contract (including a sole source con-*
14 *tract) entered into between the Secretary and a non-*
15 *Federal interest to carry out forest, rangeland, and*
16 *watershed restoration services.*

17 *(3) LANDS OWNED BY THE CORPS OF ENGI-*
18 *NEERS.—The term “lands owned by the Corps of En-*
19 *gineers” means any land owned by the Corps of Engi-*
20 *neers, but does not include—*

21 *(A) a component of the National Wilderness*
22 *Preservation System;*

23 *(B) land on which the removal of vegetation*
24 *is prohibited or restricted by law or Presidential*
25 *proclamation;*

1 (C) a wilderness study area; or

2 (D) any other land with respect to which
3 the Secretary determines that forest, rangeland,
4 and watershed restoration services should remain
5 the responsibility of the Secretary.

6 **Subtitle C—Deauthorizations and**
7 **Modifications**

8 **SEC. 8301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

9 (a) *PURPOSES; PROPOSED DEAUTHORIZATION LIST;*
10 *SUBMISSION OF FINAL LIST.*—Section 301 of the Water Re-
11 sources Development Act of 2020 (33 U.S.C. 579d–2) is
12 amended by striking subsections (a) through (c) and insert-
13 ing the following:

14 “(a) *PURPOSES.*—The purposes of this section are—

15 “(1) to identify water resources development
16 projects, and separable elements of projects, author-
17 ized by Congress that are no longer viable for con-
18 struction due to—

19 “(A) a lack of local support;

20 “(B) a lack of available Federal or non-Fed-
21 eral resources; or

22 “(C) an authorizing purpose that is no
23 longer relevant or feasible;

24 “(2) to create an expedited and definitive process
25 for Congress to deauthorize water resources develop-

1 *ment projects and separable elements that are no*
2 *longer viable for construction; and*

3 *“(3) to allow the continued authorization of*
4 *water resources development projects and separable*
5 *elements that are viable for construction.*

6 *“(b) PROPOSED DEAUTHORIZATION LIST.—*

7 *“(1) PRELIMINARY LIST OF PROJECTS.—*

8 *“(A) IN GENERAL.—The Secretary shall de-*
9 *velop a preliminary list of each water resources*
10 *development project, or separable element of a*
11 *project, authorized for construction before No-*
12 *vember 8, 2007, for which—*

13 *“(i) planning, design, or construction*
14 *was not initiated before the date of enact-*
15 *ment of this Act; or*

16 *“(ii) planning, design, or construction*
17 *was initiated before the date of enactment of*
18 *this Act, but for which no funds, Federal or*
19 *non-Federal, were obligated for planning,*
20 *design, or construction of the project or sep-*
21 *arable element of the project during the cur-*
22 *rent fiscal year or any of the 10 preceding*
23 *fiscal years.*

24 *“(B) USE OF COMPREHENSIVE CONSTRUC-*
25 *TION BACKLOG AND OPERATION AND MAINTEN-*

1 *NANCE REPORT.—The Secretary may develop the*
2 *preliminary list from the comprehensive con-*
3 *struction backlog and operation and mainte-*
4 *nance reports developed pursuant to section*
5 *1001(b)(2) of the Water Resources Development*
6 *Act of 1986 (33 U.S.C. 579a).*

7 “(2) *PREPARATION OF PROPOSED DEAUTHORIZA-*
8 *TION LIST.—*

9 “(A) *PROPOSED LIST AND ESTIMATED DE-*
10 *AUTHORIZATION AMOUNT.—The Secretary*
11 *shall—*

12 “(i) *prepare a proposed list of projects*
13 *for deauthorization comprised of a subset of*
14 *projects and separable elements identified*
15 *on the preliminary list developed under*
16 *paragraph (1) that are projects or separable*
17 *elements described in subsection (a)(1), as*
18 *determined by the Secretary; and*

19 “(ii) *include with such proposed list*
20 *an estimate, in the aggregate, of the Federal*
21 *cost to complete such projects.*

22 “(B) *DETERMINATION OF FEDERAL COST TO*
23 *COMPLETE.—For purposes of subparagraph (A),*
24 *the Federal cost to complete shall take into ac-*
25 *count any allowances authorized by section 902*

1 *of the Water Resources Development Act of 1986*
2 *(33 U.S.C. 2280), as applied to the most recent*
3 *project schedule and cost estimate.*

4 “(3) *PUBLIC COMMENT AND CONSULTATION.*—

5 “(A) *IN GENERAL.*—*The Secretary shall so-*
6 *licit comments from the public and the Gov-*
7 *ernors of each applicable State on the proposed*
8 *deauthorization list prepared under paragraph*
9 *(2)(A).*

10 “(B) *COMMENT PERIOD.*—*The public com-*
11 *ment period shall be 90 days.*

12 “(4) *PREPARATION OF FINAL DEAUTHORIZATION*
13 *LIST.*—

14 “(A) *IN GENERAL.*—*The Secretary shall*
15 *prepare a final deauthorization list by—*

16 “(i) *considering any comments received*
17 *under paragraph (3); and*

18 “(ii) *revising the proposed deauthor-*
19 *ization list prepared under paragraph*
20 *(2)(A) as the Secretary determines nec-*
21 *essary to respond to such comments.*

22 “(B) *APPENDIX.*—*The Secretary shall in-*
23 *clude as part of the final deauthorization list an*
24 *appendix that—*

1 “(i) identifies each project or separable
2 element on the proposed deauthorization list
3 that is not included on the final deauthor-
4 ization list; and

5 “(ii) describes the reasons why the
6 project or separable element is not included
7 on the final deauthorization list.

8 “(c) *SUBMISSION OF FINAL DEAUTHORIZATION LIST*
9 *TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICA-*
10 *TION.—*

11 “(1) *IN GENERAL.—Not later than 90 days after*
12 *the date of the close of the comment period under sub-*
13 *section (b)(3), the Secretary shall—*

14 “(A) *submit the final deauthorization list*
15 *and appendix prepared under subsection (b)(4)*
16 *to the Committee on Transportation and Infra-*
17 *structure of the House of Representatives and the*
18 *Committee on Environment and Public Works of*
19 *the Senate; and*

20 “(B) *publish the final deauthorization list*
21 *and appendix in the Federal Register.*

22 “(2) *EXCLUSIONS.—The Secretary shall not in-*
23 *clude in the final deauthorization list submitted*
24 *under paragraph (1) any project or separable element*
25 *with respect to which Federal funds for planning, de-*

1 *sign, or construction are obligated after the develop-*
2 *ment of the preliminary list under subsection*
3 *(b)(1)(A) but prior to the submission of the final de-*
4 *authorization list under paragraph (1)(A) of this sub-*
5 *section.”.*

6 **(b) REPEAL.**—*Section 301(d) of the Water Resources*
7 *Development Act of 2020 (33 U.S.C. 579d–2(d)) is repealed.*

8 **SEC. 8302. WATERSHED AND RIVER BASIN ASSESSMENTS.**

9 *Section 729 of the Water Resources Development Act*
10 *of 1986 (33 U.S.C. 2267a) is amended—*

11 *(1) in subsection (a)—*

12 *(A) in paragraph (5), by striking “and” at*
13 *the end;*

14 *(B) in paragraph (6), by striking the period*
15 *at the end and inserting a semicolon; and*

16 *(C) by adding at the end the following:*

17 *“(7) sea level rise;*

18 *“(8) coastal storm damage reduction; and*

19 *“(9) streambank and shoreline protection.”; and*

20 *(2) in subsection (d)—*

21 *(A) in paragraph (9), by striking “and” at*
22 *the end;*

23 *(B) in paragraph (10), by striking the pe-*
24 *riod at the end and inserting a semicolon; and*

25 *(C) by adding at the end the following:*

1 “(11) *New York-New Jersey Watershed Basin,*
2 *which encompasses all the watersheds that flow into*
3 *the New York-New Jersey Harbor and their associated*
4 *estuaries, including the Hudson, Mohawk, Raritan,*
5 *Passaic, Hackensack, and Bronx River Watersheds*
6 *and the Hudson River Estuary;*

7 “(12) *Mississippi River Watershed; and*

8 “(13) *Chattahoochee River Basin, Alabama,*
9 *Florida, and Georgia.”.*

10 **SEC. 8303. FORECAST-INFORMED RESERVOIR OPERATIONS.**

11 (a) *ADDITIONAL UTILIZATION OF FORECAST-IN-*
12 *FORMED RESERVOIR OPERATIONS.*—*Section 1222(c) of the*
13 *Water Resources Development Act of 2018 (132 Stat. 3811;*
14 *134 Stat. 2661) is amended—*

15 (1) *in paragraph (1), by striking “the Upper*
16 *Missouri River Basin and the North Platte River*
17 *Basin” and inserting “the Upper Missouri River*
18 *Basin, the North Platte River Basin, and the Apa-*
19 *lachicola Chattahoochee Flint River Basin”;* and

20 (2) *in paragraph (2)—*

21 (A) *in subparagraph (A), by striking “the*
22 *Upper Missouri River Basin or the North Platte*
23 *River Basin” and inserting “the Upper Missouri*
24 *River Basin, the North Platte River Basin, or*

1 *the Apalachicola Chattahoochee Flint River*
2 *Basin”*; and

3 *(B) in subparagraph (B), by striking “the*
4 *Upper Missouri River Basin or the North Platte*
5 *River Basin” and inserting “the Upper Missouri*
6 *River Basin, the North Platte River Basin, or*
7 *the Apalachicola Chattahoochee Flint River*
8 *Basin”.*

9 *(b) COMPLETION OF REPORTS.—The Secretary shall*
10 *expedite completion of the reports authorized by section*
11 *1222 of the Water Resources Development Act of 2018 (132*
12 *Stat. 3811; 134 Stat. 2661).*

13 *(c) FORECAST-INFORMED RESERVOIR OPERATIONS.—*

14 *(1) IN GENERAL.—The Secretary is authorized to*
15 *carry out a research study pilot program at 1 or*
16 *more dams owned and operated by the Secretary in*
17 *the North Atlantic Division of the Corps of Engineers*
18 *to assess the viability of forecast-informed reservoir*
19 *operations in the eastern United States.*

20 *(2) REPORT.—Not later than 1 year after com-*
21 *pletion of the research study pilot program under*
22 *paragraph (1), the Secretary shall submit to the Com-*
23 *mittee on Transportation and Infrastructure of the*
24 *House of Representatives and the Committee on Envi-*

1 *ronment and Public Works of the Senate a report on*
2 *the results of the research study pilot program.*

3 **SEC. 8304. LAKES PROGRAM.**

4 *Section 602(a) of the Water Resources Development*
5 *Act of 1986 (100 Stat. 4148; 104 Stat. 4646; 110 Stat.*
6 *3758; 113 Stat. 295; 121 Stat. 1076; 134 Stat. 2703) is*
7 *amended—*

8 *(1) in paragraph (29), by striking “and” at the*
9 *end;*

10 *(2) in paragraph (30), by striking the period at*
11 *the end and inserting a semicolon; and*

12 *(3) by adding at the end the following:*

13 *“(31) Salisbury Pond, Worcester, Massachusetts;*

14 *“(32) Baisley Pond, New York;*

15 *“(33) Legacy Park, Decatur, Georgia; and*

16 *“(34) White Rock Lake, Dallas, Texas.”.*

17 **SEC. 8305. INVASIVE SPECIES.**

18 *(a) AQUATIC INVASIVE SPECIES RESEARCH.—Section*
19 *1108(a) of the Water Resources Development Act of 2018*
20 *(33 U.S.C. 2263a(a)) is amended by inserting “, hydrilla”*
21 *after “elodea”.*

22 *(b) INVASIVE SPECIES MANAGEMENT.—Section 104 of*
23 *the River and Harbor Act of 1958 (33 U.S.C. 610) is*
24 *amended—*

25 *(1) in subsection (b)(2)(A)(i)—*

1 (A) by striking “\$50,000,000” and inserting
2 “\$75,000,000”; and

3 (B) by striking “2024” and inserting
4 “2028”;

5 (2) in subsection (f)(4) by striking “2024” and
6 inserting “2028”; and

7 (3) in subsection (g)—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A)—

10 (I) by striking “water quantity or
11 water quality” and inserting “water
12 quantity, water quality, or eco-
13 systems”; and

14 (II) by inserting “the Lake Erie
15 Basin, the Ohio River Basin,” after
16 “the Upper Snake River Basin,”; and

17 (ii) in subparagraph (B), by inserting
18 “, hydrilla (*Hydrilla verticillata*),” after
19 “(*Elaeagnus angustifolia*)”; and

20 (B) in paragraph (3)(D), by striking
21 “2024” and inserting “2028”.

22 (c) *HARMFUL ALGAL BLOOM DEMONSTRATION PRO-*
23 *GRAM.*—Section 128(c) of the Water Resources Development
24 Act of 2020 (33 U.S.C. 610 note) is amended to read as
25 follows:

1 “(c) *FOCUS AREAS.*—*In carrying out the demonstra-*
2 *tion program under subsection (a), the Secretary shall un-*
3 *dertake program activities related to harmful algal blooms*
4 *in—*

5 “(1) *the Great Lakes;*

6 “(2) *the tidal and inland waters of the State of*
7 *New Jersey, including Lake Hopatcong, New Jersey;*

8 “(3) *the coastal and tidal waters of the State of*
9 *Louisiana;*

10 “(4) *the waterways of the counties that comprise*
11 *the Sacramento-San Joaquin Delta, California;*

12 “(5) *the Allegheny Reservoir Watershed, New*
13 *York;*

14 “(6) *Lake Okeechobee, Florida;*

15 “(7) *the Caloosahatchee and St. Lucie Rivers,*
16 *Florida;*

17 “(8) *Lake Sidney Lanier, Georgia;*

18 “(9) *Rio Grande River Basin, Colorado, New*
19 *Mexico, and Texas;*

20 “(10) *lakes and reservoirs in the State of Ohio;*

21 “(11) *the Upper Mississippi River and tribu-*
22 *taries;*

23 “(12) *Detroit Lake, Oregon;*

24 “(13) *Ten Mile Lake, Oregon; and*

1 “(14) the coastal waters of the United States Vir-
2 gin Islands.”.

3 (d) *UPDATE ON INVASIVE SPECIES POLICY GUID-*
4 *ANCE.—Section 501(b) of the Water Resources Development*
5 *Act of 2020 (33 U.S.C. 610 note) is amended—*

6 (1) *in paragraph (1), by striking “and” at the*
7 *end;*

8 (2) *in paragraph (2), by striking the period at*
9 *the end and inserting “; and”; and*

10 (3) *by adding at the end the following:*

11 “(3) *the Sacramento-San Joaquin Delta, Cali-*
12 *fornia.*”.

13 **SEC. 8306. MAINTENANCE OF NAVIGATION CHANNELS.**

14 *Section 509(a) of the Water Resources Development*
15 *Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679)*
16 *is amended by adding at the end the following:*

17 “(18) *Second harbor at New Madrid County*
18 *Harbor, Missouri.*

19 “(19) *Yabucoa Harbor, Puerto Rico.*

20 “(20) *Everett Harbor and Snohomish River,*
21 *Boat Launch Connector Channel, Washington.*

22 “(21) *Port Townsend, Boat Haven Marina*
23 *Breakwater, Washington.*

24 “(22) *Segment 1B of Houston Ship Channel,*
25 *Texas.*”.

1 **SEC. 8307. PROJECT REAUTHORIZATIONS.**

2 (a) *IN GENERAL.*—

3 (1) *NEW YORK HARBOR, NEW YORK AND NEW*
4 *JERSEY.*—*The New York Harbor collection and re-*
5 *moval of drift project authorized by section 2 of the*
6 *Act of March 4, 1915 (chapter 142, 38 Stat. 1051; 88*
7 *Stat. 39; 104 Stat. 4615), and deauthorized pursuant*
8 *to section 6001 of the Water Resources Reform and*
9 *Development Act of 2014 (128 Stat. 1345), is author-*
10 *ized to be carried out by the Secretary.*

11 (2) *RIO NIGUA, SALINAS, PUERTO RICO.*—*The*
12 *project for flood control, Rio Nigua, Salinas, Puerto*
13 *Rico, authorized by section 101 of the Water Re-*
14 *sources Development Act of 1999 (113 Stat. 278), and*
15 *deauthorized pursuant to section 6001 of the Water*
16 *Resources Reform and Development Act of 2014 (128*
17 *Stat. 1345), is authorized to be carried out by the*
18 *Secretary.*

19 (3) *RIO GRANDE DE LOIZA, PUERTO RICO.*—*The*
20 *project for flood control, Rio Grande De Loiza, Puerto*
21 *Rico, authorized by section 101 of the Water Re-*
22 *sources Development Act of 1992 (106 Stat. 4803),*
23 *and deauthorized pursuant to section 6001 of the*
24 *Water Resources Reform and Development Act of*
25 *2014 (128 Stat. 1345), is authorized to be carried out*
26 *by the Secretary.*

1 **(b) FEASIBILITY STUDIES.**—*The Secretary shall carry*
2 *out, and submit to the Committee on Environment and*
3 *Public Works of the Senate and the Committee on Transpor-*
4 *tation and Infrastructure of the House of Representatives*
5 *a report on the results of, a feasibility study for each of*
6 *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 de-*
10 *velopment project described in subsection (b), the Secretary*
11 *shall—*

12 **(1)** *fund, at Federal expense, any incremental*
13 *increase in cost to the project that results from a legal*
14 *requirement to use a borrow source determined by the*
15 *Secretary to be other than the least-cost option; and*

16 **(2)** *exclude the cost described in paragraph (1)*
17 *from the cost-benefit analysis for the project.*

18 **(b) WATER RESOURCES DEVELOPMENT PROJECT DE-**
19 **SCRIBED.**—*A water resources development project referred*
20 *to in subsection (a) is any of the following:*

21 **(1)** *The Townsends Inlet to Cape May Inlet, New*
22 *Jersey, hurricane storm damage reduction, shore pro-*
23 *tection, and ecosystem restoration project, authorized*
24 *by section 101(a)(26) of the Water Resources Develop-*
25 *ment Act of 1999 (113 Stat. 278).*

1 (2) *The Folly Beach, South Carolina, shoreline*
2 *protection project, authorized by section 501(a) of the*
3 *Water Resources Development Act of 1986 (100 Stat.*
4 *4136; 105 Stat. 520).*

5 (3) *The Carolina Beach and Vicinity, North*
6 *Carolina, coastal storm risk management project, au-*
7 *thorized by section 203 of the Flood Control Act of*
8 *1962 (76 Stat. 1182; 134 Stat. 2741).*

9 (4) *The Wrightsville Beach, North Carolina,*
10 *coastal storm risk management project, authorized by*
11 *section 203 of the Flood Control Act of 1962 (76 Stat.*
12 *1182; 134 Stat. 2741).*

13 (c) *SAVINGS PROVISION.*—*Nothing in this section lim-*
14 *its the eligibility for, or availability of, Federal expendi-*
15 *tures or financial assistance for any water resources devel-*
16 *opment project, including any beach nourishment or re-*
17 *nourishment project, under any other provision of Federal*
18 *law.*

19 **SEC. 8309. COLUMBIA RIVER BASIN.**

20 (a) *STUDY OF FLOOD RISK MANAGEMENT ACTIVI-*
21 *TIES.*—

22 (1) *IN GENERAL.*—*Using funds made available*
23 *to carry out this section, the Secretary is authorized,*
24 *at Federal expense, to carry out a study to determine*
25 *the feasibility of a project for flood risk management*

1 *and related purposes in the Columbia River Basin*
2 *and to report to the Committee on Transportation*
3 *and Infrastructure of the House of Representatives*
4 *and the Committee on Environment and Public*
5 *Works of the Senate with recommendations thereon,*
6 *including recommendations for a project to poten-*
7 *tially reduce the reliance on Canada for flood risk*
8 *management in the basin.*

9 (2) *COORDINATION.*—*The Secretary shall carry*
10 *out the activities described in this subsection in co-*
11 *ordination with other Federal and State agencies and*
12 *Indian Tribes.*

13 (b) *FUNDS FOR COLUMBIA RIVER TREATY OBLIGA-*
14 *TIONS.*—

15 (1) *IN GENERAL.*—*The Secretary is authorized to*
16 *expend funds appropriated for the purpose of satis-*
17 *fying United States obligations under the Columbia*
18 *River Treaty to compensate Canada for operating Ca-*
19 *nadian storage on behalf of the United States under*
20 *such treaty.*

21 (2) *NOTIFICATION.*—*If the U.S. entity calls upon*
22 *Canada to operate Canadian reservoir storage for*
23 *flood risk management on behalf of the United States,*
24 *which operation may incur an obligation to com-*
25 *pensate Canada under the Columbia River Treaty—*

1 (A) *the Secretary shall submit to the Com-*
2 *mittees on Transportation and Infrastructure*
3 *and Appropriations of the House of Representa-*
4 *tives and the Committees on Environment and*
5 *Public Works and Appropriations of the Senate,*
6 *by not later than 30 days after the initiation of*
7 *the call, a written notice of the action and a jus-*
8 *tification, including a description of the cir-*
9 *cumstances necessitating the call;*

10 (B) *upon a determination by the United*
11 *States of the amount of compensation that shall*
12 *be paid to Canada, the Secretary shall submit to*
13 *the Committees on Transportation and Infra-*
14 *structure and Appropriations of the House of*
15 *Representatives and the Committees on Environ-*
16 *ment and Public Works and Appropriations of*
17 *the Senate a written notice specifying such*
18 *amount and an explanation of how such amount*
19 *was derived, which notification shall not delay*
20 *or impede the flood risk management mission of*
21 *the U.S. entity; and*

22 (C) *the Secretary shall make no payment to*
23 *Canada for the call under the Columbia River*
24 *Treaty until such time as funds appropriated for*

1 *the purpose of compensating Canada under such*
2 *treaty are available.*

3 (3) *DEFINITIONS.—In this section:*

4 (A) *COLUMBIA RIVER BASIN.—The term*
5 *“Columbia River Basin” means the entire*
6 *United States portion of the Columbia River wa-*
7 *tershed.*

8 (B) *COLUMBIA RIVER TREATY.—The term*
9 *“Columbia River Treaty” means the treaty relat-*
10 *ing to cooperative development of the water re-*
11 *sources of the Columbia River Basin, signed at*
12 *Washington January 17, 1961, and entered into*
13 *force September 16, 1964.*

14 (C) *U.S. ENTITY.—The term “U.S. entity”*
15 *means the entity designated by the United States*
16 *under Article XIV of the Columbia River Treaty.*

17 **SEC. 8310. EVALUATION OF HYDROLOGIC CHANGES IN**
18 **SOURIS RIVER BASIN.**

19 *The Secretary is authorized to evaluate hydrologic*
20 *changes affecting the agreement entitled “Agreement Be-*
21 *tween the Government of Canada and the Government of*
22 *the United States of America for Water Supply and Flood*
23 *Control in the Souris River Basin”, signed and entered into*
24 *force on October 26, 1989.*

1 **SEC. 8311. ACEQUIAS IRRIGATION SYSTEMS.**

2 *Section 1113 of the Water Resources Development Act*
3 *of 1986 (100 Stat. 4232; 110 Stat. 3719) is amended—*

4 *(1) in subsection (b)—*

5 *(A) by striking “(b) Subject to section*
6 *903(a) of this Act, the Secretary is authorized*
7 *and directed to undertake” and inserting the fol-*
8 *lowing:*

9 *“(b) AUTHORIZATION.—The Secretary shall carry*
10 *out”;* and

11 *(B) by striking “canals” and all that fol-*
12 *lows through “100 percent.” and inserting the*
13 *following: “channels attendant to the operations*
14 *of the community ditch and Acequia systems in*
15 *New Mexico that—*

16 *“(1) are declared to be a political subdivision of*
17 *the State; or*

18 *“(2) belong to an Indian Tribe (as defined in*
19 *section 4 of the Indian Self-Determination and Edu-*
20 *cation Assistance Act (25 U.S.C. 5304)).”;*

21 *(2) by redesignating subsection (c) as subsection*
22 *(f);*

23 *(3) by inserting after subsection (b) the fol-*
24 *lowing:*

25 *“(c) INCLUSIONS.—The measures described in sub-*
26 *section (b) shall, to the maximum extent practicable—*

1 “(1) *ensure greater resiliency of diversion struc-*
2 *tures, including to flow variations, prolonged drought*
3 *conditions, invasive plant species, and threats from*
4 *changing hydrological and climatic conditions; or*

5 “(2) *support research, development, and training*
6 *for innovative management solutions, including those*
7 *for controlling invasive aquatic plants that affect*
8 *acequias.*

9 “(d) *COST SHARING.—The non-Federal share of the*
10 *cost of carrying out the measures described in subsection*
11 *(b), including study costs, shall be 25 percent, except that*
12 *in the case of a measure benefitting an economically dis-*
13 *advantaged community (as defined by the Secretary under*
14 *section 160 of the Water Resources Development Act of 2020*
15 *(33 U.S.C. 2201 note)), including economically disadvan-*
16 *tagged communities located in urban and rural areas, the*
17 *Federal share of the cost of carrying out such measure shall*
18 *be 90 percent.*

19 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
20 *authorized to be appropriated to carry out the measures de-*
21 *scribed in subsection (b) \$80,000,000.”; and*

22 (4) *in subsection (f) (as so redesignated)—*

23 (A) *in the first sentence—*

1 (i) by striking “(f) The Secretary is
2 further authorized and directed to” and in-
3 serting the following:

4 “(f) *PUBLIC ENTITY STATUS.*—

5 “(1) *IN GENERAL.*—*The Secretary shall*”; and

6 (ii) by inserting “or belong to an In-
7 dian Tribe within the State of New Mexico”
8 after “that State”; and

9 (B) in the second sentence, by striking
10 “This public entity status will allow the officials
11 of these Acequia systems” and inserting the fol-
12 lowing:

13 “(2) *EFFECT.*—*The public entity status provided*
14 *under paragraph (1) shall allow the officials of the*
15 *Acequia systems described in such paragraph*”.

16 **SEC. 8312. PORT OF NOME, ALASKA.**

17 (a) *IN GENERAL.*—*The Secretary shall carry out the*
18 *project for navigation, Port of Nome, Alaska, authorized by*
19 *section 401(1) of the Water Resources Development Act of*
20 *2020 (134 Stat. 2733).*

21 (b) *COST SHARE.*—

22 (1) *IN GENERAL.*—*The non-Federal interest for*
23 *the project described in subsection (a) shall pay 10*
24 *percent of the costs associated with the general navi-*

1 *gation features of the project during the period of con-*
2 *struction.*

3 (2) *EXCEPTION.—Section 101(a)(2) of the Water*
4 *Resources Development Act of 1986 (33 U.S.C.*
5 *2211(a)(2)) shall not apply to the project described in*
6 *subsection (a).*

7 **SEC. 8313. ST. GEORGE, ALASKA.**

8 *Notwithstanding the terms of the local cooperation*
9 *agreement between the Department of the Army and the*
10 *City of St. George, Alaska, dated December 23, 1988, the*
11 *Secretary shall waive any and all payments due and owing*
12 *to the United States by the City of St. George on or after*
13 *the date of enactment this Act resulting from the judgment*
14 *filed on November 8, 1993, in the United States Court of*
15 *Federal Claims in J.E. McAmis, Inc. v. United States, 90–*
16 *315C, 91–1194C, and 91–1195C.*

17 **SEC. 8314. UNALASKA (DUTCH HARBOR) CHANNELS, ALAS-**
18 **KA.**

19 *Section 401(1) of the Water Resources Development*
20 *Act of 2020 (134 Stat. 2734) is amended, in row 3 (relating*
21 *to the project for navigation, Unalaska (Dutch Harbor)*
22 *Channels, Alaska), by striking “February 7, 2020” and in-*
23 *serting “October 2, 2020”.*

1 **SEC. 8315. STORM DAMAGE PREVENTION AND REDUCTION,**
2 **COASTAL EROSION, AND ICE AND GLACIAL**
3 **DAMAGE, ALASKA.**

4 (a) *IN GENERAL.*—*The Secretary shall establish a pro-*
5 *gram to carry out structural and nonstructural projects for*
6 *storm damage prevention and reduction, coastal erosion,*
7 *and ice and glacial damage in the State of Alaska, includ-*
8 *ing—*

9 (1) *relocation of affected communities; and*

10 (2) *construction of replacement facilities.*

11 (b) *COST SHARE.*—

12 (1) *IN GENERAL.*—*Except as provided in para-*
13 *graph (2), the non-Federal share of the cost of a*
14 *project carried out under this section shall be in ac-*
15 *cordance with sections 103 and 105 of the Water Re-*
16 *sources Development Act of 1986 (33 U.S.C. 2213,*
17 *2215).*

18 (2) *EXCEPTION.*—*In the case of a project benefit-*
19 *ing an economically disadvantaged community (as*
20 *defined by the Secretary under section 160 of the*
21 *Water Resources Development Act of 2020 (33 U.S.C.*
22 *2201 note)), including economically disadvantaged*
23 *communities located in urban and rural areas, the*
24 *non-Federal share of the cost of such project shall be*
25 *10 percent.*

1 (c) *REPEAL.*—Section 116 of the Energy and Water
2 *Development and Related Agencies Appropriations Act,*
3 *2010 (123 Stat. 2851), is repealed.*

4 (d) *TREATMENT.*—The program authorized by sub-
5 *section (a) shall be considered a continuation of the pro-*
6 *gram authorized by section 116 of the Energy and Water*
7 *Development and Related Agencies Appropriations Act,*
8 *2010 (123 Stat. 2851) (as in effect on the day before the*
9 *date of enactment of this Act).*

10 **SEC. 8316. ST. FRANCIS LAKE CONTROL STRUCTURE.**

11 (a) *IN GENERAL.*—The Secretary shall set the ordi-
12 *nary high water mark for water impounded behind the St.*
13 *Francis Lake Control Structure, authorized by the Act of*
14 *May 15, 1928 (chapter 569, 45 Stat. 538; 79 Stat. 1077),*
15 *at 208 feet mean sea level.*

16 (b) *OPERATION BY PROJECT MANAGER.*—In setting
17 *the ordinary high water mark under subsection (a), the Sec-*
18 *retary shall ensure that the project manager for the St.*
19 *Francis Lake Control Structure may continue operating*
20 *such structure in accordance with the instructions set forth*
21 *in the document titled “St. Francis Lake Control Structure*
22 *Standing Instructions to the Project Manager” and pub-*
23 *lished in January 1982 by the Corps of Engineers, Memphis*
24 *District.*

1 **SEC. 8317. SOUTH PLATTE RIVER AND TRIBUTARIES, ADAMS**
2 **AND DENVER COUNTIES, COLORADO.**

3 (a) *IN GENERAL.*—*The Secretary shall expedite the*
4 *completion of a written agreement under section 204(d) of*
5 *the Water Resources Development Act of 1986 (33 U.S.C.*
6 *2232(d)) with the non-Federal interest for the project for*
7 *ecosystem restoration and flood risk management, South*
8 *Platte River and Tributaries, Adams and Denver Counties,*
9 *Colorado, authorized by section 401(4) of the Water Re-*
10 *sources Development Act of 2020 (134 Stat. 2739).*

11 (b) *REIMBURSEMENT.*—*The written agreement de-*
12 *scribed in subsection (a) shall provide for reimbursement*
13 *of the non-Federal interest from funds in the allocation for*
14 *the project described in subsection (a) in the detailed spend*
15 *plan submitted for amounts appropriated under the head-*
16 *ing “DEPARTMENT OF THE ARMY—CORPS OF ENGI-*
17 *NEERS—CIVIL—CONSTRUCTION” in title III of divi-*
18 *sion J of the Infrastructure Investment and Jobs Act (135*
19 *Stat. 1359) if the Secretary determines that funds in an*
20 *amount sufficient to reimburse the non-Federal interest are*
21 *available in such allocation.*

22 **SEC. 8318. FRUITVALE AVENUE RAILROAD BRIDGE, ALA-**
23 **MEDA, CALIFORNIA.**

24 *Section 4017(d) of the Water Resources Development*
25 *Act of 2007 (121 Stat. 1175) is repealed.*

1 **SEC. 8319. LOS ANGELES COUNTY, CALIFORNIA.**

2 (a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary*
3 *may establish a program to provide environmental assist-*
4 *ance to non-Federal interests in Los Angeles County, Cali-*
5 *fornia.*

6 (b) *FORM OF ASSISTANCE.*—*Assistance provided under*
7 *this section may be in the form of design and construction*
8 *assistance for water-related environmental infrastructure*
9 *and resource protection and development projects in Los*
10 *Angeles County, California, including projects for waste-*
11 *water treatment and related facilities, water supply and re-*
12 *lated facilities, environmental restoration, and surface*
13 *water resource protection and development.*

14 (c) *OWNERSHIP REQUIREMENT.*—*The Secretary may*
15 *provide assistance for a project under this section only if*
16 *the project is publicly owned.*

17 (d) *PARTNERSHIP AGREEMENTS.*—

18 (1) *IN GENERAL.*—*Before providing assistance*
19 *under this section to a non-Federal interest, the Sec-*
20 *retary shall enter into a partnership agreement under*
21 *section 221 of the Flood Control Act of 1970 (42*
22 *U.S.C. 1962d–5b) with the non-Federal interest with*
23 *respect to the project to be carried out with such as-*
24 *sistance.*

1 (2) *REQUIREMENTS.*—*Each partnership agree-*
2 *ment for a project entered into under this subsection*
3 *shall provide for the following:*

4 (A) *Development by the Secretary, in con-*
5 *sultation with appropriate Federal and State of-*
6 *ficials, of a facilities or resource protection and*
7 *development plan, including appropriate engi-*
8 *neering plans and specifications.*

9 (B) *Establishment of such legal and institu-*
10 *tional structures as are necessary to ensure the*
11 *effective long-term operation of the project by the*
12 *non-Federal interest.*

13 (3) *COST SHARING.*—

14 (A) *IN GENERAL.*—*The Federal share of the*
15 *cost of a project under this section—*

16 (i) *shall be 75 percent; and*

17 (ii) *may be provided in the form of*
18 *grants or reimbursements of project costs.*

19 (B) *CREDIT FOR INTEREST.*—*In case of a*
20 *delay in the funding of the Federal share of a*
21 *project that is the subject of an agreement under*
22 *this section, the non-Federal interest shall receive*
23 *credit for reasonable interest incurred in pro-*
24 *viding the non-Federal share of the project cost.*

1 (C) *CREDIT FOR LAND, EASEMENTS, AND*
2 *RIGHTS-OF-WAY.*—*Notwithstanding section*
3 *221(a)(4)(G) of the Flood Control Act of 1970*
4 *(42 U.S.C. 1962d–5b(a)(4)(G)), the non-Federal*
5 *interest shall receive credit for land, easements,*
6 *rights-of-way, and relocations toward the non-*
7 *Federal share of project cost (including all rea-*
8 *sonable costs associated with obtaining permits*
9 *necessary for the construction, operation, and*
10 *maintenance of the project on publicly owned or*
11 *controlled land), but the credit may not exceed*
12 *25 percent of total project costs.*

13 (D) *OPERATION AND MAINTENANCE.*—*The*
14 *non-Federal share of operation and maintenance*
15 *costs for projects constructed with assistance pro-*
16 *vided under this section shall be 100 percent.*

17 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

18 (1) *IN GENERAL.*—*There is authorized to be ap-*
19 *propriated \$50,000,000 to carry out this section.*

20 (2) *CORPS OF ENGINEERS EXPENSES.*—*Not more*
21 *than 10 percent of the amounts made available to*
22 *carry out this section may be used by the Corps of*
23 *Engineers district offices to administer projects under*
24 *this section at Federal expense.*

1 **SEC. 8320. DEAUTHORIZATION OF DESIGNATED PORTIONS**
2 **OF THE LOS ANGELES COUNTY DRAINAGE**
3 **AREA, CALIFORNIA.**

4 (a) *IN GENERAL.*—*The portion of the project for flood*
5 *risk management, Los Angeles County Drainage Area, Cali-*
6 *fornia, authorized by section 5 of the Act of June 22, 1936*
7 *(chapter 688, 49 Stat. 1589; 50 Stat. 167; 52 Stat. 1215;*
8 *55 Stat. 647; 64 Stat. 177; 104 Stat. 4611), consisting of*
9 *the debris basins described in subsection (b), is no longer*
10 *authorized beginning on the date that is 18 months after*
11 *the date of enactment of this Act.*

12 (b) *DEBRIS BASINS DESCRIBED.*—*The debris basins*
13 *referred to in subsection (a) are the following debris basins*
14 *operated and maintained by the Los Angeles County Flood*
15 *Control District, as generally defined in Corps of Engineers*
16 *operations and maintenance manuals as may be further de-*
17 *scribed in an agreement entered into under subsection (c):*
18 *Auburn Debris Basin, Bailey Debris Basin, Big Dalton De-*
19 *bris Basin, Blanchard Canyon Debris Basin, Blue Gum*
20 *Canyon Debris Basin, Brand Canyon Debris Basin, Carter*
21 *Debris Basin, Childs Canyon Debris Basin, Dunsmuir*
22 *Canyon Debris Basin, Eagle Canyon Debris Basin, Eaton*
23 *Wash Debris Basin, Elmwood Canyon Debris Basin, Emer-*
24 *ald East Debris Basin, Emerald West Debris Retention*
25 *Inlet, Hay Debris Basin, Hillcrest Debris Basin, La Tuna*
26 *Canyon Debris Basin, Little Dalton Debris Basin, Live*

1 *Oak Debris Retention Inlet, Lopez Debris Retention Inlet,*
2 *Lower Sunset Canyon Debris Basin, Marshall Canyon De-*
3 *bris Retention Inlet, Santa Anita Debris Basin, Sawpit De-*
4 *bris Basin, Schoolhouse Canyon Debris Basin, Shields Can-*
5 *yon Debris Basin, Sierra Madre Villa Debris Basin, Snover*
6 *Canyon Debris Basin, Stough Canyon Debris Basin, Wil-*
7 *son Canyon Debris Basin, and Winery Canyon Debris*
8 *Basin.*

9 (c) *AGREEMENT.*—*Not later than 90 days after the*
10 *date of enactment of this Act, the Secretary shall seek to*
11 *enter into an agreement with the Los Angeles County Flood*
12 *Control District to ensure that the Los Angeles County*
13 *Flood Control District—*

14 (1) *operates, maintains, repairs, and rehabili-*
15 *tates, and replaces as necessary, the debris basins de-*
16 *scribed in subsection (b)—*

17 (A) *in perpetuity at no cost to the United*
18 *States; and*

19 (B) *in a manner that ensures that the*
20 *quantity and concentration of stormwater*
21 *inflows from such debris basins does not reduce*
22 *the level of flood protection of the project de-*
23 *scribed in subsection (a);*

24 (2) *retains public ownership of, and compatible*
25 *uses for, all real property required for the continued*

1 *functioning of the debris basins described in sub-*
2 *section (b), consistent with authorized purposes of the*
3 *project described in subsection (a);*

4 *(3) allows the Corps of Engineers to continue to*
5 *operate, maintain, rehabilitate, repair, and replace*
6 *appurtenant structures, such as rain and stream*
7 *gages, located within the debris basins subject to de-*
8 *authorization under subsection (a) as necessary to en-*
9 *sure the continued functioning of the project described*
10 *in subsection (a); and*

11 *(4) holds and saves the United States harmless*
12 *from damages due to overtopping, breach, failure, op-*
13 *eration, or maintenance of the debris basins described*
14 *in subsection (b).*

15 *(d) ADMINISTRATIVE COSTS.—The Secretary may ac-*
16 *cept and expend funds voluntarily contributed by the Los*
17 *Angeles County Flood Control District to cover the adminis-*
18 *trative costs incurred by the Secretary to—*

19 *(1) enter into an agreement under subsection (c);*

20 *and*

21 *(2) monitor compliance with such agreement.*

22 **SEC. 8321. MURRIETA CREEK, CALIFORNIA.**

23 *Section 103 of title I of appendix B of Public Law*
24 *106–377 (114 Stat. 1441A–65) (relating to the project for*

1 *flood control, environmental restoration, and recreation,*
2 *Murrieta Creek, California), is amended—*

3 (1) *by striking “\$89,850,000” and inserting*
4 *“\$277,194,000”;*

5 (2) *by striking “\$57,735,000” and inserting*
6 *“\$180,176,100”;* and

7 (3) *by striking “\$32,115,000” and inserting*
8 *“\$97,017,900”.*

9 **SEC. 8322. SACRAMENTO RIVER BASIN, CALIFORNIA.**

10 *The portion of the project for flood protection in the*
11 *Sacramento River Basin, authorized by section 2 of the Act*
12 *of March 1, 1917 (chapter 144, 39 Stat. 949; 68 Stat. 1264;*
13 *110 Stat. 3662; 113 Stat. 319), consisting of the portion*
14 *of the American River North Levee, upstream of Arden*
15 *Way, from G.P.S. coordinate 38.600948N 121.330599W to*
16 *38.592261N 121.334155W, is no longer authorized begin-*
17 *ning on the date of enactment of this Act.*

18 **SEC. 8323. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO**
19 **COUNTY, CALIFORNIA.**

20 (a) *IN GENERAL.—The project for flood control and*
21 *navigation, San Diego River and Mission Bay, San Diego*
22 *County, California, authorized by the Act of July 24, 1946*
23 *(chapter 595, 60 Stat. 636; 134 Stat. 2705), is modified*
24 *to change the authorized conveyance capacity of the project*
25 *to a level determined appropriate by the Secretary based*

1 *on the actual capacity of the project, which level may be*
2 *further modified by the Secretary as necessary to account*
3 *for sea level rise.*

4 *(b) OPERATION AND MAINTENANCE MANUAL.—*

5 *(1) IN GENERAL.—The non-Federal sponsor for*
6 *the project described in subsection (a) shall prepare*
7 *for review and approval by the Secretary a revised*
8 *operation and maintenance manual for the project to*
9 *implement the modification described in subsection*
10 *(a).*

11 *(2) FUNDING.—The non-Federal sponsor shall*
12 *provide to the Secretary funds sufficient to cover the*
13 *costs incurred by the Secretary to review and approve*
14 *the manual described in paragraph (1), and the Sec-*
15 *retary may accept and expend such funds in the per-*
16 *formance of such review and approval.*

17 *(c) EMERGENCY REPAIR AND RESTORATION ASSIST-*
18 *ANCE.—Upon approval by the Secretary of the revised oper-*
19 *ation and maintenance manual required under subsection*
20 *(b), and subject to compliance by the non-Federal sponsor*
21 *with the requirements of such manual and with any other*
22 *eligibility requirement established by the Secretary, the*
23 *project described in subsection (a) shall be considered for*
24 *assistance under section 5(a) of the Act of August 18, 1941*
25 *(33 U.S.C. 701n(a)).*

1 **SEC. 8324. ADDITIONAL ASSISTANCE FOR EASTERN SANTA**
2 **CLARA BASIN, CALIFORNIA.**

3 *Section 111 of title I of division B of the Miscellaneous*
4 *Appropriations Act, 2001 (Public Law 106–554, appendix*
5 *D, 114 Stat. 2763A–224 (as enacted by section 1(a)(4) of*
6 *the Consolidated Appropriations Act, 2001 (114 Stat.*
7 *2763)); 121 Stat. 1209), is amended—*

8 *(1) in subsection (a), by inserting “and volatile*
9 *organic compounds” after “perchlorates”; and*

10 *(2) in subsection (b)(3), by inserting “and vola-*
11 *tile organic compounds” after “perchlorates”.*

12 **SEC. 8325. SAN FRANCISCO BAY, CALIFORNIA.**

13 *(a) TECHNICAL AMENDMENT.—Section 203(a)(1)(A)*
14 *of the Water Resources Development Act of 2020 (134 Stat.*
15 *2675) is amended by striking “ocean shoreline” and insert-*
16 *ing “bay and ocean shorelines”.*

17 *(b) IMPLEMENTATION.—In carrying out a study under*
18 *section 142 of the Water Resources Development Act of 1976*
19 *(90 Stat. 2930; 100 Stat. 4158), pursuant to section*
20 *203(a)(1)(A) of the Water Resources Development Act of*
21 *2020 (as amended by this section), the Secretary shall not*
22 *differentiate between damages related to high tide flooding*
23 *and coastal storm flooding for the purposes of determining*
24 *the Federal interest or cost share.*

1 **SEC. 8326. SOUTH SAN FRANCISCO BAY SHORELINE, CALI-**
2 **FORNIA.**

3 (a) *IN GENERAL.*—*Except for funds required for a bet-*
4 *terment or for a locally preferred plan, the Secretary shall*
5 *not require the non-Federal interest for the project for flood*
6 *risk management, ecosystem restoration, and recreation,*
7 *South San Francisco Bay Shoreline, California, authorized*
8 *by section 1401(6) of the Water Resources Development Act*
9 *of 2016 (130 Stat. 1714), to contribute funds under an*
10 *agreement entered into prior to the date of enactment of*
11 *this Act in excess of the total cash contribution required*
12 *from the non-Federal interest for the project under section*
13 *103 of the Water Resources Development Act of 1986 (33*
14 *U.S.C. 2213).*

15 (b) *REQUIREMENT.*—*The Secretary shall not, at any*
16 *time, defer, suspend, or terminate construction of the project*
17 *described in subsection (a) solely on the basis of a deter-*
18 *mination by the Secretary that an additional appropria-*
19 *tion is required to cover the Federal share of the cost to*
20 *complete construction of the project, if Federal funds, in an*
21 *amount determined by the Secretary to be sufficient to con-*
22 *tinue construction of the project, remain available in the*
23 *allocation for the project under the Long-Term Disaster Re-*
24 *covery Investment Plan for amounts appropriated under*
25 *the heading “CORPS OF ENGINEERS—CIVIL—DEPARTMENT*
26 *OF THE ARMY—CONSTRUCTION” in title IV of subdivision*

1 *1 of division B of the Bipartisan Budget Act of 2018 (Pub-*
2 *lic Law 115–123; 132 Stat. 76).*

3 **SEC. 8327. DELAWARE SHORE PROTECTION AND RESTORA-**
4 **TION.**

5 *(a) DELAWARE BENEFICIAL USE OF DREDGED MATE-*
6 *RIAL FOR THE DELAWARE RIVER, DELAWARE.—*

7 *(1) IN GENERAL.—At the request of the non-Fed-*
8 *eral interest for the project for hurricane and storm*
9 *damage risk reduction, Delaware Beneficial Use of*
10 *Dredged Material for the Delaware River, Delaware,*
11 *authorized by section 401(3) of the Water Resources*
12 *Development Act of 2020 (134 Stat. 2736) (referred to*
13 *in this subsection as the “project”), the Secretary*
14 *shall implement the project using borrow sources that*
15 *are alternatives to the Delaware River, Philadelphia*
16 *to the Sea, project, Delaware, New Jersey, Pennsyl-*
17 *vania, authorized by the Act of June 25, 1910 (chap-*
18 *ter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59*
19 *Stat. 14; 68 Stat. 1249; 72 Stat. 297).*

20 *(2) INTERIM AUTHORITY.—Until the Secretary*
21 *implements the modification under paragraph (1), the*
22 *Secretary is authorized, at the request of a non-Fed-*
23 *eral interest, to carry out initial construction or peri-*
24 *odic nourishments at any site included in the project*
25 *under—*

1 (A) *section 1122 of the Water Resources De-*
2 *velopment Act of 2016 (33 U.S.C. 2326 note); or*

3 (B) *section 204(d) of the Water Resources*
4 *Development Act of 1992 (33 U.S.C. 2326(d)).*

5 (3) *COST SHARE.—The Federal share of the cost*
6 *to construct and periodically nourish the project, in-*
7 *cluding the cost of any modifications carried out*
8 *under paragraph (1) and the incremental cost of any*
9 *placements carried out under paragraph (2)(B), shall*
10 *be 90 percent.*

11 (b) *DELAWARE EMERGENCY SHORE RESTORATION.—*

12 (1) *IN GENERAL.—The Secretary is authorized to*
13 *repair or restore a federally authorized hurricane and*
14 *storm damage reduction structure or project or a pub-*
15 *lic beach located in the State of Delaware pursuant*
16 *to section 5(a) of the Act of August 18, 1941 (33*
17 *U.S.C. 701n(a)), if—*

18 (A) *the structure, project, or public beach is*
19 *damaged by wind, wave, or water action associ-*
20 *ated with a Nor'easter; and*

21 (B) *the Secretary determines that the dam-*
22 *age prevents—*

23 (i) *in the case of a structure or project,*
24 *the adequate functioning of the structure or*

1 *project for the authorized purposes of the*
2 *structure or project; or*

3 *(ii) in the case of a public beach, the*
4 *adequate functioning of the beach as a nat-*
5 *ural barrier to inundation, wave attack, or*
6 *erosion coinciding with hurricanes, coastal*
7 *storms, or Nor'easters.*

8 (2) *JUSTIFICATION.*—*The Secretary may carry*
9 *out a repair or restoration activity under paragraph*
10 *(1) without the need to demonstrate that the activity*
11 *is justified solely by national economic development*
12 *benefits if—*

13 *(A) the Secretary determines that—*

14 *(i) such activity is necessary to restore*
15 *the adequate functioning of the structure,*
16 *project, or public beach for the purposes de-*
17 *scribed in paragraph (1)(B), as applicable;*
18 *and*

19 *(ii) such activity is warranted to pro-*
20 *tect against loss to life or property of the*
21 *community protected by the structure,*
22 *project, or public beach; and*

23 *(B) in the case of a public beach, the non-*
24 *Federal interest agrees to participate in, and*

1 *comply with, applicable Federal floodplain man-*
2 *agement and flood insurance programs.*

3 (3) *PRIORITIZATION.*—*Repair or restoration ac-*
4 *tivities carried out by the Secretary under paragraph*
5 *(2) shall be given equal budgetary consideration and*
6 *priority as activities justified solely by national eco-*
7 *nommic development benefits.*

8 (4) *LIMITATIONS.*—*An activity carried out*
9 *under paragraph (1) for a public beach shall not—*

10 (A) *repair or restore the beach beyond its*
11 *natural profile; or*

12 (B) *be considered initial construction of the*
13 *hurricane and storm damage reduction project.*

14 (5) *SAVINGS PROVISION.*—*The authority pro-*
15 *vided by this subsection shall be in addition to any*
16 *authority provided by section 5(a) of the Act of Au-*
17 *gust 18, 1941 (33 U.S.C. 701n(a)) to repair or restore*
18 *federally authorized hurricane or shore protective*
19 *structure or project located in the State of Delaware*
20 *damaged or destroyed by wind, wave, or water action*
21 *of other than an ordinary nature.*

22 (6) *SUNSET.*—*The authority of the Secretary to*
23 *carry out an activity under paragraph (1) for a pub-*
24 *lic beach shall expire on the date that is 10 years*
25 *after the date of enactment of this Act.*

1 (7) *DEFINITIONS.*—*In this subsection:*

2 (A) *NOR'EASTER.*—*The term “Nor’easter”*
3 *means a synoptic-scale, extratropical cyclone in*
4 *the western North Atlantic Ocean.*

5 (B) *PUBLIC BEACH.*—*The term “public*
6 *beach” means a beach within the geographic*
7 *boundary of an unconstructed federally author-*
8 *ized hurricane and storm damage reduction*
9 *project that is—*

10 (i) *a publicly owned beach; or*

11 (ii) *a privately owned beach that is*
12 *available for public use, including the avail-*
13 *ability of reasonable public access, in ac-*
14 *cordance with Engineer Regulation 1165–*
15 *2–130, published by the Corps of Engineers,*
16 *dated June 15, 1989.*

17 (c) *INDIAN RIVER INLET AND BAY, DELAWARE.*—

18 (1) *IN GENERAL.*—*In carrying out major main-*
19 *tenance of the project for navigation, Indian River*
20 *Inlet and Bay, Delaware, authorized by the first sec-*
21 *tion of the Act of August 26, 1937 (chapter 832, 50*
22 *Stat. 846; 59 Stat. 14), the Secretary shall repair, re-*
23 *store, or relocate any non-Federal public recreation*
24 *facility that has been damaged, in whole or in part,*
25 *by the deterioration or failure of the project.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.*—

2 *There is authorized to be appropriated to carry out*
3 *this subsection \$10,000,000.*

4 (d) *INDIAN RIVER INLET SAND BYPASS PLANT, DELA-*
5 *WARE.*—

6 (1) *IN GENERAL.*—*The project for hurricane-*
7 *flood protection and beach erosion control at Indian*
8 *River Inlet, Delaware, commonly known as the “In-*
9 *dian River Inlet Sand Bypass Plant”, authorized by*
10 *section 869 of the Water Resources Development Act*
11 *of 1986 (100 Stat. 4182), is modified to authorize the*
12 *Secretary, at the request of a non-Federal interest, to*
13 *provide periodic nourishment through dedicated*
14 *dredging or other means to maintain or restore the*
15 *functioning of such project when—*

16 (A) *the sand bypass plant is inoperative; or*

17 (B) *operation of the sand bypass plant is*
18 *insufficient to maintain the functioning of the*
19 *project.*

20 (2) *COST SHARE.*—*The non-Federal share of the*
21 *cost of a cycle of periodic nourishment provided pur-*
22 *suant to paragraph (1) shall be the same percentage*
23 *as the non-Federal share of the cost to operate the*
24 *sand bypass plant.*

1 (e) *REPROGRAMMING FOR COASTAL STORM RISK MAN-*
2 *AGEMENT PROJECT AT INDIAN RIVER INLET.—*

3 (1) *IN GENERAL.—For each fiscal year, the Sec-*
4 *retary may reprogram amounts made available for*
5 *any coastal storm risk management project to use*
6 *such amounts for the project for hurricane-flood pro-*
7 *tection and beach erosion control at Indian River*
8 *Inlet, Delaware, commonly known as the “Indian*
9 *River Inlet Sand Bypass Plant”, authorized by sec-*
10 *tion 869 of the Water Resources Development Act of*
11 *1986 (100 Stat. 4182).*

12 (2) *LIMITATIONS.—*

13 (A) *IN GENERAL.—The Secretary may*
14 *carry out not more than 2 reprogramming ac-*
15 *tions under paragraph (1) for each fiscal year.*

16 (B) *AMOUNT.—For each fiscal year, the*
17 *Secretary may reprogram—*

18 (i) *not more than \$100,000 per re-*
19 *programming action; and*

20 (ii) *not more than \$200,000 for each*
21 *fiscal year.*

22 **SEC. 8328. ST. JOHNS RIVER BASIN, CENTRAL AND SOUTH-**
23 **ERN FLORIDA.**

24 *The portions of the project for flood control and other*
25 *purposes, Central and Southern Florida, authorized by sec-*

1 *tion 203 of the Flood Control Act of 1948 (62 Stat. 1176),*
2 *consisting of the southernmost 3.5-mile reach of the L-73*
3 *levee, Section 2, Osceola County Florida, are no longer au-*
4 *thorized beginning on the date of enactment of this Act.*

5 **SEC. 8329. LITTLE PASS, CLEARWATER BAY, FLORIDA.**

6 *The portion of the project for navigation, Little Pass,*
7 *Clearwater Bay, Florida, authorized by section 101 of the*
8 *River and Harbor Act of 1960 (74 Stat. 481), beginning*
9 *with the most westerly 1,000 linear feet of the channel en-*
10 *compassing all of Cut H, to include the turning basin, is*
11 *no longer authorized beginning on the date of enactment*
12 *of this Act.*

13 **SEC. 8330. COMPREHENSIVE EVERGLADES RESTORATION**
14 **PLAN, FLORIDA.**

15 *(a) IN GENERAL.—Section 601(e)(5) of the Water Re-*
16 *sources Development Act of 2000 (114 Stat. 2685; 121 Stat.*
17 *1269; 132 Stat. 3786) is amended—*

18 *(1) in subparagraph (D), by striking “subpara-*
19 *graph (D)” and inserting “subparagraph (E)”; and*

20 *(2) in subparagraph (E)—*

21 *(A) in clause (i), in the matter preceding*
22 *subclause (I), by striking “during each 5-year*
23 *period, beginning with commencement of design*
24 *of the Plan” and inserting “during each period*
25 *of 5 fiscal years, beginning on October 1, 2022”;*

1 (B) in clause (ii), by inserting “for each
2 project in the Plan” before the period at the end;
3 and

4 (C) by adding at the end the following:

5 “(iii) ACCOUNTING.—Not later than 90
6 days after the end of each fiscal year, the
7 Secretary shall provide to the non-Federal
8 sponsor a financial accounting of non-Fed-
9 eral contributions under clause (i)(I) for
10 such fiscal year.

11 “(iv) LIMITATION.—In the case of an
12 authorized project for which a project part-
13 nership agreement has not been executed
14 and for which there is an agreement under
15 subparagraph (B)(i)(III), the Secretary—

16 “(I) shall consider all expendi-
17 tures and obligations incurred by the
18 non-Federal sponsor for land and in-
19 kind services for the project in deter-
20 mining the amount of any cash con-
21 tribution required from the non-Fed-
22 eral sponsor to satisfy the cost-share re-
23 quirements of this subsection; and

24 “(II) may only require any such
25 cash contribution to be made at the

1 *end of each period of 5 fiscal years*
2 *under clause (i).”.*

3 *(b) UPDATE.—The Secretary and the non-Federal in-*
4 *terest shall revise the Master Agreement for the Comprehen-*
5 *sive Everglades Restoration Plan, executed in 2009 pursu-*
6 *ant to section 601 of the Water Resources Development Act*
7 *of 2000 (114 Stat. 2680), to reflect the amendment made*
8 *by subsection (a).*

9 **SEC. 8331. PALM BEACH HARBOR, FLORIDA.**

10 *Beginning on the date of enactment of this Act, the*
11 *project for navigation, Palm Beach Harbor, Florida, for*
12 *which assumption of maintenance was authorized by sec-*
13 *tion 202 of the Water Resources Development Act of 1986*
14 *(100 Stat. 4093), is modified to deauthorize the portion of*
15 *the project, known as the Northern Turning Basin, con-*
16 *sisting of an approximate 209,218-square foot area (4.803*
17 *acres) of the Federal northern turning basin within Palm*
18 *Beach Harbor, starting at a point with coordinates*
19 *N887149.6299, E965813.7673; thence running*
20 *N46°05'59"E for 106.07 feet to a point with coordinates*
21 *N887223.1767, E965890.1929; thence running*
22 *S88°54'01"E for 393.00 feet to a point with coordinates*
23 *N887215.6342, E966283.1205; thence running*
24 *S32°48'37"E for 433.78 feet to a point with coordinates*
25 *N886851.0560, E966518.1668; thence running*

1 N88°54'01"W for 710.00 feet to a point with coordinates
2 N886864.6824, E965808.2975; thence running
3 N01°05'59"E for 285.00 feet to the point of origin.

4 **SEC. 8332. PORT EVERGLADES, FLORIDA.**

5 Section 1401(1) of the Water Resources Development
6 Act of 2016 (130 Stat. 1709) is amended, in row 4 (relating
7 to the project for navigation, Port Everglades, Florida)—

8 (1) by striking "\$229,770,000" and inserting
9 "\$529,700,000";

10 (2) by striking "\$107,233,000" and inserting
11 "\$247,209,000"; and

12 (3) by striking "\$337,003,000" and inserting
13 "\$776,909,000".

14 **SEC. 8333. SOUTH FLORIDA ECOSYSTEM RESTORATION**
15 **TASK FORCE.**

16 Section 528(f)(1)(J) of the Water Resources Develop-
17 ment Act of 1996 (110 Stat. 3771) is amended by striking
18 "2 representatives of the State of Florida," and inserting
19 "3 representatives of the State of Florida, including at least
20 1 representative of the Florida Department of Environ-
21 mental Protection and 1 representative of the Florida Fish
22 and Wildlife Conservation Commission,".

1 **SEC. 8334. NEW SAVANNAH BLUFF LOCK AND DAM, GEOR-**
2 **GIA AND SOUTH CAROLINA.**

3 *Section 1319(c) of the Water Resources Development*
4 *Act of 2016 (130 Stat. 1704) is amended by striking para-*
5 *graph (2) and inserting the following:*

6 “(2) *COST SHARE.*—

7 “(A) *IN GENERAL.*—*The costs of construc-*
8 *tion of a Project feature constructed pursuant to*
9 *paragraph (1) shall be determined in accordance*
10 *with section 101(a)(1)(B) of the Water Resources*
11 *Development Act of 1986 (33 U.S.C.*
12 *2211(a)(1)(B)).*

13 “(B) *SAVINGS PROVISION.*—*Any increase in*
14 *costs for the Project due to the construction of a*
15 *Project feature constructed pursuant to para-*
16 *graph (1) shall not be included in the total*
17 *project cost for purposes of section 902 of the*
18 *Water Resources Development Act of 1986 (33*
19 *U.S.C. 2280).”.*

20 **SEC. 8335. LITTLE WOOD RIVER, GOODING, IDAHO.**

21 *Section 3057 of the Water Resources Development Act*
22 *of 2007 (121 Stat. 1120) is amended—*

23 (1) *in subsection (a)(2), by striking*

24 *“\$9,000,000” and inserting “\$40,000,000”; and*

25 (2) *in subsection (b)—*

1 (A) by striking paragraph (1) and inserting
2 the following:

3 “(1) *PLANNING, DESIGN, AND RECONSTRUCTION*
4 *COSTS.—The Federal share of planning, design, and*
5 *reconstruction costs for a project under this section,*
6 *including any work associated with bridges, shall be*
7 *90 percent.”; and*

8 (B) by adding at the end the following:

9 “(3) *IN-KIND CONTRIBUTIONS.—The non-Federal*
10 *interest may provide and receive credit for in-kind*
11 *contributions for a project carried out under this sec-*
12 *tion, consistent with section 221(a)(4) of the Flood*
13 *Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)).*

14 “(4) *CASH CONTRIBUTION NOT APPLICABLE.—*
15 *The requirement under section 103(a)(1)(A) of the*
16 *Water Resources Development Act of 1986 (33 U.S.C.*
17 *2213(a)(1)(A)) for a non-Federal interest to provide*
18 *5 percent of the cost of a project carried out under*
19 *this section shall not apply with respect to the project.*

20 “(5) *PAYMENT OPTIONS.—At the request of the*
21 *non-Federal interest for a project carried out under*
22 *this section and subject to available funding, the non-*
23 *Federal contribution for construction of the project*
24 *shall be financed in accordance with the provisions of*
25 *section 103(k) of the Water Resources Development*

1 *Act of 1986 (33 U.S.C. 2213(k)) over a period of thir-*
2 *ty years from the date of completion of the project.”.*

3 **SEC. 8336. CHICAGO SHORELINE PROTECTION.**

4 *The project for storm damage reduction and shoreline*
5 *erosion protection, Lake Michigan, Illinois, from Wilmette,*
6 *Illinois, to the Illinois-Indiana State line, authorized by*
7 *section 101(a)(12) of the Water Resources Development Act*
8 *of 1996 (110 Stat. 3664), is modified to authorize the Sec-*
9 *retary to provide 65 percent of the cost of the locally pre-*
10 *ferred plan, as described in the Report of the Chief of Engi-*
11 *neers, dated April 14, 1994, for the construction of the fol-*
12 *lowing segments of the project:*

13 (1) *Shoreline revetment at Morgan Shoal.*

14 (2) *Shoreline revetment at Promontory Point.*

15 **SEC. 8337. GREAT LAKES AND MISSISSIPPI RIVER**
16 **INTERBASIN PROJECT, BRANDON ROAD, WILL**
17 **COUNTY, ILLINOIS.**

18 (a) *IN GENERAL.*—Section 402(a)(1) of the Water Re-
19 sources Development Act of 2020 (134 Stat. 2742) is amend-
20 ed by striking “80 percent” and inserting “90 percent”.

21 (b) *LOCAL COOPERATION REQUIREMENTS.*—At the re-
22 quest of the applicable non-Federal interests for the project
23 for ecosystem restoration, Great Lakes and Mississippi
24 River Interbasin project, Brandon Road, Will County, Illi-
25 nois, authorized by section 401(a)(5) of the Water Resources

1 *Development Act of 2020 (134 Stat. 2740), the Secretary*
2 *shall not require such non-Federal interests to be jointly*
3 *and severally liable for all non-Federal obligations in the*
4 *project partnership agreement for the project.*

5 **SEC. 8338. SOUTHEAST DES MOINES, SOUTHWEST PLEAS-**
6 **ANT HILL, IOWA.**

7 (a) *PROJECT MODIFICATIONS.*—*The project for flood*
8 *control and other purposes, Red Rock Dam and Lake, Des*
9 *Moines River, Iowa (referred to in this section as the “Red*
10 *Rock Dam Project”), authorized by section 10 of the Act*
11 *of December 22, 1944 (chapter 665, 58 Stat. 896), and the*
12 *project for local flood protection, Des Moines Local Flood*
13 *Protection, Des Moines River, Iowa (referred to in this sec-*
14 *tion as “Flood Protection Project”), authorized by such sec-*
15 *tion, shall be modified as follows, subject to a new or*
16 *amended agreement between the Secretary and the non-Fed-*
17 *eral interest for the Flood Protection Project, the City of*
18 *Des Moines, Iowa (referred to in this section as the “City”),*
19 *in accordance with section 221 of the Flood Control Act*
20 *of 1970 (42 U.S.C. 1962d–5b):*

21 (1) *That portion of the Red Rock Dam Project*
22 *consisting of the segment of levee from Station*
23 *15+88.8W to Station 77+43.7W shall be transferred*
24 *to the Flood Protection Project.*

1 (2) *The relocated levee improvement constructed*
2 *by the City, from Station 77+43.7W to approxi-*
3 *mately Station 20+00, shall be included in the Flood*
4 *Protection Project.*

5 (b) *FEDERAL EASEMENT CONVEYANCES.—*

6 (1) *IN GENERAL.—The Secretary is authorized to*
7 *convey the following easements, acquired by the Fed-*
8 *eral Government for the Red Rock Dam Project, to the*
9 *City to become part of the Flood Protection Project in*
10 *accordance with subsection (a):*

11 (A) *Easements identified as Tracts 3215E–*
12 *1, 3235E, and 3227E.*

13 (B) *Easements identified as Partial Tracts*
14 *3216E–2, 3216E–3, 3217E–1, and 3217E–2.*

15 (2) *ADDITIONAL CONVEYANCES AUTHORIZED.—*
16 *After execution of a new or amended agreement pur-*
17 *suant to subsection (a) and conveyance of the ease-*
18 *ments under paragraph (1), the Secretary is author-*
19 *ized to convey the following easements, by quitclaim*
20 *deed, without consideration, acquired by the Federal*
21 *Government for the Red Rock Dam project, to the*
22 *City or to the Des Moines Metropolitan Wastewater*
23 *Reclamation Authority and no longer required for the*
24 *Red Rock Dam Project or for the Des Moines Local*
25 *Flood Protection Project:*

1 (A) *Easements identified as Tracts 3200E,*
2 *3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-*
3 *3, 3216E-1, and 3216E-5.*

4 (B) *Easements identified as Partial Tracts*
5 *3216E-2, 3216E-3, 3217E-1, and 3217E-2.*

6 (3) *EASEMENT DISPOSAL PROCESS AND FEES.—*
7 *All real property interests conveyed under this sub-*
8 *section shall be subject to the standard release of ease-*
9 *ment disposal process. All administrative fees associ-*
10 *ated with the transfer of the subject easements to the*
11 *City or to the Des Moines Metropolitan Wastewater*
12 *Reclamation Authority will be borne by the trans-*
13 *feree.*

14 **SEC. 8339. CITY OF EL DORADO, KANSAS.**

15 (a) *IN GENERAL.—The Secretary shall amend the con-*
16 *tract described in subsection (b) between the United States*
17 *and the City of El Dorado, Kansas, relating to storage space*
18 *for water supply, to change the method of calculation of*
19 *the interest charges that began accruing on June 30, 1991,*
20 *on the investment costs for the 72,087 acre-feet of future*
21 *use storage space, from compounding interest annually to*
22 *charging simple interest annually on the principal amount,*
23 *until—*

1 (1) *the City of El Dorado informs the Secretary*
2 *of the desire to convert the future use storage space to*
3 *present use; and*

4 (2) *the principal amount plus the accumulated*
5 *interest becomes payable pursuant to the terms of the*
6 *contract.*

7 (b) *CONTRACT DESCRIBED.—The contract referred to*
8 *in subsection (a) is the contract between the United States*
9 *and the City of El Dorado, Kansas, for the use by the City*
10 *of El Dorado of storage space for water supply in El Do-*
11 *rado Lake, Kansas, entered into on June 30, 1972, and ti-*
12 *tled Contract DACW56-72-C-0220.*

13 **SEC. 8340. ALGIERS CANAL LEVEES, LOUISIANA.**

14 (a) *IN GENERAL.—In accordance with section 328 of*
15 *the Water Resources Development Act of 1999 (113 Stat.*
16 *304; 121 Stat. 1129), the Secretary shall resume operation,*
17 *maintenance, repair, rehabilitation, and replacement of the*
18 *Algiers Canal Levees, Louisiana, at full Federal expense.*

19 (b) *TECHNICAL AMENDMENT.—Section 328(c) of the*
20 *Water Resources Development Act of 1999 (113 Stat. 304;*
21 *121 Stat. 1129) is amended by inserting “described in sub-*
22 *section (b)” after “the project”.*

23 **SEC. 8341. MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.**

24 *The Federal share of the cost of the project for eco-*
25 *system restoration, Mississippi River Gulf Outlet, Lou-*

1 isiana, authorized by section 7013(a)(4) of the Water Re-
2 sources Development Act of 2007 (121 Stat. 1281), shall be
3 100 percent.

4 **SEC. 8342. CAMP ELLIS, SACO, MAINE.**

5 (a) *IN GENERAL.*—The project being carried out under
6 section 111 of the River and Harbor Act of 1968 (33 U.S.C.
7 426i) for the mitigation of shore damages attributable to
8 the project for navigation, Camp Ellis, Saco, Maine, is
9 modified as follows:

10 (1) *The maximum amount of Federal funds that*
11 *may be expended for the project shall be \$45,000,000.*

12 (2) *The project may include Federal participa-*
13 *tion in periodic nourishment.*

14 (3) *For purposes of subsection (b) of section 111*
15 *of the River and Harbor Act of 1968 (33 U.S.C.*
16 *426i(b)), the Secretary shall determine that the navi-*
17 *gation works to which the shore damages are attrib-*
18 *utable were constructed at Federal expense.*

19 (b) *CONFORMING AMENDMENT.*—Section 3085 of the
20 *Water Resources Development Act of 2007 (121 Stat. 1129),*
21 *and the item relating to such section in the table of contents*
22 *for such Act, are repealed.*

1 **SEC. 8343. LOWER MISSISSIPPI RIVER COMPREHENSIVE**
2 **MANAGEMENT STUDY.**

3 *Section 213 of the Water Resources Development Act*
4 *of 2020 (134 Stat. 2684) is amended by adding at the end*
5 *the following:*

6 “(j) *COST SHARE.—The Federal share of the cost of*
7 *the comprehensive study carried out under subsection (a),*
8 *and any feasibility study carried out under subsection (e),*
9 *shall be 100 percent.”.*

10 **SEC. 8344. UPPER MISSISSIPPI RIVER PROTECTION.**

11 *Section 2010 of the Water Resources Reform and De-*
12 *velopment Act of 2014 (128 Stat. 1270; 132 Stat. 3812)*
13 *is amended by adding at the end the following:*

14 “(f) *LIMITATION.—The Secretary shall not recommend*
15 *deauthorization of the Upper St. Anthony Falls Lock and*
16 *Dam pursuant to the disposition study carried out under*
17 *subsection (d) unless the Secretary identifies a willing and*
18 *capable non-Federal public entity to assume ownership of*
19 *the Upper St. Anthony Falls Lock and Dam.*

20 “(g) *MODIFICATION.—The Secretary is authorized to*
21 *investigate the feasibility of modifying, prior to*
22 *deauthorizing, the Upper St. Anthony Falls Lock and Dam*
23 *to add ecosystem restoration, including the prevention and*
24 *control of invasive species, water supply, and recreation as*
25 *authorized purposes.”.*

1 **SEC. 8345. UPPER MISSISSIPPI RIVER RESTORATION PRO-**
2 **GRAM.**

3 *Section 1103(e)(3) of the Water Resources Development*
4 *Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking*
5 *“\$40,000,000” and inserting “\$75,000,000”.*

6 **SEC. 8346. WATER LEVEL MANAGEMENT ON THE UPPER**
7 **MISSISSIPPI RIVER AND ILLINOIS WATERWAY.**

8 *(a) IN GENERAL.—As part of the operation and main-*
9 *tenance of the navigation channel projects on the Upper*
10 *Mississippi River, including all projects authorized for*
11 *navigation of the Mississippi River from the mouth of the*
12 *Missouri River to Minneapolis, authorized by the first sec-*
13 *tion of the Act of July 3, 1930 (chapter 847, 46 Stat. 927;*
14 *49 Stat. 1034; 50 Stat. 848; 59 Stat. 19; 72 Stat. 298; 92*
15 *Stat. 1695; 95 Stat. 1634; 100 Stat. 4208; 100 Stat. 4213;*
16 *100 Stat. 4228; 102 Stat. 4027; 104 Stat. 4613; 106 Stat.*
17 *4806; 106 Stat. 4811; 110 Stat. 3716; 121 Stat. 1283; 128*
18 *Stat. 1270; 132 Stat. 3812; 134 Stat. 2704), and as part*
19 *of the operation and maintenance of the navigation channel*
20 *projects on the Illinois River, Illinois (also called the Illi-*
21 *nois Waterway), authorized by the first section of the Act*
22 *of January 21, 1927 (chapter 47, 44 Stat. 1013; 46 Stat.*
23 *929; 49 Stat. 1035; 49 Stat. 1036; 52 Stat. 805; 59 Stat.*
24 *19; 60 Stat. 636; 72 Stat. 302; 82 Stat. 735; 100 Stat. 4208;*
25 *106 Stat. 4806; 121 Stat. 1283; 128 Stat. 1351), the Sec-*
26 *retary is authorized to and shall carry out water level man-*

1 *agement activities to help redress the degrading influences*
2 *of prolonged inundation or sedimentation from such*
3 *projects, and to improve the quality and quantity of habitat*
4 *available for fish and wildlife.*

5 (b) *CONDITIONS ON DRAWDOWNS.—In carrying out*
6 *subsection (a), the Secretary shall carry out routine and*
7 *systemic water level drawdowns of the pools created by the*
8 *locks and dams of the projects described in subsection (a),*
9 *including drawdowns during the growing season, when—*

10 (1) *hydrologic conditions allow the Secretary to*
11 *carry out a drawdown within applicable dam oper-*
12 *ating plans; or*

13 (2) *hydrologic conditions allow the Secretary to*
14 *carry out a drawdown and sufficient funds are avail-*
15 *able to the Secretary to carry out any additional ac-*
16 *tivities that may be required to ensure that the draw-*
17 *down does not adversely affect navigation.*

18 (c) *COORDINATION AND NOTIFICATION.—*

19 (1) *COORDINATION.—The Secretary shall use ex-*
20 *isting coordination and consultation processes to reg-*
21 *ularly coordinate and consult with other relevant*
22 *Federal agencies and States regarding the planning*
23 *and assessment of water level management actions*
24 *implemented under this section.*

1 (2) *NOTIFICATION AND OPPORTUNITY FOR COM-*
2 *MENT.*—*Prior to carrying out any activity under this*
3 *section, the Secretary shall provide to the public and*
4 *to navigation interests and other interested stake-*
5 *holders notice and an opportunity for comment on*
6 *such activity.*

7 (d) *REPORT.*—*Not later than December 31, 2028, the*
8 *Secretary shall make publicly available (including on a*
9 *publicly available website) and submit to the Committee on*
10 *Transportation and Infrastructure of the House of Rep-*
11 *resentatives and the Committee on Environment and Public*
12 *Works of the Senate a report that describes any activity*
13 *carried out under this section and the effects of such activ-*
14 *ity.*

15 **SEC. 8347. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.**

16 *As part of the authority of the Secretary to carry out*
17 *the project for flood damage reduction, bank stabilization,*
18 *and sediment and erosion control, Yazoo Basin, Mississippi*
19 *Delta Headwaters, Mississippi, authorized pursuant to the*
20 *matter under the heading “ENHANCEMENT OF WATER RE-*
21 *SOURCE BENEFITS AND FOR EMERGENCY DISASTER WORK”*
22 *in title I of Public Law 98–8 (97 Stat. 22), the Secretary*
23 *may carry out emergency maintenance activities, as the*
24 *Secretary determines to be necessary, for features of the*
25 *project completed before the date of enactment of this Act.*

1 **SEC. 8348. SENSE OF CONGRESS RELATING TO OKATIBBEE**
2 **LAKE, MISSISSIPPI.**

3 *It is the sense of Congress that—*

4 *(1) there is significant shoreline sloughing and*
5 *erosion at the Okatibbee Lake portion of the project*
6 *for flood protection, Chunky Creek, Chickasawhay and*
7 *Pascagoula Rivers, Mississippi, authorized by section*
8 *203 of the Flood Control Act of 1962 (76 Stat. 1183),*
9 *which has the potential to impact infrastructure,*
10 *damage property, and put lives at risk; and*

11 *(2) addressing shoreline sloughing and erosion at*
12 *a project of the Secretary, including at a location*
13 *leased by non-Federal entities such as Okatibbee Lake,*
14 *is an activity that is eligible to be carried out by the*
15 *Secretary as part of the operation and maintenance*
16 *of such project.*

17 **SEC. 8349. ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY**
18 **CREEK, AND NORTH KANSAS LEVEES UNITS,**
19 **MISSOURI RIVER AND TRIBUTARIES AT KAN-**
20 **SAS CITIES, MISSOURI AND KANSAS.**

21 *(a) IN GENERAL.—The project for flood control, Kan-*
22 *sas Citys on Missouri and Kansas Rivers in Missouri and*
23 *Kansas, authorized by section 5 of the Act of June 22, 1936*
24 *Flood Control Act of 1936 (chapter 688, 49 Stat. 1588; 58*
25 *Stat. 897; 121 Stat. 1054) is modified to direct the Sec-*
26 *retary to—*

1 (1) *construct access manholes, or other features,*
2 *in the Fairfax portion of such project to allow for reg-*
3 *ular inspection of project features if the Secretary de-*
4 *termines that such work is—*

5 (A) *not required as a result of improper op-*
6 *eration and maintenance of the project by the*
7 *nonFederal interest; and*

8 (B) *technically feasible and environmentally*
9 *acceptable; and*

10 (2) *plan, design, and carry out the construction*
11 *described in paragraph (1) as a continuation of the*
12 *construction of such project.*

13 (b) *COST SHARING.—The Federal share of the cost of*
14 *planning, design, and construction of access manholes or*
15 *other features under this section shall be 90 percent.*

16 **SEC. 8350. LOWER MISSOURI RIVER STREAMBANK EROSION**
17 **CONTROL EVALUATION AND DEMONSTRA-**
18 **TION PROJECTS.**

19 (a) *IN GENERAL.—The Secretary is authorized to*
20 *carry out streambank erosion control evaluation and dem-*
21 *onstration projects in the Lower Missouri River through*
22 *contracts with non-Federal interests, including projects for*
23 *streambank protection and stabilization.*

24 (b) *AREA.—The Secretary shall carry out demonstra-*
25 *tion projects under this section on the reach of the Missouri*

1 *River between Sioux City, Iowa, and the confluence of the*
2 *Missouri River and the Mississippi River.*

3 (c) *REQUIREMENTS.*—*In carrying out subsection (a),*
4 *the Secretary shall—*

5 (1) *conduct an evaluation of the extent of*
6 *streambank erosion on the Lower Missouri River; and*

7 (2) *develop new methods and techniques for*
8 *streambank protection, research soil stability, and*
9 *identify the causes of erosion.*

10 (d) *REPORT.*—*Not later than 1 year after the date of*
11 *enactment of this Act, the Secretary shall submit to the*
12 *Committee on Transportation and Infrastructure of the*
13 *House of Representatives and the Committee on Environ-*
14 *ment and Public Works of the Senate a report describing*
15 *the results of the demonstration projects carried out under*
16 *this section, including any recommendations for methods*
17 *to prevent and correct streambank erosion.*

18 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated to carry out this section*
20 *\$15,000,000, to remain available until expended.*

21 (f) *SUNSET.*—*The authority of the Secretary to enter*
22 *into contracts under subsection (a) shall expire on the date*
23 *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 the
4 *Water Resources Development Act of 2020 (134 Stat. 2643),*
5 *and subject to subsection (b), the Secretary is authorized*
6 *to carry out the construction of an interception-rearing*
7 *complex at each of Plowboy Bend A (River Mile: 174.5 to*
8 *173.2) and Pelican Bend B (River Mile: 15.8 to 13.4) on*
9 *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 flood-*
16 *ing to adjacent lands and properties, including*
17 *local levees;*

18 (B) *affect the navigation channel, including*
19 *crossflows, velocity, channel depth, and channel*
20 *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 to*
3 *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 Com-*
7 *mittee on Transportation and Infrastructure of the House*
8 *of Representatives and the Committee on Environment and*
9 *Public Works of the Senate a report describing the extent*
10 *to which the construction of such interception-rearing com-*
11 *plexes affected the population recovery of pallid sturgeon*
12 *in the Missouri River.*

13 *(d) CONFORMING AMENDMENT.—Section 129(b) of the*
14 *Water Resources Development Act of 2020 (134 Stat. 2643)*
15 *is amended by redesignating paragraphs (2) and (3) as*
16 *paragraphs (3) and (4), respectively, and inserting after*
17 *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 Re-
2 sources Development Act of 1999 (113 Stat. 306) is
3 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 Act
13 of 1986 (100 Stat. 4143; 113 Stat. 306; 121 Stat.
14 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 under
18 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 the*
2 *source of the Federal funds used to acquire such lands*
3 *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 days*
12 *after the enactment of this Act, the Secretary*
13 *shall submit to the Committee on Transportation*
14 *and Infrastructure of the House of Representa-*
15 *tives and the Committee on Environment and*
16 *Public Works of the Senate a report identifying*
17 *the lands or interests in lands acquired with*
18 *Federal funds that the Secretary determines,*
19 *pursuant to section 344(c)(1) of the Water Re-*
20 *sources Development Act of 1999, meet the pur-*
21 *poses of the Missouri River Mitigation Project,*
22 *Missouri, Kansas, Iowa, and Nebraska, author-*
23 *ized by section 601(a) of the Water Resources De-*
24 *velopment Act of 1986 (100 Stat. 4143; 113 Stat.*
25 *306; 121 Stat. 1155).*

1 (B) *CONTENTS.*—*The Secretary shall in-*
2 *clude in the report submitted under subpara-*
3 *graph (A) a justification for any lands or inter-*
4 *ests in lands acquired with Federal funding that*
5 *the Secretary determines will not be applied to-*
6 *ward the total number of acres required under*
7 *section 334(a) of the Water Resources Develop-*
8 *ment Act of 1999 (113 Stat. 306).*

9 (b) *FLOOD RISK MANAGEMENT BENEFITS.*—*The*
10 *project for mitigation of fish and wildlife losses, Missouri*
11 *River Bank Stabilization and Navigation Project, Missouri,*
12 *Kansas, Iowa, and Nebraska, authorized by section 601(a)*
13 *of the Water Resources Development Act of 1986 (100 Stat.*
14 *4143; 113 Stat. 306; 121 Stat. 1155), is modified to author-*
15 *ize the Secretary to consider incidental flood risk manage-*
16 *ment benefits when acquiring land for the project.*

17 **SEC. 8353. NORTHERN MISSOURI.**

18 (a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary*
19 *may establish a program to provide environmental assist-*
20 *ance to non-Federal interests in northern Missouri.*

21 (b) *FORM OF ASSISTANCE.*—*Assistance provided under*
22 *this section may be in the form of design and construction*
23 *assistance for water-related environmental infrastructure*
24 *and resource protection and development projects in north-*
25 *ern Missouri, including projects for wastewater treatment*

1 *and related facilities, water supply and related facilities,*
2 *environmental restoration, and surface water resource pro-*
3 *tection and development.*

4 (c) *OWNERSHIP REQUIREMENT.—The Secretary may*
5 *provide assistance for a project under this section only if*
6 *the project is publicly owned.*

7 (d) *PARTNERSHIP AGREEMENTS.—*

8 (1) *IN GENERAL.—Before providing assistance*
9 *under this section to a non-Federal interest, the Sec-*
10 *retary shall enter into a partnership agreement under*
11 *section 221 of the Flood Control Act of 1970 (42*
12 *U.S.C. 1962d–5b) with the non-Federal interest with*
13 *respect to the project to be carried out with such as-*
14 *sistance.*

15 (2) *REQUIREMENTS.—Each partnership agree-*
16 *ment for a project entered into under this subsection*
17 *shall provide for the following:*

18 (A) *Development by the Secretary, in con-*
19 *sultation with appropriate Federal and State of-*
20 *ficials, of a facilities or resource protection and*
21 *development plan, including appropriate engi-*
22 *neering plans and specifications.*

23 (B) *Establishment of such legal and institu-*
24 *tional structures as are necessary to ensure the*

1 *effective long-term operation of the project by the*
2 *non-Federal interest.*

3 (3) *COST SHARING.*—

4 (A) *IN GENERAL.*—*The Federal share of the*
5 *cost of a project carried out under this section—*

6 (i) *shall be 75 percent; and*

7 (ii) *may be provided in the form of*
8 *grants or reimbursements of project costs.*

9 (B) *CREDIT FOR INTEREST.*—*In case of a*
10 *delay in the funding of the Federal share of a*
11 *project that is the subject of a partnership agree-*
12 *ment under this section, the non-Federal interest*
13 *shall receive credit for reasonable interest in-*
14 *curring in providing the non-Federal share of the*
15 *project cost.*

16 (C) *CREDIT FOR LAND, EASEMENTS, AND*
17 *RIGHTS-OF-WAY.*—*Notwithstanding section*
18 *221(a)(4)(G) of the Flood Control Act of 1970*
19 *(42 U.S.C. 1962d–5b(a)(4)(G)), the non-Federal*
20 *interest shall receive credit for land, easements,*
21 *rights-of-way, and relocations toward the non-*
22 *Federal share of project cost (including all rea-*
23 *sonable costs associated with obtaining permits*
24 *necessary for the construction, operation, and*
25 *maintenance of the project on publicly owned or*

1 *controlled land), but such credit may not exceed*
2 *25 percent of total project costs.*

3 (D) *OPERATION AND MAINTENANCE.—The*
4 *non-Federal share of operation and maintenance*
5 *costs for projects constructed with assistance pro-*
6 *vided under this section shall be 100 percent.*

7 (e) *AUTHORIZATION OF APPROPRIATIONS.—*

8 (1) *IN GENERAL.—There is authorized to be ap-*
9 *propriated \$50,000,000 to carry out this section.*

10 (2) *CORPS OF ENGINEERS EXPENSES.—Not more*
11 *than 10 percent of the amounts made available to*
12 *carry out this section may be used by the Corps of*
13 *Engineers district offices to administer projects under*
14 *this section at Federal expense.*

15 (f) *NORTHERN MISSOURI DEFINED.—In this section,*
16 *the term “northern Missouri” means the counties of*
17 *Buchanan, Marion, Platte, and Clay, Missouri.*

18 **SEC. 8354. ISRAEL RIVER, LANCASTER, NEW HAMPSHIRE.**

19 *The project for flood control, Israel River, Lancaster,*
20 *New Hampshire, carried out under section 205 of the Flood*
21 *Control Act of 1948 (33 U.S.C. 701s), is no longer author-*
22 *ized beginning on the date of enactment of this Act.*

1 **SEC. 8355. MIDDLE RIO GRANDE FLOOD PROTECTION,**
2 **BERNALILLO TO BELEN, NEW MEXICO.**

3 *The non-Federal share of the cost of the project for flood*
4 *risk management, Middle Rio Grande, Bernalillo to Belen,*
5 *New Mexico, authorized by section 401(2) of the Water Re-*
6 *sources Development Act of 2020 (134 Stat. 2735), shall be*
7 *25 percent.*

8 **SEC. 8356. ECOSYSTEM RESTORATION, HUDSON-RARITAN**
9 **ESTUARY, NEW YORK AND NEW JERSEY.**

10 *(a) IN GENERAL.—The Secretary may carry out addi-*
11 *tional feasibility studies for the project ecosystem restora-*
12 *tion, Hudson–Raritan Estuary, New York and New Jersey,*
13 *authorized by section 401(5) of the Water Resources Devel-*
14 *opment Act of 2020 (134 Stat. 2739), including an exam-*
15 *ination of measures and alternatives at Baisley Pond Park*
16 *and the Richmond Terrace Wetlands.*

17 *(b) TREATMENT.—A feasibility study carried out*
18 *under subsection (a) shall be considered a continuation of*
19 *the study that formulated the project for ecosystem restora-*
20 *tion, Hudson–Raritan Estuary, New York and New Jersey,*
21 *authorized by section 401(5) of the Water Resources Devel-*
22 *opment Act of 2020 (134 Stat. 2740).*

23 **SEC. 8357. ARKANSAS RIVER CORRIDOR, OKLAHOMA.**

24 *Section 3132 of the Water Resources Development Act*
25 *of 2007 (121 Stat. 1141) is amended by striking subsection*
26 *(b) and inserting the following:*

1 “(b) *AUTHORIZED COST.*—*The Secretary is authorized*
2 *to carry out construction of projects under this section at*
3 *a total cost of \$128,400,000, with the cost shared in accord-*
4 *ance with section 103 of the Water Resources Development*
5 *Act of 1986 (33 U.S.C. 2213).*

6 “(c) *ADDITIONAL FEASIBILITY STUDIES AUTHOR-*
7 *IZED.*—

8 “(1) *IN GENERAL.*—*The Secretary is authorized*
9 *to carry out feasibility studies for purposes of recom-*
10 *mending to the Committee on Environment and Pub-*
11 *lic Works of the Senate and the Committee on Trans-*
12 *portation and Infrastructure of the House of Rep-*
13 *resentatives additional projects under this section.*

14 “(2) *TREATMENT.*—*An additional feasibility*
15 *study carried out under this subsection shall be con-*
16 *sidered a continuation of the feasibility study that*
17 *formulated any project carried out under subsection*
18 *(a).”.*

19 **SEC. 8358. COPAN LAKE, OKLAHOMA.**

20 “(a) *IN GENERAL.*—*The Secretary shall amend the con-*
21 *tract described in subsection (c) between the United States*
22 *and the Copan Public Works Authority, relating to the use*
23 *of storage space for water supply in Copan Lake, Okla-*
24 *homa, to—*

1 (1) *release to the United States all rights of the*
2 *Copan Public Works Authority to utilize 4,750 acre-*
3 *feet of future use water storage space; and*

4 (2) *relieve the Copan Public Works Authority*
5 *from all financial obligations, to include the initial*
6 *project investment costs and the accumulated interest*
7 *on unpaid project investment costs, for the volume of*
8 *water storage space described in paragraph (1).*

9 (b) *REQUIREMENT.*—*During the 2-year period begin-*
10 *ning on the effective date of the contract amendment under*
11 *subsection (a), the Secretary shall—*

12 (1) *provide the City of Bartlesville, Oklahoma,*
13 *with the right of first refusal to contract for the utili-*
14 *zation of storage space for water supply for any por-*
15 *tion of the storage space that was released by the Au-*
16 *thority under subsection (a); and*

17 (2) *ensure that the City of Bartlesville, Okla-*
18 *homa, shall not pay more than 110 percent of the ini-*
19 *tial project investment cost per acre-foot of storage for*
20 *the acre-feet of storage space sought under an agree-*
21 *ment under paragraph (1).*

22 (c) *CONTRACT DESCRIBED.*—*The contract referred to*
23 *in subsection (a) is the contract between the United States*
24 *and the Copan Public Works Authority for the use of storage*
25 *space for water supply in Copan Lake, Oklahoma, entered*

1 *into on June 22, 1981, and titled Contract DACW56-81-*
2 *C-0114.*

3 **SEC. 8359. SOUTHWESTERN OREGON.**

4 (a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary*
5 *may establish a program to provide environmental assist-*
6 *ance to non-Federal interests in southwestern Oregon.*

7 (b) *FORM OF ASSISTANCE.*—*Assistance provided under*
8 *this section may be in the form of design and construction*
9 *assistance for water-related environmental infrastructure*
10 *and resource protection and development projects in south-*
11 *western Oregon, including projects for wastewater treat-*
12 *ment and related facilities, water supply and related facili-*
13 *ties, environmental restoration, and surface water resource*
14 *protection and development.*

15 (c) *OWNERSHIP REQUIREMENT.*—*The Secretary may*
16 *provide assistance for a project under this section only if*
17 *the project is publicly owned.*

18 (d) *PARTNERSHIP AGREEMENTS.*—

19 (1) *IN GENERAL.*—*Before providing assistance*
20 *under this section to a non-Federal interest, the Sec-*
21 *retary shall enter into a partnership agreement under*
22 *section 221 of the Flood Control Act of 1970 (42*
23 *U.S.C. 1962d-5b) with the non-Federal interest with*
24 *respect to the project to be carried out with such as-*
25 *sistance.*

1 (2) *REQUIREMENTS.*—*Each partnership agree-*
2 *ment for a project entered into under this subsection*
3 *shall provide for the following:*

4 (A) *Development by the Secretary, in con-*
5 *sultation with appropriate Federal and State of-*
6 *ficials, of a facilities or resource protection and*
7 *development plan, including appropriate engi-*
8 *neering plans and specifications.*

9 (B) *Establishment of such legal and institu-*
10 *tional structures as are necessary to ensure the*
11 *effective long-term operation of the project by the*
12 *non-Federal interest.*

13 (3) *COST SHARING.*—

14 (A) *IN GENERAL.*—*The Federal share of the*
15 *cost of a project carried out under this section—*

16 (i) *shall be 75 percent; and*

17 (ii) *may be provided in the form of*
18 *grants or reimbursements of project costs.*

19 (B) *CREDIT FOR INTEREST.*—*In case of a*
20 *delay in the funding of the Federal share of a*
21 *project that is the subject of a partnership agree-*
22 *ment under this section, the non-Federal interest*
23 *shall receive credit for reasonable interest in-*
24 *curring in providing the non-Federal share of the*
25 *project cost.*

1 (C) *CREDIT FOR LAND, EASEMENTS, AND*
2 *RIGHTS-OF-WAY.*—*Notwithstanding section*
3 *221(a)(4)(G) of the Flood Control Act of 1970*
4 *(42 U.S.C. 1962d–5b(a)(4)(G)), the non-Federal*
5 *interest shall receive credit for land, easements,*
6 *rights-of-way, and relocations toward the non-*
7 *Federal share of project cost (including all rea-*
8 *sonable costs associated with obtaining permits*
9 *necessary for the construction, operation, and*
10 *maintenance of the project on publicly owned or*
11 *controlled land), but such credit may not exceed*
12 *25 percent of total project costs.*

13 (D) *OPERATION AND MAINTENANCE.*—*The*
14 *non-Federal share of operation and maintenance*
15 *costs for projects constructed with assistance pro-*
16 *vided under this section shall be 100 percent.*

17 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

18 (1) *IN GENERAL.*—*There is authorized to be ap-*
19 *propriated \$50,000,000 to carry out this section.*

20 (2) *CORPS OF ENGINEERS EXPENSE.*—*Not more*
21 *than 10 percent of the amounts made available to*
22 *carry out this section may be used by the Corps of*
23 *Engineers district offices to administer projects under*
24 *this section at Federal expense.*

1 (f) *SOUTHWESTERN OREGON DEFINED.*—*In this sec-*
2 *tion, the term “southwestern Oregon” means the counties*
3 *of Benton, Coos, Curry, Douglas, Lane, Linn, and Jose-*
4 *phine, Oregon.*

5 **SEC. 8360. YAQUINA RIVER, OREGON.**

6 *The Secretary shall not require the non-Federal inter-*
7 *est for the project for navigation, Yaquina River, Oregon,*
8 *authorized by the first section of the Act of March 4, 1913*
9 *(chapter 144, 37 Stat. 819), to—*

10 (1) *provide a floating plant to the United States*
11 *for use in maintaining the project; or*

12 (2) *provide funds in an amount determined by*
13 *the Secretary to be equivalent to the value of the float-*
14 *ing plant as a non-Federal contribution to the cost of*
15 *maintaining the project.*

16 **SEC. 8361. LOWER BLACKSTONE RIVER, RHODE ISLAND.**

17 *The project being carried out under section 206 of the*
18 *Water Resources Development Act of 1996 (33 U.S.C. 2330)*
19 *for ecosystem restoration, Lower Blackstone River, Rhode*
20 *Island, is modified as follows:*

21 (1) *The maximum amount of Federal funds that*
22 *may be expended for the project shall be \$15,000,000.*

23 (2) *If the Secretary includes in the project a*
24 *measure on Federal land under the jurisdiction of an-*
25 *other Federal agency, the Secretary may enter into an*

1 *agreement with such agency that grants permission*
2 *for the Secretary to—*

3 *(A) construct the measure on the land under*
4 *the jurisdiction of such agency; and*

5 *(B) operate and maintain the measure*
6 *using funds provided to the Secretary by the*
7 *non-Federal interest for the project.*

8 *(3) If the Secretary includes in the project a*
9 *measure for fish passage at a dam licensed for hydro-*
10 *power, the Secretary shall include in the project costs*
11 *all costs for such measure, except that those costs that*
12 *are in excess of the costs to provide fish passage at*
13 *the dam if hydropower improvements were not in*
14 *place shall be at 100 percent non-Federal expense.*

15 **SEC. 8362. CHARLESTON HARBOR, SOUTH CAROLINA.**

16 *The Secretary shall reimburse the non-Federal interest*
17 *for project for navigation, Charleston Harbor, South Caro-*
18 *lina, authorized by section 1401(1) of the Water Resources*
19 *Development Act of 2016 (130 Stat. 1708), for advanced*
20 *funds provided by the non-Federal interest for construction*
21 *of the project that exceed the non-Federal share of the cost*
22 *of construction of the project as soon as practicable after*
23 *the completion of each individual contract for the project.*

1 **SEC. 8363. COLLETON COUNTY, SOUTH CAROLINA.**

2 *Notwithstanding subparagraph (C)(i) of section*
3 *221(a)(4) of the Flood Control Act of 1970 (42 U.S.C.*
4 *1962d–5b(a)(4)), the non-Federal interest for the project for*
5 *hurricane and storm damage risk reduction, Colleton Coun-*
6 *ty, South Carolina, authorized by section 1401(3) of the*
7 *Water Resources Development Act of 2016 (130 Stat. 1711),*
8 *may receive credit under subparagraph (A) of such section*
9 *221(a)(4) for the cost of construction carried out before the*
10 *date of enactment of this Act.*

11 **SEC. 8364. ENSLEY LEVEE, TENNESSEE.**

12 *(a) IN GENERAL.—Section 353(b)(1) of the Water Re-*
13 *sources Development Act of 2020 (134 Stat. 2721) is amend-*
14 *ed by striking “and Nonconnah Creek” and inserting “,*
15 *Nonconnah Creek, and Ensley”.*

16 *(b) RESUMPTION OF MAINTENANCE.—The Secretary*
17 *shall resume operation and maintenance of Ensley levee*
18 *system portion of the project described in the modification*
19 *made by subsection (a) pursuant to the requirements of sec-*
20 *tion 353(b)(1) of the Water Resources Development Act of*
21 *2020 (134 Stat. 2721).*

22 **SEC. 8365. WOLF RIVER HARBOR, TENNESSEE.**

23 *Beginning on the date of enactment of this Act, the*
24 *project for navigation, Wolf River Harbor, Tennessee, au-*
25 *thorized by section 202 of the National Industrial Recovery*
26 *Act (48 Stat. 201; 49 Stat. 1034; 72 Stat. 308), is modified*

1 *to reduce, in part, the authorized dimensions of the project,*
2 *such that the remaining authorized dimensions are as fol-*
3 *lows:*

4 (1) *A 250-foot-wide, 9-foot-depth channel with a*
5 *center line beginning at an approximate point of*
6 *35.139634, -90.062343 and extending approximately*
7 *1,300 feet to an approximate point of 35.142077,*
8 *-90.059107.*

9 (2) *A 200-foot-wide, 9-foot-depth channel with a*
10 *center line beginning at an approximate point of*
11 *35.142077, -90.059107 and extending approximately*
12 *1,800 feet to an approximate point of 35.1467861,*
13 *-90.057003.*

14 (3) *A 250-foot-wide, 9-foot-depth channel with a*
15 *center line beginning at an approximate point of*
16 *35.1467861, -90.057003 and extending approximately*
17 *5,550 feet to an approximate point of 35.160848,*
18 *-90.050566.*

19 **SEC. 8366. ADDICKS AND BARKER RESERVOIRS, TEXAS.**

20 *The Secretary is authorized to provide, pursuant to*
21 *section 206 of the Flood Control Act of 1960 (33 U.S.C.*
22 *709a), information and advice to non-Federal interests on*
23 *the removal of sediment obstructing inflow channels to the*
24 *Addicks and Barker Reservoirs, authorized pursuant to the*
25 *project for Buffalo Bayou and its tributaries, Texas, under*

1 *section 3a of the Act of August 11, 1939 (chapter 699, 53*
2 *Stat. 1414; 68 Stat. 1258).*

3 **SEC. 8367. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
4 **TEXAS.**

5 *The project for ecosystem restoration, North Padre Is-*
6 *land, Corpus Christi Bay, Texas, authorized under section*
7 *556 of the Water Resources Development Act of 1999 (113*
8 *Stat. 353), shall not be eligible for repair and restoration*
9 *assistance under section 5(a) of the Act of August 18, 1941*
10 *(33 U.S.C. 701n(a)).*

11 **SEC. 8368. NUECES COUNTY, TEXAS.**

12 *(a) IN GENERAL.—Upon receipt of a written request*
13 *from the owner of land subject to a covered easement, the*
14 *Secretary shall, without consideration, release or otherwise*
15 *convey the covered easement to the holder of such easement,*
16 *if the Secretary determines that the covered easement is no*
17 *longer required for purposes of navigation.*

18 *(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The*
19 *exact acreage and legal description of any covered easements*
20 *to be released or otherwise conveyed under this section shall*
21 *be determined by a survey that is satisfactory to the Sec-*
22 *retary.*

23 *(c) COSTS.—An entity to which a release or convey-*
24 *ance is made under this section shall be responsible for all*
25 *reasonable and necessary costs, including real estate trans-*

1 *action and environmental documentation costs, associated*
2 *with the release or conveyance.*

3 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
4 *retary may require that the release or conveyance of a cov-*
5 *ered easement under this section be subject to such addi-*
6 *tional terms and conditions as the Secretary determines*
7 *necessary and appropriate to protect the interests of the*
8 *United States.*

9 (e) *DEFINITION OF COVERED EASEMENT.—In this*
10 *subsection, the term “covered easement” means an easement*
11 *held by the United States for purposes of navigation in*
12 *Nueces County, Texas.*

13 **SEC. 8369. LAKE CHAMPLAIN CANAL, VERMONT AND NEW**
14 **YORK.**

15 Section 5146 of the Water Resources Development Act
16 of 2007 (121 Stat. 1255) is amended by adding at the end
17 the following:

18 “(c) *CLARIFICATIONS.—*

19 “(1) *IN GENERAL.—At the request of the non-*
20 *Federal interest for the study of the Lake Champlain*
21 *Canal Aquatic Invasive Species Barrier carried out*
22 *under section 542 of the Water Resources Development*
23 *Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134*
24 *Stat. 2652), the Secretary shall scope the phase II*

1 *portion of such study to satisfy the feasibility deter-*
2 *mination under subsection (a).*

3 *“(2) DISPERSAL BARRIER.—A dispersal barrier*
4 *constructed, maintained, or operated under this sec-*
5 *tion may include—*

6 *“(A) physical hydrologic separation;*

7 *“(B) nonstructural measures;*

8 *“(C) deployment of technologies; and*

9 *“(D) buffer zones.”.*

10 **SEC. 8370. REHABILITATION OF CORPS OF ENGINEERS CON-**
11 **STRUCTED DAMS.**

12 *Section 1177 of the Water Resources Development Act*
13 *of 2016 (33 U.S.C. 467f–2 note) is amended by adding at*
14 *the end the following:*

15 *“(g) SPECIAL RULE.—Notwithstanding subsection (c),*
16 *the non-Federal share of the cost of the project for rehabili-*
17 *tation of Waterbury Dam, Washington County, Vermont,*
18 *under this section, including the cost of any required study,*
19 *shall be the same share assigned to the non-Federal interest*
20 *for the cost of initial construction of the Waterbury Dam.”.*

21 **SEC. 8371. PUGET SOUND NEARSHORE ECOSYSTEM RES-**
22 **TORATION, WASHINGTON.**

23 *In carrying out the project for ecosystem restoration,*
24 *Puget Sound, Washington, authorized by section 1401(4) of*
25 *the Water Resources Development Act of 2016 (130 Stat.*

1 1713), the Secretary shall consider the removal and replace-
2 ment of the Highway 101 causeway and bridges at the
3 Duckabush River Estuary site to be a project feature the
4 costs of which are shared as construction.

5 **SEC. 8372. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

6 (a) *IN GENERAL.*—The Federal share of the cost of the
7 project for flood control, Milton, West Virginia, authorized
8 by section 580 of the Water Resources Development Act of
9 1996 (110 Stat. 3790; 114 Stat. 2612; 121 Stat. 1154), shall
10 be 90 percent.

11 (b) *LAND, EASEMENTS, AND RIGHTS-OF-WAY.*—For
12 the project described in subsection (a), the Secretary shall
13 include in the cost of the project, and credit toward the non-
14 Federal share of that cost, the value of land, easements, and
15 rights-of-way provided by the non-Federal interest for the
16 project, including the value of land, easements, and rights-
17 of-way required for the project that are owned or held by
18 the non-Federal interest or other non-Federal public body.

19 (c) *ADDITIONAL ELIGIBILITY.*—Unless otherwise ex-
20 plicitly prohibited in an Act making appropriations for the
21 Corps of Engineers, the project described in subsection (a)
22 shall be eligible for additional funding appropriated and
23 deposited into the “CORPS OF ENGINEERS—CIVIL—CON-
24 STRUCTION” account—

25 (1) without a new investment decision; and

1 (2) *on the same terms as a project that is not*
2 *the project described in subsection (a).*

3 **SEC. 8373. NORTHERN WEST VIRGINIA.**

4 (a) *IN GENERAL.*—Section 571 of the Water Resources
5 *Development Act of 1999 (113 Stat. 371; 121 Stat. 1257;*
6 *134 Stat. 2719) is amended—*

7 (1) *in the section heading, by striking “CEN-*
8 *TRAL” and inserting “NORTHERN”;*

9 (2) *by striking subsection (a) and inserting the*
10 *following:*

11 “(a) *DEFINITION OF NORTHERN WEST VIRGINIA.*—*In*
12 *this section, the term ‘northern West Virginia’ means the*
13 *counties of Barbour, Berkeley, Brooke, Doddridge, Grant,*
14 *Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis,*
15 *Marion, Marshall, Mineral, Morgan, Monongalia, Ohio,*
16 *Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker,*
17 *Tyler, Upshur, Wetzel, and Wood, West Virginia.”;*

18 (3) *in subsection (b), by striking “central” and*
19 *inserting “northern”;*

20 (4) *in subsection (c), by striking “central” and*
21 *inserting “northern”; and*

22 (5) *in subsection (h), by striking “\$100,000,000”*
23 *and inserting “\$120,000,000”.*

24 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
25 *section 1(b) of the Water Resources Development Act of 1999*

1 (113 Stat. 269) is amended by striking the item relating
2 to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”.

3 **SEC. 8374. SOUTHERN WEST VIRGINIA.**

4 (a) *IN GENERAL.*—Section 340 of the Water Resources
5 Development Act of 1992 (106 Stat. 4856) is amended—

6 (1) in the section heading, by striking “**ENVI-**
7 **RONMENTAL RESTORATION INFRASTRUCTURE**
8 **AND RESOURCE PROTECTION DEVELOPMENT**
9 **PILOT PROGRAM**”;

10 (2) by striking subsection (f) and inserting the
11 following:

12 “(f) *DEFINITION OF SOUTHERN WEST VIRGINIA.*—In
13 this section, the term ‘southern West Virginia’ means the
14 counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette,
15 Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan,
16 Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pen-
17 dleton, Pocahontas, Putnam, Raleigh, Roane, Summers,
18 Wayne, Webster, Wirt, and Wyoming, West Virginia.”; and

19 (3) in subsection (g), by striking “\$120,000,000”
20 and inserting “\$140,000,000”.

21 (b) *CLERICAL AMENDMENT.*—The table of contents in
22 section 1(b) of the Water Resources Development Act of 1992
23 (106 Stat. 4797) is amended by striking the item relating
24 to section 340 and inserting the following:

“Sec. 340. Southern West Virginia.”.

1 **SEC. 8375. ENVIRONMENTAL INFRASTRUCTURE.**

2 (a) *NEW PROJECTS.*—Section 219(f) of the Water Re-
3 sources Development Act of 1992 (106 Stat. 4835; 113 Stat.
4 336; 121 Stat. 1258) is amended by adding at the end the
5 following:

6 “(274) *ALABAMA.*—\$50,000,000 for water, waste-
7 water, and other environmental infrastructure in Ala-
8 bama.

9 “(275) *CHANDLER, ARIZONA.*—\$18,750,000 for
10 water and wastewater infrastructure in the city of
11 Chandler, Arizona.

12 “(276) *PINAL COUNTY, ARIZONA.*—\$40,000,000
13 for water and wastewater infrastructure in Pinal
14 County, Arizona.

15 “(277) *TEMPE, ARIZONA.*—\$37,500,000 for water
16 and wastewater infrastructure, including water rec-
17 lamation and groundwater recharge, for the City of
18 Tempe, Arizona.

19 “(278) *ALAMEDA COUNTY, CALIFORNIA.*—
20 \$20,000,000 for environmental infrastructure, in Ala-
21 meda County, California.

22 “(279) *BELL GARDENS, CALIFORNIA.*—
23 \$12,500,000 for water and wastewater infrastructure,
24 including water recycling and water supply, in the
25 city of Bell Gardens, California.

1 “(280) *CALIMESA, CALIFORNIA.*—\$3,500,000 for
2 *stormwater management and water supply infra-*
3 *structure, including groundwater recharge and water*
4 *recycling, in the city of Calimesa, California.*

5 “(281) *COMPTON CREEK, CALIFORNIA.*—
6 \$6,165,000 for *stormwater management infrastructure*
7 *in the vicinity of Compton Creek, city of Compton,*
8 *California.*

9 “(282) *DOWNEY, CALIFORNIA.*—\$100,000,000 for
10 *water infrastructure, including water supply, in the*
11 *city of Downey, California.*

12 “(283) *EAST COUNTY, SAN DIEGO COUNTY, CALI-*
13 *FORNIA.*—\$70,000,000 for *water and wastewater in-*
14 *frastructure, including water recycling and water*
15 *supply, in East County, San Diego County, Cali-*
16 *fornia.*

17 “(284) *EASTERN LOS ANGELES COUNTY, CALI-*
18 *FORNIA.*—\$25,000,000 for *the planning, design, and*
19 *construction of water and wastewater infrastructure,*
20 *including water recycling and water supply, for the*
21 *cities of Azusa, Baldwin Park, Covina, Duarte, El*
22 *Monte, Glendora, Industry, Irwindale, La Puente, La*
23 *Verne, Monrovia, San Dimas, and West Covina, and*
24 *for Avocado Heights, Bassett, and Valinda, Cali-*
25 *fornia.*

1 “(285) *ESCONDIDO CREEK, CALIFORNIA.*—
2 \$34,000,000 for water and wastewater infrastructure,
3 including stormwater management, in the vicinity of
4 *Escondido Creek, city of Escondido, California.*

5 “(286) *FONTANA, CALIFORNIA.*—\$16,000,000 for
6 stormwater management infrastructure in the city of
7 *Fontana, California.*

8 “(287) *HEALDSBURG, CALIFORNIA.*—\$23,500,000
9 for water and wastewater infrastructure, including
10 water recycling and water supply, in the city of
11 *Healdsburg, California.*

12 “(288) *INLAND EMPIRE, CALIFORNIA.*—
13 \$60,000,000 for water and wastewater infrastructure,
14 including water supply, in Riverside County and San
15 *Bernardino County, California.*

16 “(289) *LOMITA, CALIFORNIA.*—\$4,716,600 for
17 stormwater management infrastructure in the city of
18 *Lomita, California.*

19 “(290) *MARIN COUNTY, CALIFORNIA.*—
20 \$28,000,000 for water and wastewater infrastructure,
21 including water supply, in Marin County, California.

22 “(291) *MAYWOOD, CALIFORNIA.*—\$10,000,000 for
23 wastewater infrastructure in the city of Maywood,
24 *California.*

1 “(292) *MONTEREY PENINSULA, CALIFORNIA.—*
2 *\$20,000,000 for water and wastewater infrastructure,*
3 *and water supply, on the Monterey Peninsula, Cali-*
4 *fornia.*

5 “(293) *NORTH RICHMOND, CALIFORNIA.—*
6 *\$45,000,000 for water and wastewater infrastructure,*
7 *including coastal flooding resilience measures for such*
8 *infrastructure, in North Richmond, California.*

9 “(294) *ONTARIO, CALIFORNIA.—\$40,700,000 for*
10 *water and wastewater infrastructure, including water*
11 *recycling and water supply, in the city of Ontario,*
12 *California.*

13 “(295) *PARAMOUNT, CALIFORNIA.—\$20,000,000*
14 *for water and wastewater infrastructure, including*
15 *stormwater management, in the city of Paramount,*
16 *California.*

17 “(296) *PETALUMA, CALIFORNIA.—\$13,700,000*
18 *for water and wastewater infrastructure, including*
19 *water recycling, in the city of Petaluma, California.*

20 “(297) *PLACER COUNTY, CALIFORNIA.—*
21 *\$21,000,000 for environmental infrastructure, in*
22 *Placer County, California.*

23 “(298) *RIALTO, CALIFORNIA.—\$27,500,000 for*
24 *wastewater infrastructure in the city of Rialto, Cali-*
25 *fornia.*

1 “(299) *RINCON RESERVATION, CALIFORNIA.—*
2 *\$38,000,000 for water and wastewater infrastructure*
3 *on the Rincon Band of Luiseño Indians reservation,*
4 *California.*

5 “(300) *SACRAMENTO-SAN JOAQUIN DELTA, CALI-*
6 *FORNIA.—\$50,000,000 for water and wastewater in-*
7 *frastructure (including stormwater management),*
8 *water supply and related facilities, environmental*
9 *restoration, and surface water protection and develop-*
10 *ment, including flooding resilience measures for such*
11 *infrastructure, in Contra Costa County, San Joaquin*
12 *County, Solano County, Sacramento County, and*
13 *Yolo County, California.*

14 “(301) *SAN JOAQUIN AND STANISLAUS, CALI-*
15 *FORNIA.—\$200,000,000 for water and wastewater in-*
16 *frastructure, including stormwater management, and*
17 *water supply, in San Joaquin County and Stanislaus*
18 *County, California.*

19 “(302) *SANTA ROSA, CALIFORNIA.—\$19,400,000*
20 *for water and wastewater infrastructure, in the city*
21 *of Santa Rosa California.*

22 “(303) *SIERRA MADRE, CALIFORNIA.—*
23 *\$20,000,000 for water and wastewater infrastructure,*
24 *and water supply, including earthquake resilience*

1 *measures for such infrastructure and water supply, in*
2 *the city of Sierra Madre, California.*

3 “(304) *SMITH RIVER, CALIFORNIA.*—\$25,000,000
4 *for wastewater infrastructure in Howonquet Village*
5 *and Resort and Tolowa Dee-ni’ Nation, Smith River,*
6 *California.*

7 “(305) *SOUTH SAN FRANCISCO, CALIFORNIA.*—
8 *\$270,000,000 for water and wastewater infrastruc-*
9 *ture, including stormwater management and water*
10 *recycling, at the San Francisco International Air-*
11 *port, California.*

12 “(306) *TEMECULA, CALIFORNIA.*—\$18,000,000
13 *for environmental infrastructure, in the city of*
14 *Temecula, California.*

15 “(307) *TORRANCE, CALIFORNIA.*—\$100,000,000
16 *for water and wastewater infrastructure, including*
17 *groundwater recharge and water supply, in the city*
18 *of Torrance, California.*

19 “(308) *WESTERN CONTRA COSTA COUNTY, CALI-*
20 *FORNIA.*—\$15,000,000 *for wastewater infrastructure*
21 *in the cities of Pinole, San Pablo, and Richmond,*
22 *and in El Sobrante, California.*

23 “(309) *YOLO COUNTY, CALIFORNIA.*—\$6,000,000
24 *for environmental infrastructure, in Yolo County,*
25 *California.*

1 “(310) *HEBRON, CONNECTICUT.—\$3,700,000 for*
2 *water and wastewater infrastructure in the town of*
3 *Hebron, Connecticut.*

4 “(311) *NEW LONDON, CONNECTICUT.—*
5 *\$16,000,000 for wastewater infrastructure in the town*
6 *of Bozrah and the City of Norwich, Connecticut.*

7 “(312) *WINDHAM, CONNECTICUT.—\$18,000,000*
8 *for water and wastewater infrastructure in the town*
9 *of Windham, Connecticut.*

10 “(313) *KENT, DELAWARE.—\$35,000,000 for*
11 *water and wastewater infrastructure, including*
12 *stormwater management, water storage and treatment*
13 *systems, and environmental restoration, in Kent*
14 *County, Delaware.*

15 “(314) *NEW CASTLE, DELAWARE.—\$35,000,000*
16 *for water and wastewater infrastructure, including*
17 *stormwater management, water storage and treatment*
18 *systems, and environmental restoration, in New Cas-*
19 *tle County, Delaware.*

20 “(315) *SUSSEX, DELAWARE.—\$35,000,000 for*
21 *water and wastewater infrastructure, including*
22 *stormwater management, water storage and treatment*
23 *systems, and environmental restoration, in Sussex*
24 *County, Delaware.*

1 “(316) WASHINGTON, DISTRICT OF COLUMBIA.—
2 \$1,000,000 for water and wastewater infrastructure,
3 including stormwater management, in Washington,
4 District of Columbia.

5 “(317) LONGBOAT KEY, FLORIDA.—\$12,750,000
6 for water and wastewater infrastructure in the town
7 of Longboat Key, Florida.

8 “(318) MARTIN, ST. LUCIE, AND PALM BEACH
9 COUNTIES, FLORIDA.—\$100,000,000 for water and
10 wastewater infrastructure, including stormwater
11 management, to improve water quality in the St.
12 Lucie River, Indian River Lagoon, and Lake Worth
13 Lagoon in Martin County, St. Lucie County, and
14 Palm Beach County, Florida.

15 “(319) POLK COUNTY, FLORIDA.—\$10,000,000
16 for wastewater infrastructure, including stormwater
17 management, in Polk County, Florida.

18 “(320) OKEECHOBEE COUNTY, FLORIDA.—
19 \$20,000,000 for wastewater infrastructure in Okee-
20 chobee County, Florida.

21 “(321) ORANGE COUNTY, FLORIDA.—\$50,000,000
22 for water and wastewater infrastructure, including
23 water reclamation and water supply, in Orange
24 County, Florida.

1 “(322) GEORGIA.—\$75,000,000 for environ-
2 mental infrastructure in Baldwin County, Bartow
3 County, Floyd County, Haralson County, Jones
4 County, Gilmer County, Towns County, Warren
5 County, Lamar County, Lowndes County, Troup
6 County, Madison County, Toombs County, Dade
7 County, Bulloch County, Gordon County, Walker
8 County, Dooly County, Butts County, Clarke County,
9 Crisp County, Newton County, Bibb County, Baker
10 County, Barrow County, Oglethorpe County, Peach
11 County, Brooks County, Carroll County, Worth Coun-
12 ty, Jenkins County, Wheeler County, Calhoun Coun-
13 ty, Randolph County, Wilcox County, Stewart Coun-
14 ty, Telfair County, Clinch County, Hancock County,
15 Ben Hill County, Jeff Davis County, Chattooga
16 County, Lanier County, Brantley County, Charlton
17 County, Tattnall County, Emanuel County, Mitchell
18 County, Turner County, Bacon County, Terrell Coun-
19 ty, Macon County, Ware County, Bleckley County,
20 Colquitt County, Washington County, Berrien Coun-
21 ty, Coffee County, Pulaski County, Cook County, At-
22 kinson County, Candler County, Taliaferro County,
23 Evans County, Johnson County, Irwin County, Dodge
24 County, Jefferson County, Appling County, Taylor
25 County, Wayne County, Clayton County, Decatur

1 *County, Schley County, Sumter County, Early Coun-*
2 *ty, Webster County, Clay County, Upson County,*
3 *Long County, Twiggs County, Dougherty County,*
4 *Quitman County, Meriwether County, Stephens*
5 *County, Wilkinson County, Murray County, Wilkes*
6 *County, Elbert County, McDuffie County, Heard*
7 *County, Marion County, Talbot County, Laurens*
8 *County, Montgomery County, Echols County, Pierce*
9 *County, Richmond County, Chattahoochee County,*
10 *Screven County, Habersham County, Lincoln County,*
11 *Burke County, Liberty County, Tift County, Polk*
12 *County, Glascock County, Grady County, Jasper*
13 *County, Banks County, Franklin County, Whitfield*
14 *County, Treutlen County, Crawford County, and*
15 *Hart County, Georgia.*

16 “(323) *GUAM.—\$10,000,000 for water and*
17 *wastewater infrastructure in Guam.*

18 “(324) *STATE OF HAWAII.—\$75,000,000 for*
19 *water and wastewater infrastructure (including*
20 *urban stormwater conveyance), resource protection*
21 *and development, water supply, environmental res-*
22 *toration, and surface water protection and develop-*
23 *ment, in the State of Hawaii.*

24 “(325) *COUNTY OF HAWAII, HAWAII.—*
25 *\$20,000,000 for water and wastewater infrastructure,*

1 *including stormwater management, in the County of*
2 *Hawai‘i, Hawaii.*

3 “(326) *HONOLULU, HAWAII.—\$20,000,000 for*
4 *water and wastewater infrastructure, including*
5 *stormwater management, in the City and County of*
6 *Honolulu, Hawaii.*

7 “(327) *KAUA‘I, HAWAII.—\$20,000,000 for water*
8 *and wastewater infrastructure, including stormwater*
9 *management, in the County of Kaua‘i, Hawaii.*

10 “(328) *MAUI, HAWAII.—\$20,000,000 for water*
11 *and wastewater infrastructure, including stormwater*
12 *management, in the County of Maui, Hawaii.*

13 “(329) *DIXMOOR, ILLINOIS.—\$15,000,000 for*
14 *water and water supply infrastructure in the village*
15 *of Dixmoor, Illinois.*

16 “(330) *FOREST PARK, ILLINOIS.—\$10,000,000*
17 *for wastewater infrastructure, including stormwater*
18 *management, in the village of Forest Park, Illinois.*

19 “(331) *LEMONT, ILLINOIS.—\$3,135,000 for water*
20 *infrastructure in the village of Lemont, Illinois.*

21 “(332) *LOCKPORT, ILLINOIS.—\$6,550,000 for*
22 *wastewater infrastructure, including stormwater*
23 *management, in the city of Lockport, Illinois.*

24 “(333) *MONTGOMERY AND CHRISTIAN COUNTIES,*
25 *ILLINOIS.—\$30,000,000 for water and wastewater in-*

1 *frastructure, including water supply, in Montgomery*
2 *County and Christian County, Illinois.*

3 “(334) *WILL COUNTY, ILLINOIS.—\$30,000,000*
4 *for water and wastewater infrastructure, including*
5 *stormwater management, in Will County, Illinois.*

6 “(335) *ORLEANS PARISH, LOUISIANA.—*
7 *\$100,000,000 for water and wastewater infrastructure*
8 *in Orleans Parish, Louisiana.*

9 “(336) *FITCHBURG, MASSACHUSETTS.—*
10 *\$20,000,000 for water and wastewater infrastructure,*
11 *including stormwater management (including com-*
12 *bined sewer overflows), in the city of Fitchburg, Mas-*
13 *sachusetts.*

14 “(337) *HVERHILL, MASSACHUSETTS.—*
15 *\$20,000,000 for water and wastewater infrastructure,*
16 *including stormwater management (including com-*
17 *bined sewer overflows), in the city of Haverhill, Mas-*
18 *sachusetts.*

19 “(338) *LAWRENCE, MASSACHUSETTS.—*
20 *\$20,000,000 for water and wastewater infrastructure,*
21 *including stormwater management (including com-*
22 *bined sewer overflows), in the city of Lawrence, Mas-*
23 *sachusetts.*

24 “(339) *LOWELL, MASSACHUSETTS.—\$20,000,000*
25 *for water and wastewater infrastructure, including*

1 *stormwater management (including combined sewer*
2 *overflows), in the city of Lowell, Massachusetts.*

3 “(340) METHUEN, MASSACHUSETTS.—
4 \$20,000,000 for water and wastewater infrastructure,
5 including stormwater management (including com-
6 bined sewer overflows), in the city of Methuen, Massa-
7 chusetts.

8 “(341) MARYLAND.—\$100,000,000 for water,
9 wastewater, and other environmental infrastructure,
10 Maryland.

11 “(342) BOONSBORO, MARYLAND.—\$5,000,000 for
12 water infrastructure, including water supply, in the
13 town of Boonsboro, Maryland.

14 “(343) BRUNSWICK, MARYLAND.—\$15,000,000
15 for water and wastewater infrastructure in the city of
16 Brunswick, Maryland.

17 “(344) CASCADE CHARTER TOWNSHIP, MICHIGAN.—
18 \$7,200,000 for water and wastewater infra-
19 structure 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.*—\$33,450,000
2 *for water and wastewater infrastructure in the city of*
3 *Northfield, Minnesota.*

4 “(347) *CENTERTOWN, MISSOURI.*—\$15,900,000
5 *for water and wastewater infrastructure in the village*
6 *of Centertown, Missouri.*

7 “(348) *CITY OF ST. LOUIS, MISSOURI.*—
8 *\$45,000,000 for water and wastewater infrastructure*
9 *in the city of St. Louis, Missouri.*

10 “(349) *ST. LOUIS COUNTY, MISSOURI.*—
11 *\$45,000,000 for water and wastewater infrastructure*
12 *in St. Louis County, Missouri.*

13 “(350) *CLINTON, MISSISSIPPI.*—\$13,600,000 *for*
14 *environmental infrastructure, including water and*
15 *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, includ-*
20 *ing water and wastewater infrastructure (including*
21 *stormwater management), drainage systems, and*
22 *water quality enhancement, in Madison County, Mis-*
23 *issippi.*

24 “(352) *MERIDIAN, MISSISSIPPI.*—\$10,000,000 *for*
25 *environmental infrastructure, including water and*

1 *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, includ-*
11 *ing water and wastewater infrastructure (including*
12 *stormwater management), drainage systems, and*
13 *water quality enhancement, in Rankin County, Mis-*
14 *issippi.*

15 “(355) MANCHESTER, NEW HAMPSHIRE.—
16 \$20,000,000 for *water and wastewater infrastructure,*
17 *including stormwater management (including com-*
18 *bined sewer overflows), in the city of Manchester, New*
19 *Hampshire.*

20 “(356) BAYONNE, NEW JERSEY.—\$825,000 for
21 *wastewater infrastructure, including stormwater*
22 *management (including combined sewer overflows), in*
23 *the city of Bayonne, New Jersey.*

1 “(357) *CAMDEN, NEW JERSEY.*—\$119,000,000 for
2 *wastewater infrastructure, including stormwater*
3 *management, in the city of Camden, New Jersey.*

4 “(358) *ESSEX AND SUSSEX COUNTIES, NEW JER-*
5 *SEY.*—\$60,000,000 for water and wastewater infra-
6 *structure, including water supply, in Essex County*
7 *and Sussex County, New Jersey.*

8 “(359) *FLEMINGTON, NEW JERSEY.*—\$4,500,000
9 *for water and wastewater infrastructure, including*
10 *water supply, in the Borough of Flemington, New*
11 *Jersey.*

12 “(360) *JEFFERSON, NEW JERSEY.*—\$90,000,000
13 *for wastewater infrastructure, including stormwater*
14 *management, in Jefferson Township, New Jersey.*

15 “(361) *KEARNY, NEW JERSEY.*—\$69,900,000 for
16 *wastewater infrastructure, including stormwater*
17 *management (including combined sewer overflows), in*
18 *the town of Kearny, New Jersey.*

19 “(362) *LONG HILL, NEW JERSEY.*—\$7,500,000
20 *for wastewater infrastructure, including stormwater*
21 *management, in Long Hill Township, New Jersey.*

22 “(363) *MORRIS COUNTY, NEW JERSEY.*—
23 *\$30,000,000 for water and wastewater infrastructure*
24 *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 Phillipsburg,*
7 *New Jersey.*

8 “(366) *RAHWAY, NEW JERSEY.*—\$3,250,000 for
9 *water and wastewater infrastructure in the city of*
10 *Rahway, New Jersey.*

11 “(367) *ROSELLE, NEW JERSEY.*—\$5,000,000 for
12 *wastewater infrastructure, including stormwater*
13 *management, in the Borough of Roselle, New Jersey.*

14 “(368) *SOUTH ORANGE VILLAGE, NEW JERSEY.*—
15 \$7,500,000 for *water infrastructure, including water*
16 *supply, in the Township of South Orange Village,*
17 *New Jersey.*

18 “(369) *SUMMIT, NEW JERSEY.*—\$1,000,000 for
19 *wastewater infrastructure, including stormwater*
20 *management, in the city of Summit, New Jersey.*

21 “(370) *WARREN, NEW JERSEY.*—\$4,550,000 for
22 *wastewater infrastructure, including stormwater*
23 *management, in Warren Township, New Jersey.*

1 “(371) *ESPAÑOLA, NEW MEXICO.*—\$21,995,000
2 *for water and wastewater infrastructure in the city of*
3 *Española, New Mexico.*

4 “(372) *FARMINGTON, NEW MEXICO.*—\$15,500,000
5 *for water infrastructure, including water supply, in*
6 *the city of Farmington, New Mexico.*

7 “(373) *MORA COUNTY, NEW MEXICO.*—
8 *\$2,874,000 for wastewater infrastructure in Mora*
9 *County, New Mexico.*

10 “(374) *SANTA FE, NEW MEXICO.*—\$20,700,000
11 *for water and wastewater infrastructure, including*
12 *water reclamation, in the city of Santa Fe, New Mex-*
13 *ico.*

14 “(375) *CLARKSTOWN, NEW YORK.*—\$14,600,000
15 *for wastewater infrastructure, including stormwater*
16 *management, in the town of Clarkstown, New York.*

17 “(376) *GENESEE, NEW YORK.*—\$85,000,000 *for*
18 *water and wastewater infrastructure, including*
19 *stormwater management and water supply, in Gen-*
20 *esee County, New York.*

21 “(377) *QUEENS, NEW YORK.*—\$119,200,000 *for*
22 *water and wastewater infrastructure, including*
23 *stormwater management (including combined sewer*
24 *overflows), in Queens, New York.*

1 “(378) *YORKTOWN, NEW YORK.*—\$40,000,000 for
2 *wastewater infrastructure, including stormwater*
3 *management, in the town of Yorktown, New York.*

4 “(379) *BRUNSWICK, OHIO.*—\$4,510,000 for
5 *wastewater infrastructure, including stormwater*
6 *management, in the city of Brunswick, Ohio.*

7 “(380) *BROOKINGS, OREGON.*—\$2,000,000 for
8 *wastewater infrastructure in the City of Brookings*
9 *and the Port of Brookings Harbor, Oregon.*

10 “(381) *MONROE, OREGON.*—\$6,000,000 for water
11 *and wastewater infrastructure in the city of Monroe,*
12 *Oregon.*

13 “(382) *NEWPORT, OREGON.*—\$60,000,000 for
14 *water and wastewater infrastructure, including water*
15 *supply and water storage, in the city of Newport, Or-*
16 *egon.*

17 “(383) *LANE COUNTY, OREGON.*—\$25,000,000 for
18 *water and wastewater infrastructure, including water*
19 *supply and storage, distribution, and treatment sys-*
20 *tems, in Lane County, Oregon.*

21 “(384) *PALMYRA, PENNSYLVANIA.*—\$36,300,000
22 *for wastewater infrastructure in Palmyra Township,*
23 *Pennsylvania.*

24 “(385) *PIKE COUNTY, PENNSYLVANIA.*—
25 *\$10,000,000 for water and stormwater management*

1 *infrastructure, including water supply, in Pike Coun-*
2 *ty, Pennsylvania.*

3 “(386) *PITTSBURGH, PENNSYLVANIA.—*
4 *\$20,000,000 for wastewater infrastructure, including*
5 *stormwater management, in the city of Pittsburgh,*
6 *Pennsylvania.*

7 “(387) *POCONO, PENNSYLVANIA.—\$22,000,000*
8 *for water and wastewater infrastructure in Pocono*
9 *Township, Pennsylvania.*

10 “(388) *WESTFALL, PENNSYLVANIA.—\$16,880,000*
11 *for wastewater infrastructure in Westfall Township,*
12 *Pennsylvania.*

13 “(389) *WHITEHALL, PENNSYLVANIA.—\$6,000,000*
14 *for stormwater management infrastructure in White-*
15 *hall Township and South Whitehall Township, Penn-*
16 *sylvania.*

17 “(390) *BEAUFORT, SOUTH CAROLINA.—*
18 *\$7,462,000 for stormwater management infrastructure*
19 *in Beaufort County, South Carolina.*

20 “(391) *CHARLESTON, SOUTH CAROLINA.—*
21 *\$25,583,000 for wastewater infrastructure, including*
22 *stormwater management, in the city of Charleston,*
23 *South Carolina.*

1 “(392) *HORRY COUNTY, SOUTH CAROLINA.—*
2 *\$19,000,000 for environmental infrastructure, includ-*
3 *ing ocean outfalls, in Horry County, South Carolina.*

4 “(393) *MOUNT PLEASANT, SOUTH CAROLINA.—*
5 *\$7,822,000 for wastewater infrastructure, including*
6 *stormwater management, in the town of Mount Pleas-*
7 *ant, South Carolina.*

8 “(394) *PORTLAND, TENNESSEE.—\$1,850,000 for*
9 *water and wastewater infrastructure, including water*
10 *supply, in the city of Portland, Tennessee.*

11 “(395) *SMITH COUNTY, TENNESSEE.—*
12 *\$19,500,000 for wastewater infrastructure, including*
13 *stormwater management, in Smith County, Ten-*
14 *nessee.*

15 “(396) *TROUSDALE, MACON, AND SUMNER COUN-*
16 *TIES, TENNESSEE.—\$178,000,000 for water and*
17 *wastewater infrastructure in Trousdale County,*
18 *Macon County, and Sumner County, Tennessee.*

19 “(397) *UNITED STATES VIRGIN ISLANDS.—*
20 *\$1,584,000 for wastewater infrastructure in the*
21 *United States Virgin Islands.*

22 “(398) *BONNEY LAKE, WASHINGTON.—*
23 *\$3,000,000 for water and wastewater infrastructure*
24 *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.*—\$3,000,000
5 *for wastewater infrastructure, including stormwater*
6 *management, in the city of Ellensburg, Washington.*

7 “(401) *NORTH BEND, WASHINGTON.*—
8 *\$30,000,000 for wastewater infrastructure, including*
9 *stormwater management, in the city of North Bend,*
10 *Washington.*

11 “(402) *PORT ANGELES, WASHINGTON.*—
12 *\$7,500,000 for wastewater infrastructure, including*
13 *stormwater management, in the City and Port of*
14 *Port Angeles, Washington.*

15 “(403) *SNOHOMISH COUNTY, WASHINGTON.*—
16 *\$56,000,000 for water and wastewater infrastructure,*
17 *including water supply, in Snohomish County, Wash-*
18 *ington.*

19 “(404) *WESTERN WASHINGTON STATE.*—
20 *\$200,000,000 for water and wastewater infrastruc-*
21 *ture, including stormwater management, water sup-*
22 *ply, and conservation, in Chelan County, King Coun-*
23 *ty, Kittitas County, Pierce County, Snohomish Coun-*
24 *ty, Skagit County, and Whatcom County, Wash-*
25 *ington.*

1 “(405) *MILWAUKEE, WISCONSIN.*—\$4,500,000 for
2 *water and wastewater infrastructure, including*
3 *stormwater management (including combined sewer*
4 *overflows), and resource protection and development,*
5 *in the Milwaukee metropolitan area, Wisconsin.”.*

6 **(b) PROJECT MODIFICATIONS.**—

7 **(1) CONSISTENCY WITH REPORTS.**—Congress
8 *finds that the project modifications described in this*
9 *subsection are in accordance with the reports sub-*
10 *mitted to Congress by the Secretary under section*
11 *7001 of the Water Resources Reform and Development*
12 *Act of 2014 (33 U.S.C. 2282d), titled “Report to Con-*
13 *gress on Future Water Resources Development”, or*
14 *have otherwise been reviewed by Congress.*

15 **(2) MODIFICATIONS.**—

16 **(A) CALAVERAS COUNTY, CALIFORNIA.**—Sec-
17 *tion 219(f)(86) of the Water Resources Develop-*
18 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 334;*
19 *121 Stat. 1259) is amended by striking*
20 *“\$3,000,000” and inserting “\$13,280,000”.*

21 **(B) SACRAMENTO AREA, CALIFORNIA.**—Sec-
22 *tion 219(f)(23) of the Water Resources Develop-*
23 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 336;*
24 *117 Stat. 1840; 134 Stat. 2718) is amended by*
25 *striking “Suburban”.*

1 (C) *LOS ANGELES COUNTY, CALIFORNIA.—*
2 *Section 219(f) of the Water Resources Develop-*
3 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 334;*
4 *117 Stat. 1840; 121 Stat. 1259) is amended by*
5 *striking paragraph (93) and inserting the fol-*
6 *lowing:*

7 “(93) *LOS ANGELES COUNTY, CALIFORNIA.—*
8 *\$103,000,000 for water and wastewater infrastruc-*
9 *ture, including stormwater management, Diamond*
10 *Bar, La Habra Heights, Dominguez Channel, Santa*
11 *Clarity Valley, and Rowland Heights, Los Angeles*
12 *County, California.”.*

13 (D) *BOULDER COUNTY, COLORADO.—Sec-*
14 *tion 219(f)(109) of the Water Resources Develop-*
15 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 334;*
16 *114 Stat. 2763A–220) is amended by striking*
17 *“\$10,000,000 for water supply infrastructure”*
18 *and inserting “\$20,000,000 for water and waste-*
19 *water infrastructure, including stormwater man-*
20 *agement and water supply”.*

21 (E) *CHARLOTTE COUNTY, FLORIDA.—Sec-*
22 *tion 219(f)(121) of the Water Resources Develop-*
23 *ment Act of 1992 (106 Stat. 4835; 113 Stat. 336;*
24 *121 Stat. 1261) is amended by striking*

1 “\$3,000,000 for” and inserting “\$33,000,000 for
2 wastewater and”.

3 (F) MIAMI-DADE COUNTY, FLORIDA.—Sec-
4 tion 219(f)(128) of the Water Resources Develop-
5 ment Act of 1992 (106 Stat. 4835; 113 Stat. 336;
6 121 Stat. 1261) is amended by striking
7 “\$6,250,000 for” and inserting “\$190,250,000
8 for wastewater infrastructure, including”.

9 (G) ALBANY, GEORGIA.—Section
10 219(f)(130) of the Water Resources Development
11 Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121
12 Stat. 1261) is amended by striking “\$4,000,000
13 for a storm drainage system,” and inserting
14 “\$109,000,000 for wastewater infrastructure, in-
15 cluding stormwater management (including com-
16 bined sewer overflows),”.

17 (H) ATLANTA, GEORGIA.—Section 219(e)(5)
18 of the Water Resources Development Act of 1992
19 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334)
20 is amended by striking “\$25,000,000” and in-
21 serting “\$75,000,000”.

22 (I) EAST POINT, GEORGIA.—Section
23 219(f)(136) of the Water Resources Development
24 Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121
25 Stat. 1261) is amended by striking “\$5,000,000

1 *for*” and inserting “\$15,000,000 for stormwater
2 management and other”.

3 (J) COOK COUNTY AND LAKE COUNTY, ILLI-
4 NOIS.—Section 219(f)(54) of the Water Resources
5 Development Act of 1992 (106 Stat. 4835; 113
6 Stat. 336; 114 Stat. 2763A–220) is amended—

7 (i) in the paragraph heading, by strik-
8 ing “COOK COUNTY” and inserting “COOK
9 COUNTY AND LAKE COUNTY”;

10 (ii) by striking “\$35,000,000 for” and
11 inserting “\$100,000,000 for wastewater in-
12 frastructure, including stormwater manage-
13 ment, and other”; and

14 (iii) by inserting “and Lake County”
15 after “Cook County”.

16 (K) MADISON AND ST. CLAIR COUNTIES, IL-
17 LINOIS.—Section 219(f)(55) of the Water Re-
18 sources Development Act of 1992 (106 Stat.
19 4835; 113 Stat. 334; 114 Stat. 2763A–221; 134
20 Stat. 2718) is amended by striking
21 “\$45,000,000” and inserting “\$100,000,000”.

22 (L) CALUMET REGION, INDIANA.—Section
23 219(f)(12)(A) of the Water Resources Develop-
24 ment Act of 1992 (106 Stat. 4835; 113 Stat. 336;
25 117 Stat. 1843; 121 Stat. 1225) is amended by

1 *striking* “\$100,000,000” *and* *inserting*
2 “\$125,000,000”.

3 (M) *BATON ROUGE, LOUISIANA.—Section*
4 *219(f)(21) of the Water Resources Development*
5 *Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114*
6 *Stat. 2763A–220; 121 Stat. 1226) is amended by*
7 *striking* “\$35,000,000” *and* *inserting*
8 “\$90,000,000”.

9 (N) *SOUTH CENTRAL PLANNING AND DEVEL-*
10 *OPMENT COMMISSION, LOUISIANA.—Section*
11 *219(f)(153) of the Water Resources Development*
12 *Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121*
13 *Stat. 1262) is amended by striking* “\$2,500,000”
14 *and inserting* “\$12,500,000”.

15 (O) *ST. CHARLES, ST. BERNARD,*
16 *PLAQUEMINES, ST. JOHN THE BAPTIST, ST.*
17 *JAMES, AND ASSUMPTION PARISHES, LOU-*
18 *ISIANA.—*

19 (i) *ST. CHARLES, ST. BERNARD, AND*
20 *PLAQUEMINES PARISHES, LOUISIANA.—Sec-*
21 *tion 219(c)(33) of the Water Resources De-*
22 *velopment Act of 1992 (106 Stat. 4835; 113*
23 *Stat. 334; 114 Stat. 2763A–219) is amend-*
24 *ed by striking* “Water and wastewater in-
25 *frastructure” and inserting* “Water supply

1 *and wastewater infrastructure, including*
2 *stormwater management”.*

3 (ii) *ST. JOHN THE BAPTIST, ST.*
4 *JAMES, AND ASSUMPTION PARISHES, LOU-*
5 *ISIANA.—Section 219(c)(34) of the Water*
6 *Resources Development Act of 1992 (106*
7 *Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–*
8 *219) is amended—*

9 (I) *in the paragraph heading, by*
10 *striking “BAPTIST AND ST. JAMES” and*
11 *inserting “BAPTIST, ST. JAMES, AND*
12 *ASSUMPTION”;* and

13 (II) *by striking “Baptist and St.*
14 *James” and inserting “Baptist, St.*
15 *James, and Assumption”.*

16 (iii) *AUTHORIZATION OF APPROPRIA-*
17 *TIONS FOR CONSTRUCTION ASSISTANCE.—*
18 *Section 219(e) of the Water Resources De-*
19 *velopment Act of 1992 (106 Stat. 4835; 110*
20 *Stat. 3757; 113 Stat. 334; 121 Stat. 1192)*
21 *is amended—*

22 (I) *by striking the “and” at the*
23 *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 fol-
5 lowing:

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 amend-*
14 *ed—*

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 following:

19 “(B) *ADDITIONAL PROJECTS.—*Amounts
20 made available under subparagraph (A) may be
21 used for design and construction projects for
22 water-related environmental infrastructure and
23 resource protection and development projects in
24 Michigan, including for projects for wastewater
25 treatment and related facilities, water supply

1 *and related facilities, environmental restoration,*
2 *and surface water resource protection and devel-*
3 *opment.”.*

4 (Q) JACKSON, MISSISSIPPI.—*Section*
5 *219(f)(167) of the Water Resources Development*
6 *Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121*
7 *Stat. 1263) is amended by striking “\$25,000,000*
8 *for water and wastewater infrastructure” and*
9 *inserting “\$125,000,000 for water and waste-*
10 *water infrastructure, including resilience activi-*
11 *ties for such infrastructure”.*

12 (R) ALLEGHENY COUNTY, PENNSYLVANIA.—
13 *Section 219(f)(66)(A) of the Water Resources De-*
14 *velopment Act of 1992 (106 Stat. 4835; 113 Stat.*
15 *336; 114 Stat. 2763A–221; 121 Stat. 1240) is*
16 *amended by striking “\$20,000,000 for” and in-*
17 *serting “\$30,000,000 for wastewater infrastruc-*
18 *ture, including stormwater management, and*
19 *other”.*

20 (S) LAKES MARION AND MOULTRIE, SOUTH
21 CAROLINA.—*Section 219(f)(25) of the Water Re-*
22 *sources Development Act of 1992 (106 Stat.*
23 *4835; 113 Stat. 336; 114 Stat. 2763A–220; 117*
24 *Stat. 1838; 130 Stat. 1677; 132 Stat. 3818; 134*

1 *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 amended*
7 *by striking paragraph (250) and inserting the*
8 *following:*

9 *“(250) MYRTLE BEACH AND VICINITY, SOUTH*
10 *CAROLINA.—\$31,000,000 for environmental infra-*
11 *structure, including ocean outfalls, Myrtle Beach and*
12 *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 amended*
17 *by striking paragraph (251) and inserting the*
18 *following:*

19 *“(251) NORTH MYRTLE BEACH AND VICINITY,*
20 *SOUTH CAROLINA.—\$74,000,000 for environmental*
21 *infrastructure, including ocean outfalls, North Myrtle*
22 *Beach and vicinity, South Carolina.”.*

23 *(V) EASTERN SHORE AND SOUTHWEST VIR-*
24 *GINIA.—Section 219(f)(10)(A) of the Water Re-*
25 *sources Development Act of 1992 (106 Stat.*

1 4835; 113 Stat. 335; 121 Stat. 1255) is amend-
2 ed—

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 Development
9 Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121
10 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 following:

17 “(B) *LOCAL COOPERATION AGREEMENTS.*—
18 Notwithstanding subsection (a), at the request of
19 a non-Federal interest for a project or a sepa-
20 rable element of a project that receives assistance
21 under this paragraph, the Secretary may enter
22 into an agreement developed in accordance with
23 section 571(e) of the Water Resources Develop-
24 ment Act of 1999 (113 Stat. 371) for the project
25 or separable element.”.

1 (3) *EFFECT ON AUTHORIZATION.*—*Notwith-*
2 *standing the operation of section 6001(e) of the Water*
3 *Resources Reform and Development Act of 2014 (as*
4 *in effect on the day before the date of enactment of*
5 *the Water Resources Development Act of 2016), any*
6 *project included on a list published by the Secretary*
7 *pursuant to such section the authorization for which*
8 *is amended by this subsection remains authorized to*
9 *be carried out by the Secretary.*

10 **SEC. 8376. ADDITIONAL ASSISTANCE FOR CRITICAL**
11 **PROJECTS.**

12 (a) *CONSISTENCY WITH REPORTS.*—*Congress finds*
13 *that the project modifications described in this section are*
14 *in accordance with the reports submitted to Congress by the*
15 *Secretary under section 7001 of the Water Resources Reform*
16 *and Development Act of 2014 (33 U.S.C. 2282d), titled “Re-*
17 *port to Congress on Future Water Resources Development”,*
18 *or have otherwise been reviewed by Congress.*

19 (b) *PROJECTS.*—

20 (1) *CHESAPEAKE BAY.*—*Section 510 of the Water*
21 *Resources Development Act of 1996 (110 Stat. 3759;*
22 *121 Stat. 1202; 128 Stat. 1317; 134 Stat. 3704) is*
23 *amended—*

24 (A) *in subsection (a)(2)—*

1 (i) by inserting “infrastructure and”
2 before “resource protection”;

3 (ii) in subparagraph (B), by inserting
4 “and streambanks” after “shorelines”;

5 (iii) by redesignating subparagraphs
6 (E) and (F) as subparagraphs (H) and (I),
7 respectively; and

8 (iv) by inserting after subparagraph
9 (D) the following:

10 “(E) wastewater treatment and related fa-
11 cilities;

12 “(F) water supply and related facilities;

13 “(G) stormwater and drainage systems;”;

14 and

15 (B) in subsection (c)(2)(A), by inserting
16 “facilities or” before “a resource protection and
17 restoration plan”.

18 (2) *FLORIDA KEYS WATER QUALITY IMPROVE-*
19 *MENTS, FLORIDA.*—Section 109(f) of title I of division
20 *B of the Miscellaneous Appropriations Act, 2001*
21 *(Public Law 106–554, appendix D, 114 Stat. 2763A–*
22 *222 (as enacted by section 1(a)(4) of the Consolidated*
23 *Appropriations Act, 2001 (114 Stat. 2763)); 121*
24 *Stat. 1217) is amended by striking “\$100,000,000”*
25 *and inserting “\$200,000,000”.*

1 (3) *NORTHEASTERN MINNESOTA.*—Section
2 569(h) of the *Water Resources Development Act of*
3 1999 (113 Stat. 368; 121 Stat. 1232) is amended by
4 striking “\$54,000,000” and inserting “\$80,000,000”.

5 (4) *MISSISSIPPI.*—Section 592 of the *Water Re-*
6 *sources Development Act of 1999* (113 Stat. 379; 117
7 Stat. 1837; 121 Stat. 1233; 123 Stat. 2851) is amend-
8 ed—

9 (A) in subsection (b), by striking “and sur-
10 face water resource protection and development”
11 and inserting “surface water resource protection
12 and development, stormwater management,
13 drainage systems, and water quality enhance-
14 ment”; and

15 (B) in subsection (g), by striking
16 “\$200,000,000” and inserting “\$300,000,000”.

17 (5) *LAKE TAHOE BASIN RESTORATION, NEVADA*
18 *AND CALIFORNIA.*—Section 108(g) of division C of the
19 *Consolidated Appropriations Act, 2005* (Public Law
20 108–447; 118 Stat. 2942) is amended by striking
21 “\$25,000,000” and inserting “\$50,000,000”.

22 (6) *CENTRAL NEW MEXICO.*—Section 593 of the
23 *Water Resources Development Act of 1999* (113 Stat.
24 380; 119 Stat. 2255) is amended—

1 (A) in subsection (a), by inserting “Colfax,”
2 before “Sandoval”;

3 (B) in subsection (c), by inserting “water
4 reuse,” after “conservation,”; and

5 (C) in subsection (h), by striking
6 “\$50,000,000” and inserting “\$100,000,000”.

7 (7) NEW YORK CITY WATERSHED.—Section
8 552(a)(2) of the Water Resources Development Act of
9 1996 (110 Stat. 3780) is amended—

10 (A) by striking “design and construction as-
11 sistance” and inserting “design, repair, replace-
12 ment, and construction assistance”; and

13 (B) by striking “treatment, and distribution
14 facilities” and inserting “treatment, stormwater
15 management, and water distribution facilities”.

16 (8) OHIO AND NORTH DAKOTA.—Section 594 of
17 the Water Resources Development Act of 1999 (113
18 Stat. 381; 119 Stat. 2261; 121 Stat. 1140; 121 Stat.
19 1944) is amended—

20 (A) in subsection (h), by striking
21 “\$240,000,000” and inserting “\$250,000,000”;
22 and

23 (B) by adding at the end the following:

24 “(i) AUTHORIZATION OF ADDITIONAL APPROPRIA-
25 TIONS.—In addition to amounts authorized under sub-

1 *section (h), there is authorized to be appropriated to carry*
2 *out this section \$100,000,000, to be divided between the*
3 *States referred to in subsection (a).”.*

4 (9) *SOUTHEASTERN PENNSYLVANIA.—Section*
5 *566 of the Water Resources Development Act of 1996*
6 *(110 Stat. 3786; 113 Stat. 352) is amended—*

7 (A) *by striking the section heading and in-*
8 *serting “**SOUTHEASTERN PENNSYLVANIA***
9 ***AND LOWER DELAWARE RIVER BASIN.**”;*

10 (B) *in subsection (a), by inserting “and the*
11 *Lower Delaware River Basin” after “south-*
12 *eastern Pennsylvania”;*

13 (C) *in subsection (b), by striking “south-*
14 *eastern Pennsylvania, including projects for*
15 *waste water treatment and related facilities,”*
16 *and inserting “southeastern Pennsylvania and*
17 *the Lower Delaware River Basin, including*
18 *projects for wastewater treatment and related fa-*
19 *cilities (including sewer overflow infrastructure*
20 *improvements and other stormwater manage-*
21 *ment),”;*

22 (D) *by amending subsection (g) to read as*
23 *follows:*

24 “(g) *AREAS DEFINED.—In this section:*

1 “(1) *LOWER DELAWARE RIVER BASIN*.—*The term*
2 *‘Lower Delaware River Basin’ means the Schuylkill*
3 *Valley, Upper Estuary, Lower Estuary, and Dela-*
4 *ware Bay subwatersheds of the Delaware River Basin*
5 *in the Commonwealth of Pennsylvania and the States*
6 *of New Jersey and Delaware.*

7 “(2) *SOUTHEASTERN PENNSYLVANIA*.—*The term*
8 *‘southeastern Pennsylvania’ means Philadelphia,*
9 *Bucks, Chester, Delaware, and Montgomery Counties,*
10 *Pennsylvania.’; and*

11 *(E) in subsection (h), by striking “to carry*
12 *out this section \$25,000,000” and inserting*
13 *“\$50,000,000 to provide assistance under this*
14 *section to non-Federal interests in southeastern*
15 *Pennsylvania, and \$20,000,000 to provide assist-*
16 *ance under this section to non-Federal interests*
17 *in the Lower Delaware River Basin”.*

18 “(10) *SOUTH CENTRAL PENNSYLVANIA*.—*Section*
19 *313(g)(1) of the Water Resources Development Act of*
20 *1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;*
21 *113 Stat. 310; 117 Stat. 142; 121 Stat. 1146; 134*
22 *Stat. 2719) is amended by striking “\$400,000,000”*
23 *and inserting “\$410,000,000”.*

1 (11) *TEXAS.*—Section 5138 of the Water Re-
2 sources Development Act of 2007 (121 Stat. 1250) is
3 amended—

4 (A) in subsection (b), by striking “, as iden-
5 tified by the Texas Water Development Board”;

6 (B) in subsection (e)(3), by inserting “and
7 construction” after “design work”;

8 (C) by redesignating subsection (g) as sub-
9 section (i);

10 (D) by inserting after subsection (f) the fol-
11 lowing:

12 “(g) *NONPROFIT ENTITIES.*—In this section, the term
13 *non-Federal interest* has the meaning given such term in
14 section 221(b) of the Flood Control Act of 1970 (42 U.S.C.
15 1962d–5b(b)).

16 “(h) *CORPS OF ENGINEERS EXPENSES.*—Not more
17 than 10 percent of the amounts made available to carry
18 out this section may be used by the Corps of Engineers dis-
19 trict offices to administer projects under this section at Fed-
20 eral expense.”; and

21 (E) in subsection (i) (as redesignated), by
22 striking “\$40,000,000” and inserting
23 “\$80,000,000”.

24 (12) *LAKE CHAMPLAIN, VERMONT AND NEW*
25 *YORK.*—Section 542 of the Water Resources Develop-

1 *ment Act of 2000 (114 Stat. 2671; 121 Stat. 1150;*
2 *134 Stat. 2652) is amended—*

3 *(A) in subsection (b)(2)(C), by striking*
4 *“planning” and inserting “clean water infra-*
5 *structure planning, design, and construction”;*
6 *and*

7 *(B) in subsection (g), by striking*
8 *“\$32,000,000” and inserting “\$100,000,000”.*

9 *(13) WESTERN RURAL WATER.—Section 595 of*
10 *the Water Resources Development Act of 1999 (113*
11 *Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat.*
12 *1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat. 2851;*
13 *128 Stat. 1316; 130 Stat. 1681; 134 Stat. 2719) is*
14 *amended—*

15 *(A) in subsection (i)(1), by striking*
16 *“\$435,000,000” and inserting “\$800,000,000”;*
17 *and*

18 *(B) in subsection (i)(2), by striking*
19 *“\$150,000,000” and inserting “\$200,000,000”.*

20 *(c) EFFECT ON AUTHORIZATION.—Notwithstanding*
21 *the operation of section 6001(e) of the Water Resources Re-*
22 *form and Development Act of 2014 (as in effect on the day*
23 *before the date of enactment of the Water Resources Develop-*
24 *ment Act of 2016), any project included on a list published*
25 *by the Secretary pursuant to such section the authorization*

1 *for which is amended by this section remains authorized*
2 *to be carried out by the Secretary.*

3 **SEC. 8377. CONVEYANCES.**

4 (a) *GENERALLY APPLICABLE PROVISIONS.—*

5 (1) *SURVEY TO OBTAIN LEGAL DESCRIPTION.—*

6 *The exact acreage and the legal description of any*
7 *real property to be conveyed under this section shall*
8 *be determined by a survey that is satisfactory to the*
9 *Secretary.*

10 (2) *APPLICABILITY OF PROPERTY SCREENING*

11 *PROVISIONS.—Section 2696 of title 10, United States*
12 *Code, shall not apply to any conveyance under this*
13 *section.*

14 (3) *COSTS OF CONVEYANCE.—An entity to which*

15 *a conveyance is made under this section shall be re-*
16 *sponsible for all reasonable and necessary costs, in-*
17 *cluding real estate transaction and environmental*
18 *documentation costs, associated with the conveyance.*

19 (4) *LIABILITY.—An entity to which a conveyance*

20 *is made under this section shall hold the United*
21 *States harmless from any liability with respect to ac-*
22 *tivities carried out, on or after the date of the convey-*
23 *ance, on the real property conveyed. The United*
24 *States shall remain responsible for any liability with*

1 *respect to activities carried out, before such date, on*
2 *the real property conveyed.*

3 (5) *ADDITIONAL TERMS AND CONDITIONS.—The*
4 *Secretary may require that any conveyance under*
5 *this section be subject to such additional terms and*
6 *conditions as the Secretary considers necessary and*
7 *appropriate to protect the interests of the United*
8 *States.*

9 (b) *CITY OF LEWES, DELAWARE.—*

10 (1) *CONVEYANCE AUTHORIZED.—The Secretary*
11 *is authorized to convey, without consideration, to the*
12 *City of Lewes, Delaware, all right, title, and interest*
13 *of the United States in and to the real property de-*
14 *scribed in paragraph (2), for the purpose of housing*
15 *a new municipal campus for Lewes City Hall, a po-*
16 *lice station, and a board of public works.*

17 (2) *PROPERTY.—The property to be conveyed*
18 *under this subsection is the approximately 5.26 acres*
19 *of land, including improvements on that land, located*
20 *at 1137 Savannah Road, Lewes, Delaware.*

21 (3) *REVERSION.—*

22 (A) *IN GENERAL.—If the Secretary deter-*
23 *mines at any time that the property conveyed*
24 *under paragraph (1) is not being used in accord-*
25 *ance with the purpose specified in such para-*

1 *graph, all right, title, and interest in and to the*
2 *property shall revert, at the discretion of the Sec-*
3 *retary, to the United States.*

4 *(B) DETERMINATION.—A determination by*
5 *the Secretary under subparagraph (A) shall be*
6 *made on the record after an opportunity for a*
7 *hearing.*

8 *(c) ARMY RESERVE FACILITY, BELLEVILLE, ILLI-*
9 *NOIS.—*

10 *(1) CONVEYANCE AUTHORIZED.—The Secretary*
11 *shall convey to the city of Belleville, Illinois, without*
12 *consideration, all right, title, and interest of the*
13 *United States in and to the real property described*
14 *in paragraph (2).*

15 *(2) PROPERTY.—The property to be conveyed*
16 *under this subsection is the approximately 5.2 acres*
17 *of land, including improvements on that land, located*
18 *at 500 South Belt East in Belleville, Illinois.*

19 *(3) DEED.—The Secretary shall convey the prop-*
20 *erty under this subsection by quitclaim deed under*
21 *such terms and conditions as the Secretary deter-*
22 *mines appropriate to protect the interests of the*
23 *United States.*

24 *(4) REVERSION.—If the Secretary determines*
25 *that the property conveyed under this subsection is*

1 *not used for a public purpose, all right, title, and in-*
2 *terest in and to the property shall revert, at the dis-*
3 *cretion of the Secretary, to the United States.*

4 *(d) LAKE BARKLEY, KENTUCKY.—*

5 *(1) IN GENERAL.—The Secretary is authorized to*
6 *convey to the Eddyville Riverport and Industrial De-*
7 *velopment Authority all right, title, and interest of*
8 *the United States in and to the approximately 3.3*
9 *acres of land in Lyon County, Kentucky, including*
10 *the land identified as Tract 1216–2 and a portion of*
11 *the land identified as Tract 112–2, adjacent to the*
12 *southwestern boundary of the port facilities of the Au-*
13 *thority at the Barkley Dam and Lake Barkley*
14 *project, Kentucky, authorized by the first section of*
15 *the Act of July 24, 1946 (chapter 595, 60 Stat. 636).*

16 *(2) RESERVATION OF RIGHTS.—The Secretary*
17 *shall reserve and retain from the conveyance under*
18 *this subsection such easements, rights-of-way, and*
19 *other interests that the Secretary determines to be nec-*
20 *essary and appropriate to ensure the continued oper-*
21 *ation of the project described in paragraph (1).*

22 *(3) DEED.—The Secretary shall convey the prop-*
23 *erty under this subsection by quitclaim deed under*
24 *such terms and conditions as the Secretary deter-*

1 *mines appropriate to protect the interests of the*
2 *United States.*

3 (4) *CONSIDERATION.*—*The Eddyville Riverport*
4 *and Industrial Development Authority shall pay to*
5 *the Secretary an amount that is not less than the fair*
6 *market value of the property conveyed under this sub-*
7 *section, as determined by the Secretary.*

8 (e) *SARDIS LAKE, PANOLA COUNTY, MISSISSIPPI.*—

9 (1) *CONVEYANCE AUTHORIZED.*—*The Secretary*
10 *is authorized to convey to the City of Sardis, Mis-*
11 *issippi, all right, title, and interest of the United*
12 *States in and to the real property described in para-*
13 *graph (2).*

14 (2) *PROPERTY.*—*The property to be conveyed is*
15 *the approximately 1,064 acres of lying in the eastern*
16 *half of Sections 12 and 13, T 8 S, R 6 W and the*
17 *western half of Section 18 and the western half of Sec-*
18 *tion 7, T 8 S, R 5 W, in Panola County, Mississippi,*
19 *and being more particularly described as follows:*
20 *Begin at the southeast corner of said Section 13, run*
21 *thence from said point of beginning, along the south*
22 *line of said Section 13, run westerly, 2,723 feet;*
23 *thence run N 27°39'53" W, for 1,898 feet; thence run*
24 *north 2,434 feet; thence run east, 1,006 feet, more or*
25 *less, to a point on the easterly edge of Mississippi*

1 *State Highway No. 315; thence run along said easterly*
2 *edge of highway, northerly, for 633 feet; thence*
3 *leaving said easterly edge of highway, run N 62°00'*
4 *E, for 200 feet; thence N 07°00' E, for 1,350 feet;*
5 *thence N 07°00' W, for 800 feet; thence N 37°30'W for*
6 *800 feet; thence N 10°00' W for 350 feet; thence N*
7 *11°00' E, for 350 feet; thence N 43°30' E for 250 feet;*
8 *thence N 88°00' E for 200 feet; thence S 64°00' E for*
9 *350 feet; thence S 25°30' E, for 650 feet, more or less,*
10 *to the intersection of the east line of the western half*
11 *of the eastern half of the northwest quarter of the*
12 *southeast quarter of the aforesaid Section 12, T 8 S,*
13 *R 6 W and the 235-foot contour; thence run along*
14 *said 235-foot contour, 6,392 feet; thence leaving said*
15 *235-foot contour, southerly 1,762 feet, more or less, to*
16 *a point on the south line of Section 7; thence S*
17 *00°28'49" E, 2,664.97 feet, more or less, to a point*
18 *on the south line of the northwest quarter of said Sec-*
19 *tion 18; thence along said south line, easterly for 100*
20 *feet, more or less to the northwest corner of the south-*
21 *west quarter of said Section 18; thence leaving said*
22 *south line of said northwest quarter, along the east*
23 *line of said southwest quarter, S 00°06'20" E, run*
24 *2,280 feet, more or less, to the southerly edge of an ex-*
25 *isting power line right-of-way; thence leaving said*

1 east line of said southwest quarter, along said south-
2 erly edge of said power line right-of-way, northwest-
3 erly, 300 feet, more or less, to the easterly edge of the
4 existing 4-H Club Road; thence leaving said south-
5 erly edge of said power line right-of-way, along said
6 easterly edge of said road, southeasterly, 420 feet,
7 more or less, to the south line of said southwest quar-
8 ter; thence leaving said easterly edge of said road,
9 along said south line of southwest quarter, westerly,
10 2,635 feet, more or less, to the point of beginning,
11 *LESS AND EXCEPT* the following prescribed parcel:
12 *Beginning at a point N 00°45'48" W, 302.15 feet and*
13 *west, 130.14 feet from the southeast corner of said*
14 *Section 13, T 8 S, R 6 W, and running thence S*
15 *04°35'58" W, 200.00 feet to a point on the north side*
16 *of a road; running thence with the north side of said*
17 *road, N 83°51' W, for 64.84 feet; thence N 72°26'44"*
18 *W, 59.48 feet; thence N 60°31'37" W, 61.71 feet;*
19 *thence N 63°35'08" W, 51.07 feet; thence N 06°47'17"*
20 *W, 142.81 feet to a point; running thence S 85°24'02"*
21 *E, 254.37 feet to the point of beginning, containing*
22 *1.00 acre, more or less.*

23 (3) *RESERVATION OF RIGHTS.*—

24 (A) *IN GENERAL.*—*The Secretary shall re-*
25 *serve and retain from the conveyance under this*

1 *subsection such easements, rights-of-way, and*
2 *other interests that the Secretary determines to*
3 *be necessary and appropriate to ensure the con-*
4 *tinued operation of the Sardis Lake project, au-*
5 *thorized by section 6 of the Act of May 15, 1928*
6 *(chapter 569, 45 Stat. 536).*

7 *(B) FLOODING; LIABILITY.—In addition to*
8 *any easements, rights-of-way, and other interests*
9 *reserved an retained under subparagraph (A),*
10 *the Secretary—*

11 *(i) shall retain the right to flood land*
12 *for downstream flood control purposes on—*

13 *(I) the land located east of Black-*
14 *jack Road and below 301.0 feet above*
15 *sea level; and*

16 *(II) the land located west of*
17 *Blackjack Road and below 224.0 feet*
18 *above sea level; and*

19 *(ii) shall not be liable for any reason-*
20 *able damage resulting from any flooding of*
21 *land pursuant to clause (i).*

22 *(4) DEED.—The Secretary shall—*

23 *(A) convey the property under this section*
24 *by quitclaim deed under such terms and condi-*

1 *tions as the Secretary determines appropriate to*
2 *protect the interests of the United States; and*

3 *(B) ensure that such deed includes a perma-*
4 *nent restriction that all future building of above-*
5 *ground structures on the land conveyed under*
6 *this subsection shall be restricted to areas lying*
7 *at or above 301.0 feet above sea level.*

8 *(5) CONSIDERATION.—The City of Sardis, Mis-*
9 *issippi, shall pay to the Secretary an amount that*
10 *is not less than the fair market value of the property*
11 *conveyed under this subsection, as determined by the*
12 *Secretary.*

13 *(6) NOTICE AND REPORTING.—After conveying*
14 *property under this subsection, the Secretary shall*
15 *submit to the City of Sardis, Mississippi—*

16 *(A) weekly reports describing—*

17 *(i) the water level of Sardis Lake, as*
18 *in effect on the date of submission of the re-*
19 *port;*

20 *(ii) any applicable forecasts of that*
21 *water level; and*

22 *(iii) any other information that may*
23 *affect land conveyed under this subsection;*
24 *and*

1 (B) a timely notice of any anticipated
2 flooding of a portion of the land conveyed under
3 this subsection.

4 (f) *ROGERS COUNTY, OKLAHOMA.*—

5 (1) *CONVEYANCE AUTHORIZED.*—*The Secretary*
6 *is authorized to convey to the City of Tulsa-Rogers*
7 *County Port Authority, all right, title, and interest of*
8 *the United States in and to the real property de-*
9 *scribed in paragraph (2).*

10 (2) *PROPERTY.*—*The property to be conveyed*
11 *under this subsection is the approximately 176 acres*
12 *of Federal land located on the following 3 parcels in*
13 *Rogers County, Oklahoma:*

14 (A) *Parcel 1 consists of U.S. tract 119 (par-*
15 *tial), U.S. tract 123, U.S. tract 120, U.S. tract*
16 *125, and U.S. tract 118 (partial).*

17 (B) *Parcel 2 consists of U.S. tract 124 (par-*
18 *tial) and U.S. tract 128 (partial).*

19 (C) *Parcel 3 consists of U.S. tract 128 (par-*
20 *tial).*

21 (3) *RESERVATION OF RIGHTS.*—*The Secretary*
22 *shall reserve and retain from any conveyance under*
23 *this subsection such easements, rights-of-way, and*
24 *other interests that the Secretary determines to be nec-*
25 *essary and appropriate to ensure the continued oper-*

1 *ation of the McClellan-Kerr Arkansas River naviga-*
2 *tion project (including Newt Graham Lock and Dam*
3 *18) authorized under the comprehensive plan for the*
4 *Arkansas River Basin by the Act of June 28, 1938*
5 *(chapter 795, 52 Stat. 1218; 60 Stat. 634; 60 Stat.*
6 *647; 101 Stat. 1329–112; 117 Stat. 1842).*

7 (4) *DEED.*—*The Secretary shall convey the prop-*
8 *erty under this subsection by quitclaim deed under*
9 *such terms and conditions as the Secretary deter-*
10 *mines appropriate to protect the interests of the*
11 *United States.*

12 (5) *CONSIDERATION.*—*The City of Tulsa-Rogers*
13 *County Port Authority shall pay to the Secretary an*
14 *amount that is not less than the fair market value of*
15 *the property conveyed under this subsection, as deter-*
16 *mined by the Secretary.*

17 (6) *OBSTRUCTIONS TO NAVIGABLE CAPACITY.*—*A*
18 *conveyance under this subsection shall not affect the*
19 *jurisdiction of the Secretary under section 10 of the*
20 *Act of March 3, 1899 (33 U.S.C. 403) with respect to*
21 *the property conveyed.*

22 (g) *REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS*
23 *CHRISTI, TEXAS.*—

24 (1) *CONVEYANCE AUTHORIZED.*—*At such time as*
25 *new facilities are available to be used as the office for*

1 *the Galveston District of the Corps of Engineers, the*
2 *Secretary shall convey to the Port of Corpus Christi,*
3 *all right, title, and interest of the United States in*
4 *and to the property described in paragraph (2).*

5 (2) *DESCRIPTION OF PROPERTY.—The property*
6 *referred to in paragraph (1) is the land known as*
7 *Tract 100 and Tract 101, including improvements on*
8 *that land, in Corpus Christi, Texas, and described as*
9 *follows:*

10 (A) *TRACT 100.—The 1.89 acres, more or*
11 *less, as conveyed by the Nueces County Naviga-*
12 *tion District No. 1 of Nueces County, Texas, to*
13 *the United States by instrument dated October*
14 *16, 1928, and recorded at Volume 193, pages 1*
15 *and 2, in the Deed Records of Nueces County,*
16 *Texas.*

17 (B) *TRACT 101.—The 0.53 acres as conveyed*
18 *by the City of Corpus Christi, Nueces County,*
19 *Texas, to the United States by instrument dated*
20 *September 24, 1971, and recorded at Volume*
21 *318, pages 523 and 524, in the Deed Records of*
22 *Nueces County, Texas.*

23 (C) *IMPROVEMENTS.—*

24 (i) *Main Building (RPUID AO-C-*
25 *3516), constructed January 9, 1974.*

1 (ii) *Garage, vehicle with 5 bays*
2 (*RPUID AO-C-3517*), *constructed January*
3 *9, 1985.*

4 (iii) *Bulkhead, Upper (RPUID AO-C-*
5 *2658)*, *constructed January 1, 1941.*

6 (iv) *Bulkhead, Lower (RPUID AO-C-*
7 *3520)*, *constructed January 1, 1933.*

8 (v) *Bulkhead Fence (RPUID AO-C-*
9 *3521)*, *constructed January 9, 1985.*

10 (vi) *Bulkhead Fence (RPUID AO-C-*
11 *3522)*, *constructed January 9, 1985.*

12 (3) *DEED.—The Secretary shall convey the prop-*
13 *erty under this subsection by quitclaim deed under*
14 *such terms and conditions as the Secretary deter-*
15 *mines appropriate to protect the interests of the*
16 *United States.*

17 (4) *CONSIDERATION.—The Port of Corpus Chris-*
18 *ti shall pay to the Secretary an amount that is not*
19 *less than the fair market value of the property (in-*
20 *cluding improvements) conveyed under this sub-*
21 *section, as determined by the Secretary.*

22 **SEC. 8378. LAND TRANSFER AND TRUST LAND FOR CHOC-**
23 **TAW NATION OF OKLAHOMA.**

24 (a) *TRANSFER.—*

1 (1) *IN GENERAL.*—Subject to paragraph (2) and
2 for the consideration described in subsection (c), the
3 Secretary shall transfer to the Secretary of the Inte-
4 rior the land described in subsection (b) to be held in
5 trust for the benefit of the Choctaw Nation.

6 (2) *CONDITIONS.*—The land transfer under this
7 subsection shall be subject to the following conditions:

8 (A) *The transfer—*

9 (i) shall not interfere with the oper-
10 ation by the Corps of Engineers of the Sar-
11 dis Lake Project, authorized pursuant to
12 section 203 of the Flood Control Act of 1962
13 (76 Stat. 1187), or any other authorized
14 civil works project; and

15 (ii) shall be subject to such other terms
16 and conditions as the Secretary determines
17 to be necessary and appropriate to ensure
18 the continued operation of the Sardis Lake
19 Project or any other authorized civil works
20 project.

21 (B) *The Secretary shall retain the right to*
22 inundate with water the land transferred to the
23 Choctaw Nation under this subsection as nec-
24 essary to carry out an authorized purpose of the

1 *Sardis Lake Project or any other civil works*
2 *project.*

3 (C) *No gaming activities may be conducted*
4 *on the land transferred under this subsection.*

5 (b) *LAND DESCRIPTION.—*

6 (1) *IN GENERAL.—The land to be transferred*
7 *under subsection (a) is the approximately 247 acres*
8 *of land located in Sections 18 and 19 of T2N R18E,*
9 *and Sections 5 and 8 of T2N R19E, Pushmataha*
10 *County, Oklahoma, generally depicted as “USACE”*
11 *on the map entitled “Sardis Lake – Choctaw Nation*
12 *Proposal” and dated February 22, 2022.*

13 (2) *SURVEY.—The exact acreage and legal de-*
14 *scriptions of the land to be transferred under sub-*
15 *section (a) shall be determined by a survey satisfac-*
16 *tory to the Secretary and the Secretary of the Inte-*
17 *rior.*

18 (c) *CONSIDERATION.—The Choctaw Nation shall pay*
19 *to the Secretary an amount that is equal to the fair market*
20 *value of the land transferred under subsection (a), as deter-*
21 *mined by the Secretary, which funds may be accepted and*
22 *expended by the Secretary.*

23 (d) *COSTS OF TRANSFER.—The Choctaw Nation shall*
24 *be responsible for all reasonable and necessary costs, includ-*
25 *ing real estate transaction and environmental documenta-*

1 *tion costs, associated with the transfer of land under sub-*
2 *section (a).*

3 **SEC. 8379. JOHN P. MURTHA LOCKS AND DAM.**

4 (a) *DESIGNATION.*—*Locks and Dam 4, Monongahela*
5 *River, Pennsylvania, authorized by section 101(18) of the*
6 *Water Resources Development Act of 1992 (106 Stat. 4803),*
7 *and commonly known as the “Charleroi Locks and Dam”,*
8 *shall be known and designated as the “John P. Murtha*
9 *Locks and Dam”.*

10 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
11 *lation, document, paper, or other record of the United*
12 *States to the locks and dam referred to in subsection (a)*
13 *shall be deemed to be a reference to the “John P. Murtha*
14 *Locks and Dam”.*

15 **SEC. 8380. TREATMENT OF CERTAIN BENEFITS AND COSTS.**

16 *Section 152(a) of the Water Resources Development*
17 *Act of 2020 (33 U.S.C. 2213a(a)) is amended by striking*
18 *“a flood risk management project that incidentally gen-*
19 *erates seismic safety benefits in regions” and inserting “a*
20 *flood risk management or coastal storm risk management*
21 *project in a region”.*

22 **SEC. 8381. DEBRIS REMOVAL.**

23 *Section 3 of the Act of March 2, 1945 (33 U.S.C. 603a),*
24 *is amended by striking “or recreation” and inserting “eco-*
25 *system restoration, or recreation”.*

1 **SEC. 8382. GENERAL REAUTHORIZATIONS.**

2 (a) *REHABILITATION OF EXISTING LEVEES.*—Section
3 3017(e) of the Water Resources Reform and Development
4 Act of 2014 (33 U.S.C. 3303a note) is amended—

5 (1) by striking “this subsection” and inserting
6 “this section”; and

7 (2) by striking “the date that is 10 years after
8 the date of enactment of this Act” and inserting “De-
9 cember 31, 2028”.

10 (b) *INVASIVE SPECIES IN ALPINE LAKES PILOT*
11 *PROJECT.*—Section 507(c) of the Water Resources Develop-
12 ment Act of 2020 (16 U.S.C. 4701 note) is amended by
13 striking “2024” and inserting “2028”.

14 (c) *ENVIRONMENTAL BANKS.*—Section 309(e) of the
15 Coastal Wetlands Planning, Protection and Restoration Act
16 (16 U.S.C. 3957(e)) is amended by striking “10” and in-
17 serting “12”.

18 **SEC. 8383. TRANSFER OF EXCESS CREDIT.**

19 Section 1020 of the Water Resources Reform and De-
20 velopment Act of 2014 (33 U.S.C. 2223) is amended—

21 (1) in subsection (a), by adding at the end the
22 following:

23 “(3) *STUDIES AND PROJECTS WITH MULTIPLE*
24 *NON-FEDERAL INTERESTS.*—A credit described in
25 paragraph (1) for a study or project with multiple
26 non-Federal interests may be applied to the required

1 *non-Federal cost share for a study or project of any*
2 *such non-Federal interest, if each such non-Federal*
3 *interest agrees in writing to such application.”;*

4 (2) *in subsection (b), by adding at the end the*
5 *following:*

6 “(3) *CONDITIONAL APPROVAL OF EXCESS CRED-*
7 *IT.—Notwithstanding paragraph (2)(A)(ii), the Sec-*
8 *retary may approve credit in excess of the non-Fed-*
9 *eral share for a study or project prior to the identi-*
10 *fication of each authorized study or project to which*
11 *the excess credit will be applied, subject to the condi-*
12 *tion that the non-Federal interest agrees to submit for*
13 *approval by the Secretary an amendment to the com-*
14 *prehensive plan prepared under paragraph (2) that*
15 *identifies each authorized study or project in advance*
16 *of execution of the feasibility cost-sharing agreement*
17 *or project partnership agreement for that authorized*
18 *study or project.”;*

19 (3) *in subsection (d), by striking “10 years after*
20 *the date of enactment of this Act” and inserting “on*
21 *December 31, 2028”;* and

22 (4) *in subsection (e)(1)(B), by striking “10 years*
23 *after the date of enactment of this Act” and inserting*
24 *“December 31, 2028”.*

1 **SEC. 8384. TREATMENT OF CREDIT BETWEEN PROJECTS.**

2 *Section 7007(d) of the Water Resources Development*
3 *Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended*
4 *by inserting “, or may be applied to reduce the amounts*
5 *required to be paid by the non-Federal interest under the*
6 *terms of the deferred payment agreements entered into be-*
7 *tween the Secretary and the non-Federal interest for the*
8 *projects authorized by section 7012(a)(1)” before the period*
9 *at the end.*

10 **SEC. 8385. NON-FEDERAL PAYMENT FLEXIBILITY.**

11 *Section 103(l) of the Water Resources Development Act*
12 *of 1986 (33 U.S.C. 2213(l)) is amended—*

13 *(1) in the subsection heading, by striking “INI-*
14 *TIAL”;*

15 *(2) in the first sentence, by striking “At the re-*
16 *quest of” and inserting the following:*

17 *“(1) INITIAL PAYMENT.—At the request of”;* and

18 *(3) by adding at the end the following:*

19 *“(2) INTEREST.—*

20 *“(A) IN GENERAL.—At the request of any*
21 *non-Federal interest, the Secretary may waive*
22 *the accrual of interest on any non-Federal cash*
23 *contribution under this section or section 101 for*
24 *a project for a period of not more than 1 year*
25 *if the Secretary determines that—*

1 “(i) the waiver will contribute to the
2 ability of the non-Federal interest to make
3 future contributions; and

4 “(ii) the non-Federal interest is in
5 good standing under terms agreed to under
6 subsection (k)(1).

7 “(B) LIMITATIONS.—The Secretary may
8 grant not more than 1 waiver under subpara-
9 graph (A) for the same project.”.

10 **SEC. 8386. COASTAL COMMUNITY FLOOD CONTROL AND**
11 **OTHER PURPOSES.**

12 Section 103(k)(4) of the Water Resources Development
13 Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

14 (1) by redesignating subparagraphs (A) and (B)
15 as clauses (i) and (ii), respectively, and adjusting the
16 margins appropriately;

17 (2) in the matter preceding clause (i) (as so re-
18 designated), by striking “Notwithstanding” and in-
19 serting the following:

20 “(A) IN GENERAL.—Notwithstanding”;

21 (3) in clause (i) (as so redesignated)—

22 (A) by striking “\$200 million” and insert-
23 ing “\$200,000,000”; and

24 (B) by striking “and” at the end;

25 (4) in clause (ii) (as so redesignated)—

1 (A) by inserting “an amount equal to $\frac{2}{3}$
2 of” after “repays”; and

3 (B) by striking the period at the end and
4 inserting “; and”; and

5 (C) by adding at the end the following:

6 “(iii) the non-Federal interest re-
7 pays the balance of remaining prin-
8 cipal by June 1, 2032.”; and

9 (5) by adding at the end the following:

10 “(B) *REPAYMENT OPTIONS*.—Repayment of
11 a non-Federal contribution under subparagraph
12 (A)(iii) may be satisfied through the provision
13 by the non-Federal interest of fish and wildlife
14 mitigation for one or more projects or separable
15 elements, if the Secretary determines that—

16 “(i) the non-Federal interest has in-
17 curred costs for the provision of mitigation
18 that—

19 “(I) equal or exceed the amount of
20 the required repayment; and

21 “(II) are in excess of any required
22 non-Federal contribution for the
23 project or separable element for which
24 the mitigation is provided; and

1 “(i) the mitigation is integral to the
2 project for which it is provided.”.

3 **SEC. 8387. NATIONAL LEVEE SAFETY PROGRAM.**

4 (a) *DEFINITION OF REHABILITATION.*—Section
5 9002(13) of the Water Resources Development Act of 2007
6 (33 U.S.C. 3301(13)) is amended—

7 (1) by striking “The term” and inserting the fol-
8 lowing:

9 “(A) *IN GENERAL.*—The term”;

10 (2) by inserting “, increase resiliency to extreme
11 weather events,” after “flood risk”; and

12 (3) by adding at the end the following:

13 “(B) *INCLUSIONS.*—The term ‘rehabilita-
14 tion’ includes improvements to a levee in con-
15 junction with any repair, replacement, recon-
16 struction, or reconfiguration.”.

17 (b) *LEVEE SAFETY INITIATIVE.*—Section
18 9005(g)(2)(E)(i) of the Water Resources Development Act
19 of 2007 (33 U.S.C. 3303a(g)(2)(E)(i)) is amended by strik-
20 ing “2023” and inserting “2028”.

21 (c) *LEVEE REHABILITATION ASSISTANCE PROGRAM.*—
22 Section 9005(h) of the Water Resources Development Act
23 of 2007 (33 U.S.C. 3303a(h)) is amended—

24 (1) in paragraph (1), by inserting “and levee re-
25 habilitation” after “mitigation”;

1 (2) *in paragraph (7), by striking “\$10,000,000”*
2 *and inserting “\$25,000,000”; and*

3 (3) *by adding at the end the following:*

4 “(11) *PRIORITIZATION.—To the maximum extent*
5 *practicable, the Secretary shall prioritize the provi-*
6 *sion of assistance under this subsection to economi-*
7 *cally disadvantaged communities (as defined by the*
8 *Secretary under section 160 of the Water Resources*
9 *Development Act of 2020 (33 U.S.C. 2201 note)), in-*
10 *cluding economically disadvantaged communities lo-*
11 *cated in urban and rural areas.”.*

12 **SEC. 8388. SURPLUS WATER CONTRACTS AND WATER STOR-**
13 **AGE AGREEMENTS.**

14 *Section 1046(c) of the Water Resources Reform and*
15 *Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784;*
16 *134 Stat. 2715) is amended—*

17 (1) *by striking paragraph (3); and*

18 (2) *by redesignating paragraph (4) as para-*
19 *graph (3).*

20 **SEC. 8389. WATER SUPPLY STORAGE REPAIR, REHABILITA-**
21 **TION, AND REPLACEMENT COSTS.**

22 *Section 301(b) of the Water Supply Act of 1958 (43*
23 *U.S.C. 390b(b)) is amended, in the fourth proviso, by strik-*
24 *ing the second sentence and inserting the following: “For*
25 *Corps of Engineers projects, all annual operation and*

1 *maintenance costs for municipal and industrial water sup-*
2 *ply storage under this section shall be reimbursed from*
3 *State or local interests on an annual basis, and all repair,*
4 *rehabilitation, and replacement costs for municipal and in-*
5 *dustrial water supply storage under this section shall be*
6 *reimbursed from State or local interests (1) without inter-*
7 *est, during construction of the repair, rehabilitation, or re-*
8 *placement, (2) with interest, in lump sum on the completion*
9 *of the repair, rehabilitation, or replacement, or (3) at the*
10 *request of the State or local interest, with interest, over a*
11 *period of not more than 25 years beginning on the date*
12 *of completion of the repair, rehabilitation, or replacement,*
13 *with repayment contracts providing for recalculation of the*
14 *interest rate at 5-year intervals. At the request of the State*
15 *or local interest, the Secretary of the Army shall amend*
16 *a repayment contract entered into under this section on or*
17 *before the date of enactment of this sentence for the purpose*
18 *of incorporating the terms and conditions described in*
19 *paragraph (3) of the preceding sentence.”.*

20 **SEC. 8390. ABANDONED AND INACTIVE NONCOAL MINE RES-**
21 **TORATION.**

22 *Section 560 of the Water Resources Development Act*
23 *of 1999 (33 U.S.C. 2336) is amended—*

24 *(1) in subsection (c), by inserting “, on land held*
25 *in trust by the Secretary of the Interior on behalf of,*

1 *and for the benefit of, an Indian Tribe, or on re-*
2 *stricted land of any Indian Tribe,” after “land owned*
3 *by the United States”; and*

4 *(2) in subsection (e)—*

5 *(A) by striking “Rehabilitation” and insert-*
6 *ing “Restoration”; and*

7 *(B) by striking “Sacramento” and inserting*
8 *“Albuquerque”; and*

9 *(3) in subsection (f), by striking “\$30,000,000”*
10 *and inserting “\$50,000,000”.*

11 **SEC. 8391. ASIAN CARP PREVENTION AND CONTROL PILOT**
12 **PROGRAM.**

13 *Section 509(a)(2) of the Water Resources Development*
14 *Act of 2020 (33 U.S.C. 610 note) is amended—*

15 *(1) in subparagraph (A), by striking “or Ten-*
16 *nessee River Watershed” and inserting “, Tennessee*
17 *River Watershed, or Tombigbee River Watershed”;*
18 *and*

19 *(2) in subparagraph (C)(i), by inserting “, of*
20 *which not fewer than 1 shall be carried out on the*
21 *Tennessee–Tombigbee Waterway” before the period at*
22 *the end.*

23 **SEC. 8392. ENHANCED DEVELOPMENT PROGRAM.**

24 *The Secretary shall fully implement opportunities for*
25 *enhanced development at lakes located primarily in the*

1 *State of Oklahoma under the authorities provided in section*
2 *3134 of the Water Resources Development Act of 2007 (121*
3 *Stat. 1142; 130 Stat. 1671) and section 164 of the Water*
4 *Resources Development Act of 2020 (134 Stat. 2668).*

5 **SEC. 8393. RECREATIONAL OPPORTUNITIES AT CERTAIN**
6 **PROJECTS.**

7 (a) *DEFINITIONS.—In this section:*

8 (1) *COVERED PROJECT.—The term “covered*
9 *project” means any of the following projects of the*
10 *Corps of Engineers:*

11 (A) *Ball Mountain Lake, Vermont, author-*
12 *ized by section 203 of the Flood Control Act of*
13 *1954 (68 Stat. 1257).*

14 (B) *Townshend Lake, Vermont, authorized*
15 *by section 203 of the Flood Control Act of 1954*
16 *(68 Stat. 1257).*

17 (2) *RECREATION.—The term “recreation” in-*
18 *cludes downstream whitewater recreation that is de-*
19 *pendent on operations, recreational fishing, and boat-*
20 *ing at a covered project.*

21 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
22 *that the Secretary should—*

23 (1) *ensure that, to the extent compatible with*
24 *other project purposes, each covered project is oper-*

1 *ated in such a manner as to protect and enhance*
2 *recreation associated with the covered project; and*

3 *(2) manage land at each covered project to im-*
4 *prove opportunities for recreation at the covered*
5 *project.*

6 *(c) MODIFICATION OF WATER CONTROL PLANS.—The*
7 *Secretary may modify, or undertake temporary deviations*
8 *from, the water control plan for a covered project in order*
9 *to enhance recreation, if the Secretary determines the modi-*
10 *fications or deviations—*

11 *(1) will not adversely affect other authorized*
12 *purposes of the covered project; and*

13 *(2) will not result in significant adverse impacts*
14 *to the environment.*

15 **SEC. 8394. FEDERAL ASSISTANCE.**

16 *Section 1328(c) of the Water Resources Development*
17 *Act of 2018 (132 Stat. 3826) is amended by striking “4*
18 *years” and inserting “8 years”.*

19 **SEC. 8395. MISSISSIPPI RIVER MAT SINKING UNIT.**

20 *The Secretary shall expedite the replacement of the*
21 *Mississippi River mat sinking unit.*

22 **SEC. 8396. SENSE OF CONGRESS ON LEASE AGREEMENT.**

23 *It is the sense of Congress that the lease agreement for*
24 *land and water areas within the Prado Flood Control Basin*
25 *Project Area entered into between the Secretary and the*

1 *City of Corona, California, for operations of the Corona*
2 *Municipal Airport (Recreation Lease No. DACW09–1–67–*
3 *60), is a valid lease of land at a water resources develop-*
4 *ment project under section 4 of the Act of December 22,*
5 *1944 (16 U.S.C. 460d).*

6 **SEC. 8397. EXPEDITED COMPLETION OF PROJECTS AND**
7 **STUDIES.**

8 *(a) AUTHORIZED PROJECTS AND STUDIES.—The Sec-*
9 *retary shall, to the maximum extent practicable, expedite*
10 *completion of the following projects and studies:*

11 *(1) PROJECTS.—*

12 *(A) Project for Juneau and Auke Bay,*
13 *Floating Wave Attenuator, Alaska, authorized*
14 *pursuant to section 204 of the Flood Control Act*
15 *of 1948 (62 Stat. 1181).*

16 *(B) Project for flood risk management, Lit-*
17 *tle Colorado River at Winslow, Navajo County,*
18 *Arizona, authorized by section 401(2) of the*
19 *Water Resources Development Act of 2020 (134*
20 *Stat. 2735).*

21 *(C) Project for flood damage reduction, Rio*
22 *de Flag, Flagstaff, Arizona, authorized by section*
23 *101(b)(3) of the Water Resources Development*
24 *Act of 2000 (114 Stat. 2576).*

1 (D) *Project for navigation, including main-*
2 *tenance and channel deepening, McClellan–Kerr*
3 *Arkansas River, authorized under the com-*
4 *prehensive plan for the Arkansas River Basin by*
5 *section 3 of the Act of June 28, 1938 (chapter*
6 *795, 52 Stat. 1218; 60 Stat. 634; 60 Stat. 647;*
7 *101 Stat. 1329–112; 117 Stat. 1842).*

8 (E) *Project for environmental restoration,*
9 *Hamilton Airfield, California, authorized by sec-*
10 *tion 101(b)(3) of the Water Resources Develop-*
11 *ment Act of 1999 (113 Stat. 279; 121 Stat.*
12 *1110).*

13 (F) *Project for flood damage reduction and*
14 *environmental restoration, Middle Creek, Lake*
15 *County, California, authorized by section*
16 *1001(11) of the Water Resources Development*
17 *Act of 2007 (121 Stat. 1051).*

18 (G) *The San Francisco Bay Beneficial Use*
19 *Pilot Project, California, being carried out under*
20 *section 1122 of the Water Resources Development*
21 *Act of 2016 (130 Stat. 1645).*

22 (H) *Project for flood risk management, eco-*
23 *system restoration, and recreation, South San*
24 *Francisco Bay Shoreline, California, authorized*

1 *by section 1401(6) of the Water Resources Devel-*
2 *opment Act of 2016 (130 Stat. 1714).*

3 *(I) Projects for ecosystem restoration in-*
4 *cluded in the comprehensive Chesapeake Bay res-*
5 *toration plan developed under the Chesapeake*
6 *Bay Environmental Restoration and Protection*
7 *Program, authorized by section 510 of the Water*
8 *Resources Development Act of 1996 (110 Stat.*
9 *3759; 121 Stat. 1202; 128 Stat. 1317).*

10 *(J) Maintenance dredging and other author-*
11 *ized activities to address the impacts of shoaling*
12 *affecting the project for navigation, Branford*
13 *Harbor and Branford River, Branford, Con-*
14 *necticut, authorized by the first section of the Act*
15 *of June 13, 1902 (chapter 1079, 32 Stat. 333).*

16 *(K) Maintenance dredging and other au-*
17 *thorized activities to address the impacts of*
18 *shoaling affecting the project for navigation,*
19 *Guilford Harbor and Sluice Channel, Con-*
20 *necticut, authorized by section 2 of the Act of*
21 *March 2, 1945 (chapter 19, 59 Stat. 13).*

22 *(L) Maintenance dredging and other au-*
23 *thorized activities to address the impacts of*
24 *shoaling affecting the project for navigation, Mil-*
25 *ford Harbor, Connecticut, authorized by the first*

1 *section of the Act of June 23, 1874 (chapter 457,*
2 *18 Stat. 241).*

3 *(M) Project for ecosystem restoration at Bay*
4 *Point dredge hole, Tampa Bay, Florida.*

5 *(N) Project for ecosystem restoration, Cen-*
6 *tral and Southern Florida, Everglades Agricul-*
7 *tural Area, authorized by section 1308 of the*
8 *Water Resources Development Act of 2018 (132*
9 *Stat. 3819; 134 Stat. 2709).*

10 *(O) An update to the water control manual*
11 *for Melvin Price Locks and Dam, Illinois, au-*
12 *thorized by section 102 of Public Law 95–502*
13 *(92 Stat. 1695; 95 Stat. 1634).*

14 *(P) Projects for the restoration of the Illi-*
15 *nois River Basin, carried out pursuant to sec-*
16 *tion 519 of the Water Resources Development Act*
17 *of 2000 (114 Stat. 2653; 121 Stat. 1221).*

18 *(Q) Projects for ecosystem restoration,*
19 *Upper Mississippi River and Illinois Waterway*
20 *System, authorized pursuant to title VIII of the*
21 *Water Resources Development Act of 2007 (33*
22 *U.S.C. 652 note).*

23 *(R) Project for navigation, Kentucky Lock*
24 *Addition, Kentucky, authorized by section*

1 *101(a)(13) of the Water Resources Development*
2 *Act of 1996 (110 Stat. 3664).*

3 *(S) Project for flood damage reduction,*
4 *Lower Jefferson Parish, Louisiana, authorized*
5 *by section 7016 of the Water Resources Develop-*
6 *ment Act of 2007 (121 Stat. 1282).*

7 *(T) The portion of the project for flood con-*
8 *trol and other purposes, Cumberland, Maryland,*
9 *consisting of the restoration of the historic Ches-*
10 *apeake and Ohio Canal, authorized by section 5*
11 *of the Act of June 22, 1936 (chapter 6881, 49*
12 *Stat. 1574; 113 Stat. 375).*

13 *(U) Project for flood control, Ecorse Creek,*
14 *Wayne County, Michigan, authorized by section*
15 *101(a)(14) of the Water Resources Development*
16 *Act of 1990 (104 Stat. 4607).*

17 *(V) Projects for ecosystem restoration, Salt*
18 *River Marsh Coastal Habitat, Lake St. Clair,*
19 *Michigan, authorized pursuant to section 506 of*
20 *the Water Resources Development Act of 2000*
21 *(42 U.S.C. 1962d–22).*

22 *(W) Assistance for ecosystem restoration,*
23 *Lower Yellowstone Intake Diversion Dam, Mon-*
24 *tana, authorized pursuant to section 3109 of the*

1 *Water Resources Development Act of 2007 (121*
2 *Stat. 1135).*

3 *(X) Maintenance dredging and other au-*
4 *thorized activities to address the impacts of*
5 *shoaling affecting the project for navigation,*
6 *Portsmouth Harbor and Piscataqua River,*
7 *Maine and New Hampshire, authorized by sec-*
8 *tion 101 of the River and Harbor Act of 1962*
9 *(76 Stat. 1173).*

10 *(Y) Project for flood risk management,*
11 *Tulsa and West–Tulsa Levee System, Tulsa*
12 *County, Oklahoma, authorized by section 401(2)*
13 *of the Water Resources Development Act of 2020*
14 *(134 Stat. 2735).*

15 *(Z) Project for flood risk management, Rio*
16 *Guayanilla, Puerto Rico, authorized by section*
17 *401(2) of the Water Resources Development Act*
18 *of 2020 (134 Stat. 2736).*

19 *(AA) Projects for critical restoration, Mis-*
20 *souri River Restoration, South Dakota, included*
21 *in the plan developed under section 905(e) of the*
22 *Water Resources Development Act of 2000 (114*
23 *Stat. 2707).*

24 *(BB) Project for water quality control, Red*
25 *River Basin Chloride Control Area VIII, Texas,*

1 *authorized pursuant to section 203 of the Flood*
2 *Control Act of 1966 (80 Stat. 1420).*

3 *(CC) Dredging for projects at Port of Gal-*
4 *veston for Turning Basin 2 project, Royal Ter-*
5 *minal, Galveston Bay, Galveston, Texas, author-*
6 *ized pursuant to section 1401(1) of the Water*
7 *Resources Development Act of 2018 (132 Stat.*
8 *3836).*

9 *(DD) Project for dam safety modifications,*
10 *Bluestone Dam, West Virginia, authorized pur-*
11 *suant to section 5 of the Act of June 22, 1936*
12 *(chapter 688, 49 Stat. 1586).*

13 *(EE) The development and implementation*
14 *of a sediment management plan at Big Horn*
15 *Lake, Wyoming, pursuant to section 1179(a) of*
16 *the Water Resources Development Act of 2016*
17 *(130 Stat. 1675).*

18 *(FF) Projects authorized by section 219 of*
19 *the Water Resources Development Act of 1992.*

20 *(2) STUDIES.—*

21 *(A) Feasibility study of modifications to the*
22 *portion of the project for flood control, water*
23 *conservation, and related purposes, Russian*
24 *River Basin, California, consisting of the Coyote*
25 *Valley Dam, authorized by section 204 of the*

1 *Flood Control Act of 1950 (64 Stat. 177; 130*
2 *Stat. 1682), to add environmental restoration as*
3 *a project purpose and to increase water supply*
4 *and improve reservoir operations.*

5 *(B) Feasibility study of modifications to the*
6 *portion of the project for flood control, Santa*
7 *Ana River Mainstem, California, consisting of*
8 *Seven Oaks Dam, California, authorized by sec-*
9 *tion 401(a) of the Water Resources Development*
10 *Act of 1986 (100 Stat. 4113; 101 Stat. 1329–*
11 *111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat.*
12 *1115), to include water conservation as an au-*
13 *thorized purpose.*

14 *(C) Feasibility study of modifications to the*
15 *project for flood control, Redbank and Fancher*
16 *Creeks, California, authorized by section 401(a)*
17 *of the Water Resources Development Act of 1986*
18 *(100 Stat. 4112).*

19 *(D) The update of hydrological modeling of*
20 *the Fox River Basin, Illinois.*

21 *(E) Feasibility study of modifications to the*
22 *channel depths and dimensions pursuant to sec-*
23 *tion 5 of the Act of March 4, 1915 (33 U.S.C.*
24 *562) for the project for navigation, Miami Har-*
25 *bor Channel, Florida, authorized by section 101*

1 *of the Water Resources Development Act of 1990*
2 *(104 Stat. 4606).*

3 *(F) A comprehensive 50-year review of the*
4 *Kaskaskia River Navigation Project, Illinois,*
5 *pursuant to section 216 of the Flood Control Act*
6 *of 1970 (33 U.S.C. 549a).*

7 *(G) Feasibility study for the Mississippi*
8 *River and Tributaries project, to include the por-*
9 *tion of the Ouachita River Levee System at and*
10 *below Monroe, Louisiana to Caldwell Parish,*
11 *Louisiana, authorized by section 204(b) of the*
12 *Water Resources and Development Act of 2020*
13 *(134 Stat. 2678).*

14 *(H) Feasibility study for the project for eco-*
15 *system restoration and flood risk management at*
16 *Coldwater Creek, Missouri, authorized pursuant*
17 *to section 1202(b) of the Water Resources Devel-*
18 *opment Act of 2018 (132 Stat. 3803).*

19 *(I) Feasibility study for the project for eco-*
20 *system restoration and flood risk management at*
21 *Maline Creek, Missouri, authorized pursuant to*
22 *section 1202(b) of the Water Resources Develop-*
23 *ment Act of 2018 (132 Stat. 3803).*

24 *(J) Feasibility study for the project for flood*
25 *protection at the Truman Lake Visitor Center,*

1 *Warsaw, Missouri, authorized by section 203 of*
2 *the Flood Control Act of 1954 (68 Stat. 1262; 84*
3 *Stat. 265).*

4 *(K) Feasibility study for an updated hydro-*
5 *logic analysis for the town of Estancia, Torrance*
6 *County, New Mexico.*

7 *(L) Feasibility study for water supply to re-*
8 *duce water consumption from the Arbuckle*
9 *Simpson Aquifer, Oklahoma, utilizing reserved*
10 *municipal water supply within the Corps of En-*
11 *gineers-owned lakes, pursuant to section 838 of*
12 *the Water Resources Development Act of 1986*
13 *(100 Stat. 4174).*

14 *(b) CONTINUING AUTHORITIES PROGRAMS.—The Sec-*
15 *retary shall, to the maximum extent practicable, expedite*
16 *completion of the following projects and studies:*

17 *(1) Projects for flood control under section 205 of*
18 *the Flood Control Act of 1948 (33 U.S.C. 701s) for the*
19 *following areas:*

20 *(A) Lower Santa Cruz River, Arizona.*

21 *(B) McCormick Wash, Arizona.*

22 *(C) Rose and Palm Garden Washes, Ari-*
23 *zona.*

24 *(D) The Santa Rosa Canal Alternative Con-*
25 *veyance Project, Arizona.*

1 (E) *Southern Maricopa County, in the vi-*
2 *cinity of the Ak-Chin Reservation, Arizona.*

3 (F) *Nancy Creek, Georgia.*

4 (G) *Peachtree Creek, Georgia.*

5 (H) *Sugar Creek, Georgia.*

6 (I) *South River Basin, Georgia.*

7 (J) *Passaic River, New Jersey.*

8 (K) *Salt River Marsh Coastal Habitat,*
9 *Lake St. Clair, Michigan.*

10 (L) *Blind Brook, Rye, New York.*

11 (M) *Aibonito Creek and vicinity, Puerto*
12 *Rico.*

13 (N) *Canóvanas River, Puerto Rico.*

14 (O) *Municipality of Orocovis, Puerto Rico.*

15 (P) *Municipality of San Sebastian, Puerto*
16 *Rico.*

17 (Q) *Municipality of Villalba, Puerto Rico.*

18 (R) *Río Inabón, Ponce, Puerto Rico.*

19 (S) *Yauco River and Berrenchin Stream,*
20 *Puerto Rico.*

21 (2) *Projects for navigation under section 107 of*
22 *the River and Harbor Act of 1960 (33 U.S.C. 577) for*
23 *the following areas:*

1 (A) *Sebewaing River, Port Sanilac Harbor,*
2 *Lexington Harbor, and Harbor Beach Harbor,*
3 *Michigan.*

4 (B) *Portsmouth Back Channels and Saga-*
5 *more Creek, Portsmouth, New Castle, and Rye,*
6 *New Hampshire.*

7 (C) *Sturgeon Point Marina, New York.*

8 (D) *Davis Creek and Mobjack Bay, Mat-*
9 *hews County, Virginia.*

10 (3) *Project for aquatic ecosystem restoration*
11 *under section 206 of the Water Resources Development*
12 *Act of 1996 (33 U.S.C. 2330) for the following areas:*

13 (A) *El Corazon, Arizona.*

14 (B) *San Pedro River, Cochise County and*
15 *vicinity, Arizona, including review of recharge*
16 *facilities that preserve water flows and habitats.*

17 (4) *Project modifications for improvement of the*
18 *environment under section 1135 of the Water Re-*
19 *sources Development Act of 1986 (33 U.S.C. 2309a)*
20 *for the towns of Quincy and Braintree, Massachusetts,*
21 *for fish passage on the Smelt Brook.*

22 (5) *Project for the removal of obstructions and*
23 *clearing channels for flood control under section 2 of*
24 *the Act of August 28, 1937 (33 U.S.C. 701g) for the*
25 *Passaic River, New Jersey.*

1 (6) *Project for shoreline erosion protection of*
2 *public works under section 14 of the Flood Control*
3 *Act of 1946 (33 U.S.C. 701r) and for beach erosion*
4 *and storm damage reduction under section 3 of the*
5 *Act of August 13, 1946 (33 U.S.C. 426g) for Buffalo,*
6 *New York.*

7 (7) *Project for beach erosion and storm damage*
8 *reduction under section 3 of the Act of August 13,*
9 *1946 (33 U.S.C. 426g) for West Haven, Connecticut.*

10 ***Subtitle D—Water Resources***
11 ***Infrastructure***

12 ***SEC. 8401. PROJECT AUTHORIZATIONS.***

13 *The following projects for water resources development*
14 *and conservation and other purposes, as identified in the*
15 *reports titled “Report to Congress on Future Water Re-*
16 *sources Development” submitted to Congress pursuant to*
17 *section 7001 of the Water Resources Reform and Develop-*
18 *ment Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed*
19 *by Congress, are authorized to be carried out by the Sec-*
20 *retary substantially in accordance with the plans, and sub-*
21 *ject to the conditions, described in the respective reports or*
22 *decision documents designated in this section:*

23 (1) *NAVIGATION.—*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	<i>Elim Subsistence Harbor Study, Elim</i>	<i>March 12, 2021</i>	<i>Federal: \$99,057,000 Non-Federal: \$2,517,000 Total: \$101,574,000</i>
2. CA	<i>Port of Long Beach Deep Draft Navigation, Los Angeles County</i>	<i>October 14, 2021 and May 31, 2022</i>	<i>Federal: \$87,063,000 Non-Federal: \$88,724,000 Total: \$175,787,000</i>
3. GA	<i>Brunswick Harbor Modifications, Glynn County</i>	<i>March 11, 2022</i>	<i>Federal: \$10,555,500 Non-Federal: \$5,680,500 Total: \$16,236,000</i>
4. NY, NJ	<i>New York — New Jersey Harbor Deepening Channel Improvements</i>	<i>June 3, 2022</i>	<i>Federal: \$2,408,268,000 Non-Federal: \$3,929,279,000 Total: \$6,337,547,000</i>
5. WA	<i>Tacoma Harbor Navigation Improvement Project</i>	<i>May 26, 2022</i>	<i>Federal: \$140,022,000 Non-Federal: \$203,561,000 Total: \$343,583,000</i>

1 (2) *FLOOD RISK MANAGEMENT.*—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AL	<i>Selma Flood Risk Management and Bank Stabilization</i>	<i>October 7, 2021</i>	<i>Federal: \$16,978,000 Non-Federal: \$9,142,000 Total: \$26,120,000</i>
2. AL	<i>Valley Creek Flood Risk Management, Bessemer and Birmingham</i>	<i>October 29, 2021</i>	<i>Federal: \$21,993,000 Non-Federal: \$11,906,000 Total: \$33,899,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
3. CA	<i>Lower Cache Creek, Yolo County, Wood- land and Vicin- ity</i>	<i>June 21, 2021</i>	<i>Federal: \$238,151,550 Non-Federal: \$128,235,450 Total: \$366,387,000</i>
4. NE	<i>Papillion Creek and Tributaries Lakes</i>	<i>January 24, 2022</i>	<i>Federal: \$100,618,000 Non-Federal: \$57,359,000 Total: \$157,977,000</i>
5. OR	<i>Portland Metro Levee System</i>	<i>August 20, 2021</i>	<i>Federal: \$89,708,000 Non-Federal: \$48,304,000 Total: \$138,012,000</i>
6. PR	<i>Rio Guanajibo Flood Risk Management, Mayaguez, Hormigueros, and San Ger- man</i>	<i>May 24, 2022</i>	<i>Federal: \$184,778,000 Non-Federal: \$0 Total: \$184,778,000</i>

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	<i>Fairfield and New Haven Counties Coastal Storm Risk Manage- ment</i>	<i>January 19, 2021</i>	<i>Federal: \$107,350,000 Non-Federal: \$57,804,000 Total: \$165,154,000</i>
2. FL	<i>Florida Keys, Monroe County, Coastal Storm Risk Manage- ment</i>	<i>September 24, 2021</i>	<i>Federal: \$1,774,631,000 Non-Federal: \$955,570,000 Total: \$2,730,201,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
3. FL	<i>Miami-Dade County, Main Segment, Coast- al Storm Risk Management</i>	<i>September 26, 2022</i>	<i>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</i>
4. FL	<i>Okaloosa County, Coastal Storm Risk Manage- ment</i>	<i>October 7, 2021</i>	<i>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</i>
5. FL	<i>Pinellas County, Treasure Island and Long Key Segments, Coastal Storm Risk Manage- ment</i>	<i>October 29, 2021</i>	<i>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</i>
6. LA	<i>South Central Coast, Lou- isiana Hurri- cane and Storm Damage Risk Reduction</i>	<i>June 23, 2022</i>	<i>Federal: \$809,297,450 Non-Federal: \$435,775,550 Total: \$1,245,073,000</i>
7. LA	<i>Upper Barataria Basin Hurri- cane and Storm Damage Risk Reduction</i>	<i>January 28, 2022</i>	<i>Federal: \$1,184,472,250 Non-Federal: \$637,792,750 Total: \$1,822,265,000</i>

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
8. NY	<i>South Shore of Staten Island, Fort Wadsworth to Oakwood Beach, Coastal Storm Risk Management</i>	<i>October 27, 2016</i>	<i>Federal: \$1,086,000,000 Non-Federal: \$585,000,000 Total: \$1,671,000,000</i>
9. PR	<i>San Juan Metropolitan Area Coastal Storm Risk Management</i>	<i>September 16, 2021</i>	<i>Federal: \$288,294,000 Non-Federal: \$155,235,000 Total: \$443,529,000</i>
10. SC	<i>Charleston Peninsula, Coastal Storm Risk Management</i>	<i>June 10, 2022</i>	<i>Federal: \$828,657,050 Non-Federal: \$446,199,950 Total: \$1,274,857,000</i>
11. SC	<i>Folly Beach, Coastal Storm Risk Management</i>	<i>October 26, 2021</i>	<i>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</i>

1 (4) *FLOOD RISK MANAGEMENT AND ECOSYSTEM*
2 *RESTORATION.—*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	<i>Coastal Texas Protection and Restoration</i>	<i>September 16, 2021</i>	<i>Federal: \$21,380,214,000 Non-Federal: \$12,999,708,000 Total: \$34,379,922,000</i>

3 (5) *ECOSYSTEM RESTORATION.—*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	<i>Prado Basin Eco- system Restora- tion, San Bernardino, Riverside and Orange Counties</i>	<i>April 22, 2021</i>	<i>Federal: \$35,265,100 Non-Federal: \$22,373,900 Total: \$57,639,000</i>
2. KY	<i>Three Forks of Beargrass Creek Ecosystem Res- toration, Louis- ville</i>	<i>May 24, 2022</i>	<i>Federal: \$77,352,671 Non-Federal: \$52,539,940 Total: \$129,892,611</i>

1 (6) *MODIFICATIONS AND OTHER PROJECTS.—*

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. DC	<i>Washington, D.C. and Vicinity Flood Risk Management</i>	<i>July 22, 2021</i>	<i>Federal: \$19,830,000 Non-Federal: \$0 Total: \$19,830,000</i>
2. FL	<i>Central and Southern Flor- ida, Indian River Lagoon</i>	<i>June 30, 2022</i>	<i>Federal: \$2,707,950,500 Non-Federal: \$2,707,950,500 Total: \$5,415,901,000</i>
3. LA	<i>Lake Pont- chartrain and Vicinity</i>	<i>December 16, 2021</i>	<i>Federal: \$950,303,250 Non-Federal: \$511,701,750 Total: \$1,462,005,000</i>
4. LA	<i>West Bank and Vi- cinity</i>	<i>December 17, 2021</i>	<i>Federal: \$508,337,700 Non-Federal: \$273,720,300 Total: \$782,058,000</i>
5. MI	<i>New Soo Lock Construction Project, Sault Ste. Marie, Chippewa Coun- ty</i>	<i>June 6, 2022</i>	<i>Federal: \$3,218,944,000 Non-Federal: \$0 Total: \$3,218,944,000</i>

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
6. WA	<i>Howard A. Han- son Dam, Water Supply and Ecosystem Res- toration</i>	<i>May 19, 2022</i>	<i>Federal: \$878,530,000 Non-Federal: \$43,085,000 Total: \$921,615,000</i>

1 **SEC. 8402. SPECIAL RULES.**

2 (a) *SOUTH SHORE OF STATEN ISLAND, NEW YORK.*—
3 *The Federal share of any portion of the cost to design and*
4 *construct the project for coastal storm risk management,*
5 *South Shore of Staten Island, Fort Wadsworth to Oakwood*
6 *Beach, New York, authorized by this Act, that exceeds the*
7 *estimated total project cost specified in the project partner-*
8 *ship agreement for the project, signed by the Secretary on*
9 *February 15, 2019, shall be 90 percent.*

10 (b) *CHARLESTON PENINSULA, SOUTH CAROLINA.*—

11 (1) *IN GENERAL.*—*Not later than 90 days after*
12 *the last day of the covered period, the Secretary shall*
13 *submit to the Committee on Transportation and In-*
14 *frastructure of the House of Representatives and the*
15 *Committee on Environment and Public Works of the*
16 *Senate, a request for deauthorization of the project for*
17 *hurricane and storm damage risk reduction, Charles-*
18 *ton Peninsula, South Carolina, authorized by this*
19 *Act, if the non-Federal interest has not entered into*
20 *a project partnership agreement for the project, or a*

1 *separable element of the project, prior to such last*
2 *day.*

3 (2) *DEFINITION OF COVERED PERIOD.—In this*
4 *subsection, the term “covered period” means the pe-*
5 *riod beginning on the date of enactment of this Act*
6 *and ending on the date that is—*

7 (A) *10 years after the date of enactment of*
8 *this Act; or*

9 (B) *10 years after the date on which a de-*
10 *sign agreement for the project described in para-*
11 *graph (1) is executed, if such design agreement*
12 *is executed prior to the date that is 10 years*
13 *after the date of enactment of this Act.*

14 **SEC. 8403. FACILITY INVESTMENT.**

15 (a) *IN GENERAL.—Subject to subsection (b), using*
16 *amounts available in the revolving fund established by the*
17 *first section of the Civil Functions Appropriations Act,*
18 *1954 (33 U.S.C. 576), and not otherwise obligated, the Sec-*
19 *retary may—*

20 (1) *design and construct the lab and office facil-*
21 *ity for a Mandatory Center of Expertise in Branson,*
22 *Missouri, described in the prospectus submitted to the*
23 *Committee on Transportation and Infrastructure of*
24 *the House of Representatives and the Committee on*
25 *Environment and Public Works of the Senate on June*

1 10, 2022, pursuant to subsection (c) of such Act (33
 2 U.S.C. 576(c)), substantially in accordance with such
 3 prospectus; and

4 (2) carry out such construction and infrastruc-
 5 ture improvements as are required to support such
 6 lab and office facility, including any necessary demo-
 7 lition of the existing infrastructure.

8 (b) *REQUIREMENT.*—In carrying out subsection (a),
 9 the Secretary shall ensure that the revolving fund estab-
 10 lished by the first section of the Civil Functions Appropria-
 11 tions Act, 1954 (33 U.S.C. 576) is appropriately reim-
 12 bursed from funds appropriated for Corps of Engineers pro-
 13 grams that benefit from the lab and office facility con-
 14 structed under this section.

15 **TITLE LXXXV—CLEAN WATER**

Sec. 8501. Regional water programs.

Sec. 8502. Nonpoint source management programs.

Sec. 8503. Wastewater assistance to colonias.

16 **SEC. 8501. REGIONAL WATER PROGRAMS.**

17 (a) *SAN FRANCISCO BAY RESTORATION GRANT PRO-*
 18 *GRAM.*—Title I of the Federal Water Pollution Control Act
 19 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 20 the following:

21 **“SEC. 125. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
 22 **GRAM.**

23 “(a) *DEFINITIONS.*—In this section:

1 “(1) *ESTUARY PARTNERSHIP.*—*The term ‘Estu-*
2 *ary Partnership’ means the San Francisco Estuary*
3 *Partnership, designated as the management con-*
4 *ference for the San Francisco Bay under section 320.*

5 “(2) *SAN FRANCISCO BAY PLAN.*—*The term ‘San*
6 *Francisco Bay Plan’ means—*

7 “(A) *until the date of the completion of the*
8 *plan developed by the Director under subsection*
9 *(d), the comprehensive conservation and manage-*
10 *ment plan approved under section 320 for the*
11 *San Francisco Bay estuary; and*

12 “(B) *on and after the date of the completion*
13 *of the plan developed by the Director under sub-*
14 *section (d), the plan developed by the Director*
15 *under subsection (d).*

16 “(b) *PROGRAM OFFICE.*—

17 “(1) *ESTABLISHMENT.*—*The Administrator shall*
18 *establish in the Environmental Protection Agency a*
19 *San Francisco Bay Program Office. The Office shall*
20 *be located at the headquarters of Region 9 of the En-*
21 *vironmental Protection Agency.*

22 “(2) *APPOINTMENT OF DIRECTOR.*—*The Admin-*
23 *istrator shall appoint a Director of the Office, who*
24 *shall have management experience and technical ex-*
25 *pertise relating to the San Francisco Bay and be*

1 *highly qualified to direct the development and imple-*
2 *mentation of projects, activities, and studies necessary*
3 *to implement the San Francisco Bay Plan.*

4 “(3) *DELEGATION OF AUTHORITY; STAFFING.*—
5 *The Administrator shall delegate to the Director such*
6 *authority and provide such staff as may be necessary*
7 *to carry out this section.*

8 “(c) *ANNUAL PRIORITY LIST.*—

9 “(1) *IN GENERAL.*—*After providing public no-*
10 *tice, the Director shall annually compile a priority*
11 *list, consistent with the San Francisco Bay Plan,*
12 *identifying and prioritizing the projects, activities,*
13 *and studies to be carried out with amounts made*
14 *available under subsection (e).*

15 “(2) *INCLUSIONS.*—*The annual priority list*
16 *compiled under paragraph (1) shall include the fol-*
17 *lowing:*

18 “(A) *Projects, activities, and studies, in-*
19 *cluding restoration projects and habitat improve-*
20 *ment for fish, waterfowl, and wildlife, that ad-*
21 *vance the goals and objectives of the San Fran-*
22 *cisco Bay Plan, for—*

23 “(i) *water quality improvement, in-*
24 *cluding the reduction of marine litter;*

1 “(ii) wetland, riverine, and estuary
2 restoration and protection;

3 “(iii) nearshore and endangered species
4 recovery; and

5 “(iv) adaptation to climate change.

6 “(B) Information on the projects, activities,
7 and studies specified under subparagraph (A),
8 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 annual
17 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 involved*
4 *with the protection and restoration of the San*
5 *Francisco Bay estuary that the Director deter-*
6 *mines to be appropriate.*

7 “(d) *SAN FRANCISCO BAY PLAN.—*

8 “(1) *IN GENERAL.—Not later than 5 years after*
9 *the date of enactment of this section, the Director, in*
10 *conjunction with the Estuary Partnership, shall re-*
11 *view and revise the comprehensive conservation and*
12 *management plan approved under section 320 for the*
13 *San Francisco Bay estuary to develop a plan to guide*
14 *the projects, activities, and studies of the Office to ad-*
15 *dress the restoration and protection of the San Fran-*
16 *cisco Bay.*

17 “(2) *REVISION OF SAN FRANCISCO BAY PLAN.—*
18 *Not less often than once every 5 years after the date*
19 *of the completion of the plan described in paragraph*
20 *(1), the Director shall review, and revise as appro-*
21 *priate, 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 amount*
15 *equal to 75 percent of the total cost of any*
16 *projects, activities, and studies that are to be*
17 *carried out using those amounts.*

18 “(B) *NON-FEDERAL SHARE.*—*Not less than*
19 *25 percent of the cost of any project, activity, or*
20 *study carried out using amounts provided under*
21 *this section shall be provided from non-Federal*
22 *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 5*
2 *percent to pay administrative expenses incurred in*
3 *carrying out this section.*

4 “(2) *PROHIBITION.*—*No amounts made available*
5 *under this section may be used for the administration*
6 *of a management conference under section 320.”.*

7 *(b) PUGET SOUND COORDINATED RECOVERY.*—*Title I*
8 *of the Federal Water Pollution Control Act (33 U.S.C. 1251*
9 *et seq.) is further amended by adding at the end the fol-*
10 *lowing:*

11 **“SEC. 126. PUGET SOUND.**

12 “(a) *DEFINITIONS.*—*In this section:*

13 “(1) *COASTAL NONPOINT POLLUTION CONTROL*
14 *PROGRAM.*—*The term ‘Coastal Nonpoint Pollution*
15 *Control Program’ means the State of Washington’s*
16 *Coastal Nonpoint Pollution Control Program ap-*
17 *proved under section 6217 of the Coastal Zone Act*
18 *Reauthorization Amendments of 1990.*

19 “(2) *DIRECTOR.*—*The term ‘Director’ means the*
20 *Director of the Program Office.*

21 “(3) *FEDERAL ACTION PLAN.*—*The term ‘Federal*
22 *Action Plan’ means the plan developed under sub-*
23 *section (c)(3)(B).*

24 “(4) *INTERNATIONAL JOINT COMMISSION.*—*The*
25 *term ‘International Joint Commission’ means the*

1 *International Joint Commission established by the*
2 *Treaty relating to the boundary waters and questions*
3 *arising along the boundary between the United States*
4 *and Canada, signed at Washington January 11,*
5 *1909, and entered into force May 5, 1910 (36 Stat.*
6 *2448; TS 548; 12 Bevans 319).*

7 “(5) *PACIFIC SALMON COMMISSION.*—*The term*
8 *‘Pacific Salmon Commission’ means the Pacific*
9 *Salmon Commission established by the United States*
10 *and Canada under the Treaty concerning Pacific*
11 *salmon, with annexes and memorandum of under-*
12 *standing, signed at Ottawa January 28, 1985, and*
13 *entered into force March 18, 1985 (TIAS 11091; 1469*
14 *UNTS 357) (commonly known as the ‘Pacific Salmon*
15 *Treaty’).*

16 “(6) *PROGRAM OFFICE.*—*The term ‘Program Of-*
17 *fice’ means the Puget Sound Recovery National Pro-*
18 *gram Office established by subsection (b).*

19 “(7) *PUGET SOUND ACTION AGENDA; ACTION*
20 *AGENDA.*—*The term ‘Puget Sound Action Agenda’ or*
21 *‘Action Agenda’ means the most recent plan developed*
22 *by the Puget Sound National Estuary Program Man-*
23 *agement Conference, in consultation with the Puget*
24 *Sound Tribal Management Conference, and approved*
25 *by the Administrator as the comprehensive conserva-*

1 *tion and management plan for the Puget Sound*
2 *under section 320.*

3 “(8) *PUGET SOUND FEDERAL LEADERSHIP TASK*
4 *FORCE.—The term ‘Puget Sound Federal Leadership*
5 *Task Force’ means the Puget Sound Federal Leader-*
6 *ship Task Force established under subsection (c).*

7 “(9) *PUGET SOUND FEDERAL TASK FORCE.—The*
8 *term ‘Puget Sound Federal Task Force’ means the*
9 *Puget Sound Federal Task Force established in 2016*
10 *under a memorandum of understanding among 9*
11 *Federal agencies.*

12 “(10) *PUGET SOUND NATIONAL ESTUARY PRO-*
13 *GRAM MANAGEMENT CONFERENCE.—The term ‘Puget*
14 *Sound National Estuary Program Management Con-*
15 *ference’ means the management conference for the*
16 *Puget Sound convened pursuant to section 320.*

17 “(11) *PUGET SOUND PARTNERSHIP.—The term*
18 *‘Puget Sound Partnership’ means the State agency*
19 *created under the laws of the State of Washington*
20 *(section 90.71.210 of the Revised Code of Wash-*
21 *ington), or its successor agency that has been des-*
22 *ignated by the Administrator as the lead entity to*
23 *support the Puget Sound National Estuary Program*
24 *Management Conference.*

25 “(12) *PUGET SOUND REGION.—*

1 “(A) *IN GENERAL.*—The term ‘Puget Sound
2 region’ means the land and waters in the north-
3 west corner of the State of Washington from the
4 Canadian border to the north to the Pacific
5 Ocean on the west, including Hood Canal and
6 the Strait of Juan de Fuca.

7 “(B) *INCLUSION.*—The term ‘Puget Sound
8 region’ includes all watersheds that drain into
9 the Puget Sound.

10 “(13) *PUGET SOUND TRIBAL MANAGEMENT CON-*
11 *FERENCE.*—The term ‘Puget Sound Tribal Manage-
12 ment Conference’ means the 20 treaty Indian tribes of
13 western Washington and the Northwest Indian Fish-
14 eries Commission.

15 “(14) *SALISH SEA.*—The term ‘Salish Sea’
16 means the network of coastal waterways on the west
17 coast of North America that includes the Puget
18 Sound, the Strait of Georgia, and the Strait of Juan
19 de Fuca.

20 “(15) *SALMON RECOVERY PLANS.*—The term
21 ‘Salmon Recovery Plans’ means the recovery plans for
22 salmon and steelhead species approved by the Sec-
23 retary of the Interior under section 4(f) of the Endan-
24 gered Species Act of 1973 that are applicable to the
25 Puget Sound region.

1 “(16) *STATE ADVISORY COMMITTEE*.—*The term*
2 *‘State Advisory Committee’ means the advisory com-*
3 *mittee established by subsection (d).*

4 “(17) *TREATY RIGHTS AT RISK INITIATIVE*.—*The*
5 *term ‘Treaty Rights at Risk Initiative’ means the re-*
6 *port from the treaty Indian tribes of western Wash-*
7 *ington entitled ‘Treaty Rights At Risk: Ongoing*
8 *Habitat Loss, the Decline of the Salmon Resource,*
9 *and Recommendations for Change’ and dated July*
10 *14, 2011, or its successor report that outlines issues*
11 *and offers solutions for the protection of Tribal treaty*
12 *rights, recovery of salmon habitat, and management*
13 *of sustainable treaty and nontreaty salmon fisheries,*
14 *including through Tribal salmon hatchery programs.*

15 “(b) *PUGET SOUND RECOVERY NATIONAL PROGRAM*
16 *OFFICE*.—

17 “(1) *ESTABLISHMENT*.—*There is established in*
18 *the Environmental Protection Agency a Puget Sound*
19 *Recovery National Program Office, to be located in*
20 *the State of Washington.*

21 “(2) *DIRECTOR*.—

22 “(A) *IN GENERAL*.—*There shall be a Direc-*
23 *tor of the Program Office, who shall have leader-*
24 *ship and project management experience and*
25 *shall be highly qualified to—*

1 “(i) direct the integration of multiple
2 project planning efforts and programs from
3 different agencies and jurisdictions; and

4 “(ii) align numerous, and possibly
5 competing, priorities to accomplish visible
6 and measurable outcomes under the Action
7 Agenda.

8 “(B) POSITION.—The position of Director of
9 the Program Office shall be a career reserved po-
10 sition, as such term is defined in section 3132 of
11 title 5, United States Code.

12 “(3) DELEGATION OF AUTHORITY; STAFFING.—
13 Using amounts made available to carry out this sec-
14 tion, the Administrator shall delegate to the Director
15 such authority and provide such staff as may be nec-
16 essary to carry out this section.

17 “(4) DUTIES.—The Director shall—

18 “(A) coordinate and manage the timely exe-
19 cution of the requirements of this section, includ-
20 ing the formation and meetings of the Puget
21 Sound Federal Leadership Task Force;

22 “(B) coordinate activities related to the res-
23 toration and protection of the Puget Sound
24 across the Environmental Protection Agency;

1 “(C) coordinate and align the activities of
2 the Administrator with the Action Agenda,
3 Salmon Recovery Plans, the Treaty Rights at
4 Risk Initiative, and the Coastal Nonpoint Pollu-
5 tion Control Program;

6 “(D) promote the efficient use of Environ-
7 mental Protection Agency resources in pursuit of
8 the restoration and protection of the Puget
9 Sound;

10 “(E) serve on the Puget Sound Federal
11 Leadership Task Force and collaborate with, help
12 coordinate, and implement activities with other
13 Federal agencies that have responsibilities in-
14 volving the restoration and protection of the
15 Puget Sound;

16 “(F) provide or procure such other advice,
17 technical assistance, research, assessments, moni-
18 toring, or other support as is determined by the
19 Director to be necessary or prudent to most effi-
20 ciently and effectively fulfill the objectives and
21 priorities of the Action Agenda, the Salmon Re-
22 covery Plans, the Treaty Rights at Risk Initia-
23 tive, and the Coastal Nonpoint Pollution Control
24 Program, consistent with the best available

1 science, to ensure the health of the Puget Sound
2 ecosystem;

3 “(G) track the progress of the Environ-
4 mental Protection Agency toward meeting the
5 agency’s specified objectives and priorities within
6 the Action Agenda and the Federal Action Plan;

7 “(H) implement the recommendations of the
8 Comptroller General set forth in the report enti-
9 tled ‘Puget Sound Restoration: Additional Ac-
10 tions Could Improve Assessments of Progress’
11 and dated July 19, 2018;

12 “(I) serve as liaison and coordinate activi-
13 ties for the restoration and protection of the Sa-
14 lish Sea with Canadian authorities, the Pacific
15 Salmon Commission, and the International
16 Joint Commission; and

17 “(J) carry out such additional duties as the
18 Director determines necessary and appropriate.

19 “(c) PUGET SOUND FEDERAL LEADERSHIP TASK
20 FORCE.—

21 “(1) ESTABLISHMENT.—There is established a
22 Puget Sound Federal Leadership Task Force.

23 “(2) MEMBERSHIP.—

1 “(A) *COMPOSITION.*—*The Puget Sound Fed-*
2 *eral Leadership Task Force shall be composed of*
3 *the following members:*

4 “(i) *The following individuals ap-*
5 *pointed by the Secretary of Agriculture:*

6 “(I) *A representative of the Na-*
7 *tional Forest Service.*

8 “(II) *A representative of the Nat-*
9 *ural Resources Conservation Service.*

10 “(ii) *A representative of the National*
11 *Oceanic and Atmospheric Administration*
12 *appointed by the Secretary of Commerce.*

13 “(iii) *The following individuals ap-*
14 *pointed by the Secretary of Defense:*

15 “(I) *A representative of the Corps*
16 *of Engineers.*

17 “(II) *A representative of the Joint*
18 *Base Lewis-McChord.*

19 “(III) *A representative of the*
20 *Commander, Navy Region Northwest.*

21 “(iv) *The Director of the Program Of-*
22 *fice.*

23 “(v) *The following individuals ap-*
24 *pointed by the Secretary of Homeland Secu-*
25 *rity:*

1 “(I) A representative of the Coast
2 Guard.

3 “(II) A representative of the Fed-
4 eral Emergency Management Agency.

5 “(vi) The following individuals ap-
6 pointed by the Secretary of the Interior:

7 “(I) A representative of the Bu-
8 reau of Indian Affairs.

9 “(II) A representative of the
10 United States Fish and Wildlife Serv-
11 ice.

12 “(III) A representative of the
13 United States Geological Survey.

14 “(IV) A representative of the Na-
15 tional Park Service.

16 “(vii) The following individuals ap-
17 pointed by the Secretary of Transportation:

18 “(I) A representative of the Fed-
19 eral Highway Administration.

20 “(II) A representative of the Fed-
21 eral Transit Administration.

22 “(viii) Representatives of such other
23 Federal agencies, programs, and initiatives
24 as the other members of the Puget Sound

1 *Federal Leadership Task Force determines*
2 *necessary.*

3 “(B) *QUALIFICATIONS.*—*Members appointed*
4 *under this paragraph shall have experience and*
5 *expertise in matters of restoration and protection*
6 *of large watersheds and bodies of water, or re-*
7 *lated experience that will benefit the restoration*
8 *and protection of the Puget Sound.*

9 “(C) *CO-CHAIRS.*—

10 “(i) *IN GENERAL.*—*The following*
11 *members of the Puget Sound Federal Lead-*
12 *ership Task Force shall serve as Co-Chairs*
13 *of the Puget Sound Federal Leadership*
14 *Task Force:*

15 “(I) *The representative of the Na-*
16 *tional Oceanic and Atmospheric Ad-*
17 *ministration.*

18 “(II) *The Director of the Program*
19 *Office.*

20 “(III) *The representative of the*
21 *Corps of Engineers.*

22 “(ii) *LEADERSHIP.*—*The Co-Chairs*
23 *shall ensure the Puget Sound Federal Lead-*
24 *ership Task Force completes its duties*
25 *through robust discussion of all relevant*

1 *issues. The Co-Chairs shall share leadership*
2 *responsibilities equally.*

3 “(3) *DUTIES.—*

4 “(A) *GENERAL DUTIES.—The Puget Sound*
5 *Federal Leadership Task Force shall—*

6 “(i) *uphold Federal trust responsibil-*
7 *ities to restore and protect resources crucial*
8 *to Tribal treaty rights, including by car-*
9 *rying out government-to-government con-*
10 *sultation with Indian tribes when requested*
11 *by such tribes;*

12 “(ii) *provide a venue for dialogue and*
13 *coordination across all Federal agencies*
14 *represented by a member of the Puget*
15 *Sound Federal Leadership Task Force to*
16 *align Federal resources for the purposes of*
17 *carrying out the requirements of this section*
18 *and all other Federal laws that contribute*
19 *to the restoration and protection of the*
20 *Puget Sound, including by—*

21 “(I) *enabling and encouraging*
22 *such agencies to act consistently with*
23 *the objectives and priorities of the Ac-*
24 *tion Agenda, the Salmon Recovery*
25 *Plans, the Treaty Rights at Risk Ini-*

1 *tiative, and the Coastal Nonpoint Pol-*
2 *lution Control Program;*

3 *“(II) facilitating the coordination*
4 *of Federal activities that impact such*
5 *restoration and protection;*

6 *“(III) facilitating the delivery of*
7 *feedback given by such agencies to the*
8 *Puget Sound Partnership during the*
9 *development of the Action Agenda;*

10 *“(IV) facilitating the resolution of*
11 *interagency conflicts associated with*
12 *such restoration and protection among*
13 *such agencies;*

14 *“(V) providing a forum for ex-*
15 *changing information among such*
16 *agencies regarding activities being con-*
17 *ducted, including obstacles or effi-*
18 *ciencies found, during restoration and*
19 *protection activities; and*

20 *“(VI) promoting the efficient use*
21 *of government resources in pursuit of*
22 *such restoration and protection*
23 *through coordination and collabora-*
24 *tion, including by ensuring that the*
25 *Federal efforts relating to the science*

1 *necessary for such restoration and pro-*
2 *tection are consistent, and not duplica-*
3 *tive, across the Federal Government;*

4 “(iii) catalyze public leaders at all lev-
5 *els to work together toward shared goals by*
6 *demonstrating interagency best practices*
7 *coming from such agencies;*

8 “(iv) provide advice and support on
9 *scientific and technical issues and act as a*
10 *forum for the exchange of scientific informa-*
11 *tion about the Puget Sound;*

12 “(v) identify and inventory Federal
13 *environmental research and monitoring*
14 *programs related to the Puget Sound, and*
15 *provide such inventory to the Puget Sound*
16 *National Estuary Program Management*
17 *Conference;*

18 “(vi) ensure that Puget Sound restora-
19 *tion and protection activities are as con-*
20 *sistent as practicable with ongoing restora-*
21 *tion and protection and related efforts in*
22 *the Salish Sea that are being conducted by*
23 *Canadian authorities, the Pacific Salmon*
24 *Commission, and the International Joint*
25 *Commission;*

1 “(vii) ensure that Puget Sound restora-
2 tion and protection activities are consistent
3 with national security interests;

4 “(viii) establish any working groups or
5 committees necessary to assist the Puget
6 Sound Federal Leadership Task Force in its
7 duties, including relating to public policy
8 and scientific issues; and

9 “(ix) raise national awareness of the
10 significance of the Puget Sound.

11 “(B) PUGET SOUND FEDERAL ACTION
12 PLAN.—

13 “(i) IN GENERAL.—Not later than 5
14 years after the date of enactment of this sec-
15 tion, the Puget Sound Federal Leadership
16 Task Force shall develop and approve a
17 Federal Action Plan that leverages Federal
18 programs across agencies and serves to co-
19 ordinate diverse programs and priorities for
20 the restoration and protection of the Puget
21 Sound.

22 “(ii) REVISION OF PUGET SOUND FED-
23 ERAL ACTION PLAN.—Not less often than
24 once every 5 years after the date of approval
25 of the Federal Action Plan under clause (i),

1 *the Puget Sound Federal Leadership Task*
2 *Force shall review, and revise as appro-*
3 *priate, the Federal Action Plan.*

4 “(C) *FEEDBACK BY FEDERAL AGENCIES.—*
5 *In facilitating feedback under subparagraph*
6 *(A)(ii)(III), the Puget Sound Federal Leadership*
7 *Task Force shall request Federal agencies to con-*
8 *sider, at a minimum, possible Federal actions*
9 *within the Puget Sound region designed to—*

10 “(i) *further the goals, targets, and ac-*
11 *tions of the Action Agenda, the Salmon Re-*
12 *covery Plans, the Treaty Rights at Risk Ini-*
13 *tiative, and the Coastal Nonpoint Pollution*
14 *Control Program;*

15 “(ii) *as applicable, implement and en-*
16 *force this Act, the Endangered Species Act*
17 *of 1973, and all other Federal laws that*
18 *contribute to the restoration and protection*
19 *of the Puget Sound, including those that*
20 *protect Tribal treaty rights;*

21 “(iii) *prevent the introduction and*
22 *spread of invasive species;*

23 “(iv) *protect marine and wildlife habi-*
24 *tats;*

1 “(v) protect, restore, and conserve for-
2 ests, wetlands, riparian zones, and near-
3 shore waters;

4 “(vi) promote resilience to climate
5 change and ocean acidification effects;

6 “(vii) restore fisheries so that they are
7 sustainable and productive;

8 “(viii) preserve biodiversity;

9 “(ix) restore and protect ecosystem
10 services that provide clean water, filter toxic
11 chemicals, and increase ecosystem resilience;
12 and

13 “(x) improve water quality, including
14 by preventing and managing stormwater
15 runoff, incorporating erosion control tech-
16 niques and trash capture devices, using sus-
17 tainable stormwater practices, and miti-
18 gating and minimizing nonpoint source
19 pollution, including marine litter.

20 “(4) PARTICIPATION OF STATE ADVISORY COM-
21 MITTEE AND PUGET SOUND TRIBAL MANAGEMENT
22 CONFERENCE.—The Puget Sound Federal Leadership
23 Task Force shall carry out its duties with input from,
24 and in collaboration with, the State Advisory Com-
25 mittee and the Puget Sound Tribal Management Con-

1 *ference, including by seeking advice and recommenda-*
2 *tions on the actions, progress, and issues pertaining*
3 *to the restoration and protection of the Puget Sound.*

4 “(5) *MEETINGS.*—

5 “(A) *INITIAL MEETING.*—*The Puget Sound*
6 *Federal Leadership Task Force shall meet not*
7 *later than 180 days after the date of enactment*
8 *of this section—*

9 “(i) *to determine if all Federal agen-*
10 *cies are properly represented;*

11 “(ii) *to establish the bylaws of the*
12 *Puget Sound Federal Leadership Task*
13 *Force;*

14 “(iii) *to establish necessary working*
15 *groups or committees; and*

16 “(iv) *to determine subsequent meeting*
17 *times, dates, and logistics.*

18 “(B) *SUBSEQUENT MEETINGS.*—*After the*
19 *initial meeting, the Puget Sound Federal Lead-*
20 *ership Task Force shall meet, at a minimum,*
21 *twice per year to carry out the duties of the*
22 *Puget Sound Federal Leadership Task Force.*

23 “(C) *WORKING GROUP MEETINGS.*—*A meet-*
24 *ing of any established working group or com-*
25 *mittee of the Puget Sound Federal Leadership*

1 *Task Force shall not be considered a biannual*
2 *meeting for purposes of subparagraph (B).*

3 “(D) *JOINT MEETINGS.*—*The Puget Sound*
4 *Federal Leadership Task Force—*

5 “(i) *shall offer to meet jointly with the*
6 *Puget Sound National Estuary Program*
7 *Management Conference and the Puget*
8 *Sound Tribal Management Conference, at a*
9 *minimum, once per year; and*

10 “(ii) *may consider such a joint meet-*
11 *ing to be a biannual meeting of the Puget*
12 *Sound Federal Leadership Task Force for*
13 *purposes of subparagraph (B).*

14 “(E) *QUORUM.*—*A simple majority of the*
15 *members of the Puget Sound Federal Leadership*
16 *Task Force shall constitute a quorum.*

17 “(F) *VOTING.*—*For the Puget Sound Fed-*
18 *eral Leadership Task Force to take an official*
19 *action, a quorum shall be present, and at least*
20 *a two-thirds majority of the members present*
21 *shall vote in the affirmative.*

22 “(6) *PUGET SOUND FEDERAL LEADERSHIP TASK*
23 *FORCE PROCEDURES AND ADVICE.*—

24 “(A) *ADVISORS.*—*The Puget Sound Federal*
25 *Leadership Task Force may seek advice and*

1 *input from any interested, knowledgeable, or af-*
2 *fectured party as the Puget Sound Federal Leader-*
3 *ship Task Force determines necessary to perform*
4 *its duties.*

5 “(B) *COMPENSATION.*—*A member of the*
6 *Puget Sound Federal Leadership Task Force*
7 *shall receive no additional compensation for*
8 *service as a member on the Puget Sound Federal*
9 *Leadership Task Force.*

10 “(C) *TRAVEL EXPENSES.*—*Travel expenses*
11 *incurred by a member of the Puget Sound Fed-*
12 *eral Leadership Task Force in the performance*
13 *of service on the Puget Sound Federal Leader-*
14 *ship Task Force may be paid by the agency that*
15 *the member represents.*

16 “(7) *PUGET SOUND FEDERAL TASK FORCE.*—

17 “(A) *IN GENERAL.*—*On the date of enact-*
18 *ment of this section, the 2016 memorandum of*
19 *understanding establishing the Puget Sound Fed-*
20 *eral Task Force shall cease to be effective.*

21 “(B) *USE OF PREVIOUS WORK.*—*The Puget*
22 *Sound Federal Leadership Task Force shall, to*
23 *the extent practicable, use the work product pro-*
24 *duced, relied upon, and analyzed by the Puget*
25 *Sound Federal Task Force in order to avoid du-*

1 *plicating the efforts of the Puget Sound Federal*
2 *Task Force.*

3 “(d) *STATE ADVISORY COMMITTEE.*—

4 “(1) *ESTABLISHMENT.*—*There is established a*
5 *State Advisory Committee.*

6 “(2) *MEMBERSHIP.*—*The State Advisory Com-*
7 *mittee shall consist of up to seven members designated*
8 *by the governing body of the Puget Sound Partner-*
9 *ship, in consultation with the Governor of Wash-*
10 *ington, who will represent Washington State agencies*
11 *that have significant roles and responsibilities related*
12 *to the restoration and protection of the Puget Sound.*

13 “(e) *PUGET SOUND FEDERAL LEADERSHIP TASK*
14 *FORCE BIENNIAL REPORT ON PUGET SOUND RESTORATION*
15 *AND PROTECTION ACTIVITIES.*—

16 “(1) *IN GENERAL.*—*Not later than 1 year after*
17 *the date of enactment of this section, and biennially*
18 *thereafter, the Puget Sound Federal Leadership Task*
19 *Force, in collaboration with the Puget Sound Tribal*
20 *Management Conference and the State Advisory Com-*
21 *mittee, shall submit to the President, Congress, the*
22 *Governor of Washington, and the governing body of*
23 *the Puget Sound Partnership a report that summa-*
24 *rizes the progress, challenges, and milestones of the*

1 *Puget Sound Federal Leadership Task Force relating*
2 *to the restoration and protection of the Puget Sound.*

3 “(2) *CONTENTS.—The report submitted under*
4 *paragraph (1) shall include a description of the fol-*
5 *lowing:*

6 “(A) *The roles and progress of each State,*
7 *local government entity, and Federal agency that*
8 *has jurisdiction in the Puget Sound region relat-*
9 *ing to meeting the identified objectives and pri-*
10 *orities of the Action Agenda, the Salmon Recov-*
11 *ery Plans, the Treaty Rights at Risk Initiative,*
12 *and the Coastal Nonpoint Pollution Control Pro-*
13 *gram.*

14 “(B) *If available, the roles and progress of*
15 *Tribal governments that have jurisdiction in the*
16 *Puget Sound region relating to meeting the iden-*
17 *tified objectives and priorities of the Action*
18 *Agenda, the Salmon Recovery Plans, the Treaty*
19 *Rights at Risk Initiative, and the Coastal*
20 *Nonpoint Pollution Control Program.*

21 “(C) *A summary of specific recommenda-*
22 *tions concerning implementation of the Action*
23 *Agenda and the Federal Action Plan, including*
24 *challenges, barriers, and anticipated milestones,*
25 *targets, and timelines.*

1 “(D) *A summary of progress made by Fed-*
2 *eral agencies toward the priorities identified in*
3 *the Federal Action Plan.*

4 “(f) *TRIBAL RIGHTS AND CONSULTATION.—*

5 “(1) *PRESERVATION OF TRIBAL TREATY*
6 *RIGHTS.—Nothing in this section affects, or is in-*
7 *tended to affect, any right reserved by treaty between*
8 *the United States and one or more Indian tribes.*

9 “(2) *CONSULTATION.—Nothing in this section af-*
10 *fects any authorization or obligation of a Federal*
11 *agency to consult with an Indian tribe under any*
12 *other provision of law.*

13 “(g) *CONSISTENCY.—*

14 “(1) *IN GENERAL.—Actions authorized or imple-*
15 *mented under this section shall be consistent with—*

16 “(A) *the Salmon Recovery Plans;*

17 “(B) *the Coastal Nonpoint Pollution Con-*
18 *trol Program; and*

19 “(C) *the water quality standards of the*
20 *State of Washington approved by the Adminis-*
21 *trator under section 303.*

22 “(2) *FEDERAL ACTIONS.—All Federal agencies*
23 *represented on the Puget Sound Federal Leadership*
24 *Task Force shall act consistently with the protection*
25 *of Tribal, treaty-reserved rights and, to the greatest*

1 *extent practicable given such agencies' existing obliga-*
2 *tions under Federal law, act consistently with the ob-*
3 *jectives and priorities of the Action Agenda, the*
4 *Salmon Recovery Plans, the Treaty Rights at Risk*
5 *Initiative, and the Coastal Nonpoint Pollution Con-*
6 *trol Program, when—*

7 “(A) *conducting Federal agency activities*
8 *within or outside the Puget Sound that affect*
9 *any land or water use or natural resources of the*
10 *Puget Sound region, including activities per-*
11 *formed by a contractor for the benefit of a Fed-*
12 *eral agency;*

13 “(B) *interpreting and enforcing regulations*
14 *that impact the restoration and protection of the*
15 *Puget Sound;*

16 “(C) *issuing Federal licenses or permits*
17 *that impact the restoration and protection of the*
18 *Puget Sound; and*

19 “(D) *granting Federal assistance to State,*
20 *local, and Tribal governments for activities re-*
21 *lated to the restoration and protection of the*
22 *Puget Sound.”.*

23 (c) *LAKE PONTCHARTRAIN BASIN RESTORATION PRO-*

24 *GRAM.—*

1 (1) *REVIEW OF COMPREHENSIVE MANAGEMENT*
2 *PLAN.*—Section 121 of the Federal Water Pollution
3 Control Act (33 U.S.C. 1273) is amended—

4 (A) in subsection (c)—

5 (i) in paragraph (5), by striking “;
6 and” and inserting a semicolon;

7 (ii) in paragraph (6), by striking the
8 period and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(7) ensure that the comprehensive conservation
12 and management plan approved for the Basin under
13 section 320 is reviewed and revised in accordance
14 with section 320 not less often than once every 5
15 years, beginning on the date of enactment of this
16 paragraph.”; and

17 (B) in subsection (d), by striking “rec-
18 ommended by a management conference convened
19 for the Basin under section 320” and inserting
20 “identified in the comprehensive conservation
21 and management plan approved for the Basin
22 under section 320”.

23 (2) *DEFINITIONS.*—Section 121(e)(1) of the Fed-
24 eral Water Pollution Control Act (33 U.S.C.

1 1273(e)(1)) is amended by striking “, a 5,000 square
2 mile” and inserting “, a 10,000 square mile”.

3 (3) *ADMINISTRATIVE COSTS.*—Section 121(f) of
4 the Federal Water Pollution Control Act (33 U.S.C.
5 1273(f)) is amended by adding at the end the fol-
6 lowing:

7 “(3) *ADMINISTRATIVE EXPENSES.*—Not more
8 than 5 percent of the amounts appropriated to carry
9 out this section may be used for administrative ex-
10 penses.”.

11 **SEC. 8502. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

12 Section 319(j) of the Federal Water Pollution Control
13 Act (33 U.S.C. 1329(j)) is amended by striking “subsections
14 (h) and (i) not to exceed” and all that follows through “fis-
15 cal year 1991” and inserting “subsections (h) and (i)
16 \$200,000,000 for each of fiscal years 2023 through 2027”.

17 **SEC. 8503. WASTEWATER ASSISTANCE TO COLONIAS.**

18 Section 307 of the Safe Drinking Water Act Amend-
19 ments of 1996 (33 U.S.C. 1281 note) is amended—

20 (1) in subsection (a)—

21 (A) by redesignating paragraphs (2) and
22 (3) as paragraphs (3) and (4), respectively; and

23 (B) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) *COVERED ENTITY*.—The term ‘covered enti-
2 ty’ means each of the following:

3 “(A) A border State.

4 “(B) A local government with jurisdiction
5 over an eligible community.”;

6 (2) in subsection (b), by striking “border State”
7 and inserting “covered entity”;

8 (3) in subsection (d), by striking “shall not ex-
9 ceed 50 percent” and inserting “may not be less than
10 80 percent”; and

11 (4) in subsection (e)—

12 (A) by striking “\$25,000,000” and inserting
13 “\$100,000,000”; and

14 (B) by striking “1997 through 1999” and
15 inserting “2023 through 2027”.

16 ***DIVISION I—DEPARTMENT OF***
17 ***STATE AUTHORIZATIONS***

18 ***SEC. 9001. SHORT TITLE.***

19 *This division may be cited as the “Department of*
20 *State Authorization Act of 2022”.*

21 ***SEC. 9002. DEFINITIONS.***

22 *In this division:*

23 (1) *ADMINISTRATOR*.—The term “Adminis-
24 trator” means the Administrator of USAID.

1 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means the Committee on Foreign Relations of*
4 *the Senate and the Committee on Foreign Affairs of*
5 *the House of Representatives.*

6 (3) *DEPARTMENT.*—*Unless otherwise specified,*
7 *the term “Department” means the Department of*
8 *State.*

9 (4) *SECRETARY.*—*Unless otherwise specified, the*
10 *term “Secretary” means the Secretary of State.*

11 (5) *USAID.*—*The term “USAID” means the*
12 *United States Agency for International Development.*

13 ***TITLE XCI—ORGANIZATION AND***
14 ***OPERATIONS OF THE DE-***
15 ***PARTMENT OF STATE***

16 ***SEC. 9101. MODERNIZING THE BUREAU OF ARMS CONTROL,***
17 ***VERIFICATION, AND COMPLIANCE AND THE***
18 ***BUREAU OF INTERNATIONAL SECURITY AND***
19 ***NONPROLIFERATION.***

20 *It is the sense of Congress that—*

21 (1) *the Secretary should take steps to address*
22 *staffing shortfalls in the chemical, biological, and nu-*
23 *clear weapons issue areas in the Bureau of Arms Con-*
24 *trol, Verification and Compliance and in the Bureau*
25 *of International Security and Nonproliferation;*

1 (2) *maintaining a fully staffed and resourced*
2 *Bureau of Arms Control, Verification and Compli-*
3 *ance and Bureau of International Security and Non-*
4 *proliferation is necessary to effectively confront the*
5 *threat of increased global proliferation; and*

6 (3) *the Secretary, acting through the Bureau of*
7 *Arms Control, Verification and Compliance and the*
8 *Bureau of International Security and Nonprolifera-*
9 *tion, should increase efforts and dedicate resources to*
10 *combat the dangers posed by the People’s Republic of*
11 *China’s conventional and nuclear build-up, the Rus-*
12 *sian Federation’s tactical nuclear weapons and new*
13 *types of nuclear weapons, bioweapons proliferation,*
14 *dual use of life sciences research, and chemical weap-*
15 *ons.*

16 **SEC. 9102. NOTIFICATION TO CONGRESS FOR UNITED**
17 **STATES NATIONALS UNLAWFULLY OR**
18 **WRONGFULLY DETAINED ABROAD.**

19 *Section 302 of the Robert Levinson Hostage Recovery*
20 *and Hostage-Taking Accountability Act (22 U.S.C. 1741)*
21 *is amended—*

22 (1) *in subsection (a), in the matter preceding*
23 *paragraph (1), by inserting “, as expeditiously as*
24 *possible,” after “review”; and*

1 (2) *by amending subsection (b) to read as fol-*
2 *lows:*

3 “(b) *REFERRALS TO SPECIAL ENVOY; NOTIFICATION*
4 *TO CONGRESS.—*

5 “(1) *IN GENERAL.—Upon a determination by the*
6 *Secretary of State, based on the totality of the cir-*
7 *cumstances, that there is credible information that the*
8 *detention of a United States national abroad is un-*
9 *lawful or wrongful, and regardless of whether the de-*
10 *tention is by a foreign government or a nongovern-*
11 *mental actor, the Secretary shall—*

12 “(A) *expeditiously transfer responsibility*
13 *for such case from the Bureau of Consular Af-*
14 *fairs of the Department of State to the Special*
15 *Presidential Envoy for Hostage Affairs; and*

16 “(B) *not later than 14 days after such de-*
17 *termination, notify the Committee on Foreign*
18 *Relations of the Senate, the Select Committee on*
19 *Intelligence of the Senate, the Committee on For-*
20 *ign Affairs of the House of Representatives, and*
21 *the Permanent Select Committee on Intelligence*
22 *of the House of Representatives of such deter-*
23 *mination and provide such committees with a*
24 *summary of the facts that led to such determina-*
25 *tion.*

1 “(2) *FORM.*—*The notification described in para-*
2 *graph (1)(B) may be classified, if necessary.*”.

3 **SEC. 9103. FAMILY ENGAGEMENT COORDINATOR.**

4 *Section 303 of the Robert Levinson Hostage Recovery*
5 *and Hostage-Taking Accountability Act (22 U.S.C. 1741a)*
6 *is amended by adding at the end the following:*

7 “(d) *FAMILY ENGAGEMENT COORDINATOR.*—*There*
8 *shall be, in the Office of the Special Presidential Envoy for*
9 *Hostage Affairs, a Family Engagement Coordinator, who*
10 *shall ensure—*

11 “(1) *for a United States national unlawfully or*
12 *wrongfully detained abroad, that—*

13 “(A) *any interaction by executive branch of-*
14 *ficials with any family member of such United*
15 *States national occurs in a coordinated fashion;*

16 “(B) *such family member receives consistent*
17 *and accurate information from the United States*
18 *Government; and*

19 “(C) *appropriate coordination with the*
20 *Family Engagement Coordinator described in*
21 *section 304(c)(2); and*

22 “(2) *for a United States national held hostage*
23 *abroad, that any engagement with a family member*
24 *is coordinated with, consistent with, and not dupli-*

1 *tive of the efforts of the Family Engagement Coordi-*
2 *nator described in section 304(c)(2).”.*

3 **SEC. 9104. REWARDS FOR JUSTICE.**

4 *Section 36(b) of the State Department Basic Authori-*
5 *ties Act of 1956 (22 U.S.C. 2708(b)) is amended—*

6 *(1) in paragraph (4), by striking “or (10);” and*
7 *inserting “(10), or (14);”;*

8 *(2) in paragraph (12), by striking “or” at the*
9 *end;*

10 *(3) in paragraph (13), by striking the period at*
11 *the end and inserting “; or”;* and

12 *(4) by adding at the end the following:*

13 *“(14) the prevention, frustration, or resolution of*
14 *the hostage taking of a United States person, the*
15 *identification, location, arrest, or conviction of a per-*
16 *son responsible for the hostage taking of a United*
17 *States person, or the location of a United States per-*
18 *son who has been taken hostage, in any country.”.*

19 **SEC. 9105. ENSURING GEOGRAPHIC DIVERSITY AND ACCES-**
20 **SIBILITY OF PASSPORT AGENCIES.**

21 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
22 *that Department initiatives to expand passport services and*
23 *accessibility, including through online modernization*
24 *projects, should include the construction of new physical*
25 *passport agencies.*

1 **(b) REVIEW.**—*The Secretary shall conduct a review of*
2 *the geographic diversity and accessibility of existing pass-*
3 *port 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 eligible*
11 *Americans, including Americans living in large pop-*
12 *ulation centers, in rural areas, and in States with a*
13 *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 establishment*
17 *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 a*
20 *report to the Committee on Foreign Relations of the Senate,*
21 *the Committee on Appropriations of the Senate, the Com-*
22 *mittee on Foreign Affairs of the House of Representatives,*
23 *and the Committee on Appropriations of the House of Rep-*
24 *resentatives that contains the findings of the review con-*
25 *ducted 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 U.S.C.*
8 *2651a) is amended, in paragraph (4)(B) of subsection (l),*
9 *as redesignated by section 9502(a)(2) of this Act, by strik-*
10 *ing “the date that is two years after the date of the enact-*
11 *ment of this subsection” and inserting “December 31,*
12 *2024”.*

13 (b) *BRIEFING.*—Not later than 90 days after the date
14 *of the enactment of this Act, the Secretary of the Treasury,*
15 *or the Secretary’s designee, shall brief the appropriate con-*
16 *gressional committees with respect to the steps that the Of-*
17 *fice of Sanctions Coordination has taken to coordinate its*
18 *activities with the Department of the Treasury and human-*
19 *itarian aid programs, in an effort to help ensure appro-*
20 *priate flows of humanitarian assistance and goods to coun-*
21 *tries 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 a*
3 *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 Columbia,*
6 *and any territory or possession of the United States.*

7 (3) *SUBNATIONAL ENGAGEMENT.*—*The term*
8 *“subnational engagement” means formal meetings or*
9 *events between elected officials of a State or munic-*
10 *ipal government and their foreign counterparts.*

11 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
12 *that—*

13 (1) *the growth of subnational cooperation has en-*
14 *abled States and municipalities to play an increas-*
15 *ingly significant role in foreign policy and com-*
16 *plement the efforts of the Department;*

17 (2) *the Department’s recently established Unit*
18 *for Subnational Diplomacy will play a critical role*
19 *in leveraging the Department’s resources to support*
20 *State and municipal governments in conducting sub-*
21 *national engagement and increasing cooperation with*
22 *foreign allies and partners; and*

23 (3) *in facilitating such subnational engagements,*
24 *the Department should engage with a broad array of*

1 *United States cities without regard to their popu-*
2 *lation size or location;*

3 *(c) STRATEGIC PLAN.—The Special Representative for*
4 *Subnational Diplomacy shall submit a strategic plan to the*
5 *appropriate congressional committees for the operations of*
6 *the Unit for Subnational Diplomacy, including the Depart-*
7 *ment’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, and*
12 *involvement of United States citizens, including citi-*
13 *zens residing in urban and rural areas, in the foreign*
14 *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 Sec-*
5 *retary positions at the Department above the number*
6 *of such positions authorized under section 1(c)(1) of*
7 *the State Department Basic Authorities Act of 1956*
8 *(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 (referred*
14 *to in this section as the “Program”) to offer internship op-*
15 *portunities at the Department to eligible students to raise*
16 *awareness of the essential role of diplomacy in the conduct*
17 *of United States foreign policy and the realization of*
18 *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 based*
4 *outside the United States, as determined by the*
5 *Secretary of State.*

6 (2) *ADDITIONAL ELIGIBILITY CRITERIA.*—*An ap-*
7 *plicant in the Program should be—*

8 *(A) enrolled at least half-time in an institu-*
9 *tion 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 foreign*
15 *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 in*
20 *Residence program; and*

21 *(C) through other outreach and recruiting*
22 *initiatives targeting undergraduate and graduate*
23 *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 in-*
13 *ternship in which such student is participating*
14 *is outside of the United States.*

15 (B) *DOMESTIC.—The Secretary may pro-*
16 *vide housing assistance to a student partici-*
17 *parting in the Program whose permanent address*
18 *is within the United States if the location of the*
19 *internship in which such student is partici-*
20 *parting is more than 50 miles away from such*
21 *student's permanent address.*

22 (2) *TRAVEL ASSISTANCE.—The Secretary shall*
23 *provide a student participating in the Program whose*
24 *permanent address is within the United States with*
25 *financial assistance that is sufficient to cover the*

1 *travel costs of a single round trip by air, train, bus,*
2 *or other appropriate transportation between the stu-*
3 *dent's permanent address and the location of the in-*
4 *ternship in which such student is participating if*
5 *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 allows*
2 *such participant to receive college or university*
3 *curricular credit.*

4 (2) *EXCEPTION.*—*The transition required under*
5 *paragraph (1) shall not apply to unpaid internship*
6 *programs of the Department that are part of the Vir-*
7 *tual Student Federal Service internship program.*

8 (3) *WAIVER.*—

9 (A) *IN GENERAL.*—*The Secretary may*
10 *waive the requirement under paragraph (1)(A)*
11 *with respect to a particular unpaid internship*
12 *program if the Secretary, not later than 30 days*
13 *after making a determination that the conversion*
14 *of such internship program to a compensated in-*
15 *ternship program would not be consistent with*
16 *effective management goals, submits a report ex-*
17 *plaining such determination to—*

18 (i) *the appropriate congressional com-*
19 *mittees;*

20 (ii) *the Committee on Appropriations*
21 *of the Senate; and*

22 (iii) *the Committee on Appropriations*
23 *of the House of Representatives.*

24 (B) *REPORT.*—*The report required under*
25 *subparagraph (A) shall—*

1 (i) describe the reasons why converting
2 an unpaid internship program of the De-
3 partment to an internship program that of-
4 fers compensation would not be consistent
5 with effective management goals; and

6 (ii)(I) provide justification for main-
7 taining such unpaid status indefinitely; or

8 (II) identify any additional authorities
9 or resources that would be necessary to con-
10 vert such unpaid internship program to
11 offer compensation in the future.

12 (h) *REPORTS*.—Not later than 18 months after the
13 date of the enactment of this Act, the Secretary shall submit
14 a report to the committees referred to in subsection
15 (g)(3)(A) that includes—

16 (1) data, to the extent the collection of such in-
17 formation is permissible by law, regarding the num-
18 ber of students who applied to the Program, were of-
19 fered a position, and participated, respectively,
20 disaggregated by race, ethnicity, sex, institution of
21 higher education, home State, State where each stu-
22 dent graduated from high school, and disability sta-
23 tus;

24 (2) data regarding the number of security clear-
25 ance investigations initiated for the students described

1 *in paragraph (1), including the timeline for such in-*
2 *vestigations, whether such investigations were com-*
3 *pleted, and when an interim security clearance was*
4 *granted;*

5 *(3) information on Program expenditures;*

6 *(4) information regarding the Department's com-*
7 *pliance with subsection (g); and*

8 *(5) the number of internship participants subse-*
9 *quently employed by the Department, if any, fol-*
10 *lowing their participation in the Program.*

11 *(i) VOLUNTARY PARTICIPATION.—*

12 *(1) IN GENERAL.—Nothing in this section may*
13 *be construed to compel any student who is a partici-*
14 *part in an internship program of the Department to*
15 *participate in the collection of the data or divulge*
16 *any personal information. Such students shall be in-*
17 *formed that their participation in the data collection*
18 *under this section is voluntary.*

19 *(2) PRIVACY PROTECTION.—Any data collected*
20 *under this section shall be subject to the relevant pri-*
21 *vacv protection statutes and regulations applicable to*
22 *Federal employees.*

23 *(j) SPECIAL HIRING AUTHORITY.—Notwithstanding*
24 *any other provision of law, the Secretary, in consultation*
25 *with the Director of the Office of Personnel Management,*

1 *with respect to the number of interns to be hired each year,*
2 *may—*

3 (1) *select, appoint, and employ individuals for*
4 *up to 1 year through compensated internships in the*
5 *excepted service; and*

6 (2) *remove any compensated intern employed*
7 *pursuant to paragraph (1) without regard to the pro-*
8 *visions of law governing appointments in the excepted*
9 *service.*

10 **SEC. 9202. IMPROVEMENTS TO THE PREVENTION OF, AND**
11 **THE RESPONSE TO, HARASSMENT, DISCRIMI-**
12 **NATION, SEXUAL ASSAULT, AND RELATED RE-**
13 **TALIATION.**

14 (a) *POLICIES.*—*The Secretary should develop and*
15 *strengthen policies regarding harassment, discrimination,*
16 *sexual assault, and related retaliation, including policies*
17 *for—*

18 (1) *addressing, reporting, and providing*
19 *transitioning support;*

20 (2) *advocacy, service referrals, and travel accom-*
21 *modations; and*

22 (3) *disciplining personnel that violate Depart-*
23 *ment policies regarding harassment, discrimination,*
24 *sexual assault, or related retaliation.*

25 (b) *DISCIPLINARY ACTION.*—

1 (1) *SEPARATION FOR CAUSE.*—Section 610(a)(1)
2 of the Foreign Service Act of 1980 (22 U.S.C.
3 4010(a)(1)), is amended—

4 (A) by striking “decide to”; and

5 (B) by inserting “, including upon receiv-
6 ing notification from the Bureau of Diplomatic
7 Security that such member has engaged in
8 criminal misconduct, such as murder, rape, or
9 other sexual assault” before the period at the end.

10 (2) *UPDATE TO MANUAL.*—The Director of Glob-
11 al Talent Management shall—

12 (A) update the “Grounds for Disciplinary
13 Action” and “List of Disciplinary Offenses and
14 Penalties” sections of the Foreign Affairs Man-
15 ual to reflect the amendments made under para-
16 graph (1); and

17 (B) communicate such updates to Depart-
18 ment staff through publication in Department
19 Notices.

20 (c) *SEXUAL ASSAULT PREVENTION AND RESPONSE*
21 *VICTIM ADVOCATES.*—The Secretary shall ensure that the
22 Diplomatic Security Service’s Victims’ Resource Advocacy
23 Program—

24 (1) is appropriately staffed by advocates who are
25 physically present at—

1 (A) *the headquarters of the Department;*
2 *and*

3 (B) *major domestic and international fa-*
4 *cilities and embassies, as determined by the Sec-*
5 *retary;*

6 (2) *considers the logistics that are necessary to*
7 *allow for the expedient travel of victims from Depart-*
8 *ment facilities that do not have advocates; and*

9 (3) *uses funds available to the Department to*
10 *provide emergency food, shelter, clothing, and trans-*
11 *portation for victims involved in matters being inves-*
12 *tigated by the Diplomatic Security Service.*

13 **SEC. 9203. INCREASING THE MAXIMUM AMOUNT AUTHOR-**
14 **IZED FOR SCIENCE AND TECHNOLOGY FEL-**
15 **LOWSHIP GRANTS AND COOPERATIVE AGREE-**
16 **MENTS.**

17 *Section 504(e)(3) of the Foreign Relations Authoriza-*
18 *tion Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is*
19 *amended by striking “\$500,000” and inserting*
20 *“\$2,000,000”.*

21 **SEC. 9204. ADDITIONAL PERSONNEL TO ADDRESS BACK-**
22 **LOGS IN HIRING AND INVESTIGATIONS.**

23 (a) *IN GENERAL.*—*The Secretary shall seek to increase*
24 *the number of personnel within the Bureau of Global Talent*
25 *Management and the Office of Civil Rights to address back-*

1 *logs in hiring and investigations into complaints conducted*
2 *by the Office of Civil Rights.*

3 (b) *EMPLOYMENT TARGETS.*—*The Secretary shall seek*
4 *to employ—*

5 (1) *not fewer than 15 additional personnel in the*
6 *Bureau of Global Talent Management and the Office*
7 *of Civil Rights (compared to the number of personnel*
8 *so employed as of the day before the date of the enact-*
9 *ment of this Act) by the date that is 180 days after*
10 *such date of enactment; and*

11 (2) *not fewer than 15 additional personnel in*
12 *such Bureau and Office (compared to the number of*
13 *personnel so employed as of the day before the date*
14 *of the enactment of this Act) by the date that is 1*
15 *year after such date of enactment.*

16 **SEC. 9205. FOREIGN AFFAIRS TRAINING.**

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

19 (1) *Congress has recognized, including in divi-*
20 *sion E of the National Defense Authorization Act for*
21 *Fiscal Year 2022 (Public Law 117–81), that the De-*
22 *partment is a crucial national security agency, whose*
23 *employees, both Foreign Service and Civil Service, re-*
24 *quire the best possible training and professional devel-*
25 *opment at every stage of their careers to prepare them*

1 *to promote and defend United States national inter-*
2 *ests and the health and safety of United States citi-*
3 *zens abroad; and*

4 *(2) the new and evolving challenges of national*
5 *security in the 21st century necessitate the expansion*
6 *of standardized training and professional develop-*
7 *ment opportunities linked to equal, accountable, and*
8 *transparent promotion and leadership practices for*
9 *Department and other national security agency per-*
10 *sonnel.*

11 *(b) DEFINED TERM.—In this section, the term “appro-*
12 *priate committees of Congress” means—*

13 *(1) the Committee on Foreign Relations of the*
14 *Senate;*

15 *(2) the Committee on Appropriations of the Sen-*
16 *ate;*

17 *(3) the Committee on Foreign Affairs of the*
18 *House of Representatives; and*

19 *(4) the Committee on Appropriations of the*
20 *House of Representatives.*

21 *(c) TRAINING AND PROFESSIONAL DEVELOPMENT*
22 *PRIORITIZATION.—Section 5108(c) of division E of the Na-*
23 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
24 *lic Law 117–81) is amended to read as follows:*

1 “(c) *TRAINING AND PROFESSIONAL DEVELOPMENT*
2 *PRIORITIZATION.*—*In order to provide the Civil Service*
3 *and the Foreign Service with the level of professional devel-*
4 *opment and training needed to effectively advance United*
5 *States interests across the world, the Secretary of State*
6 *shall—*

7 “(1) *increase relevant offerings provided by the*
8 *Department of State—*

9 “(A) *of interactive virtual instruction to*
10 *make training and professional development*
11 *more accessible and useful to personnel deployed*
12 *throughout the world; or*

13 “(B) *at partner organizations, including*
14 *universities, industry entities, and nongovern-*
15 *mental organizations, throughout the United*
16 *States to provide useful outside perspectives to*
17 *Department of State personnel by providing such*
18 *personnel—*

19 “(i) *a more comprehensive outlook on*
20 *different sectors of United States society;*

21 “(ii) *practical experience dealing with*
22 *commercial corporations, universities, labor*
23 *unions, and other institutions critical to*
24 *United States diplomatic success; and*

1 “(iii) courses specifically focused on
2 commercial diplomacy that increase the un-
3 derstanding of private sector needs that
4 arise as United States companies enter and
5 compete in the international market;

6 “(2) provide the opportunity to participate in
7 courses using computer-based or computer-assisted
8 simulations, allowing civilian officers to lead decision
9 making in a crisis environment, and encourage offi-
10 cers of the Department of State, and reciprocally, offi-
11 cers of other Federal departments to participate in
12 similar exercises held by the Department of State or
13 other government organizations and the private sec-
14 tor;

15 “(3) increase the duration and expand the focus
16 of certain training and professional development
17 courses, including by extending—

18 “(A) the A-100 entry-level course to as long
19 as 12 weeks, which better matches the length of
20 entry-level training and professional development
21 provided to the officers in other national security
22 departments and agencies; and

23 “(B) the Chief of Mission course to as long
24 as 6 weeks for first time Chiefs of Mission and
25 creating comparable courses for new Assistant

1 *Secretaries and Deputy Assistant Secretaries to*
2 *more accurately reflect the significant respon-*
3 *sibilities accompanying such roles; and*

4 *“(4) ensure that Foreign Service officers who are*
5 *assigned to a country experiencing significant popu-*
6 *lation displacement due to the impacts of climatic*
7 *and non-climatic shocks and stresses, including rising*
8 *sea levels and lack of access to affordable and reliable*
9 *energy and electricity, receive specific instruction on*
10 *United States policy with respect to resiliency and*
11 *adaptation to such climatic and non-climatic shocks*
12 *and stresses.”.*

13 *(d) FELLOWSHIPS.—The Director General of the For-*
14 *ign Service shall—*

15 *(1) expand and establish new fellowship pro-*
16 *grams for Foreign Service and Civil Service officers*
17 *that include short- and long-term opportunities at or-*
18 *ganizations, including—*

19 *(A) think tanks and nongovernmental orga-*
20 *nizations;*

21 *(B) the Department of Defense and other*
22 *relevant Federal agencies;*

23 *(C) industry entities, especially such enti-*
24 *ties related to technology, global operations, fi-*

1 *nance, and other fields directly relevant to inter-*
2 *national affairs; and*

3 *(D) schools of international relations and*
4 *other relevant programs at universities through-*
5 *out the United States; and*

6 *(2) not later than 180 days after the date of the*
7 *enactment of this Act, submit a report to Congress*
8 *that describes how the Department could expand the*
9 *Pearson Fellows Program for Foreign Service Officers*
10 *and the Brookings Fellow Program for Civil Servants*
11 *to provide fellows in such programs with the oppor-*
12 *tunity to undertake a follow-on assignment within the*
13 *Department in an office in which fellows will gain*
14 *practical knowledge of the people and processes of*
15 *Congress, including offices other than the Legislative*
16 *Affairs Bureau, including—*

17 *(A) an assessment of the current state of*
18 *congressional fellowships, including the demand*
19 *for fellowships, support for applicants to pursue*
20 *and perform such fellowships, and the value the*
21 *fellowships provide to both the career of the offi-*
22 *cer and to the Department; and*

23 *(B) an assessment of the options for making*
24 *congressional fellowships for both the Foreign*

1 *Service and the Civil Service more career-en-*
2 *hancing.*

3 *(e) BOARD OF VISITORS OF THE FOREIGN SERVICE IN-*
4 *STITUTE.—*

5 *(1) ESTABLISHMENT.—The Secretary is author-*
6 *ized to establish a Board of Visitors of the Foreign*
7 *Service Institute (referred to in this subsection as the*
8 *“Board”). It is the sense of Congress that the Board*
9 *should be established not later than 1 year after the*
10 *date of the enactment of this Act.*

11 *(2) DUTIES.—The Board authorized by this sub-*
12 *section shall be comprised of 12 members, who shall*
13 *be appointed by the Secretary and shall provide the*
14 *Secretary with independent advice and recommenda-*
15 *tions regarding organizational management, strategic*
16 *planning, resource management, curriculum develop-*
17 *ment, and other matters of interest to the Foreign*
18 *Service Institute, including regular observations*
19 *about how well the Department is integrating train-*
20 *ing and professional development into the work of the*
21 *Bureau for Global Talent Management.*

22 *(3) MEMBERSHIP.—*

23 *(A) QUALIFICATIONS.—Members of the*
24 *Board shall be appointed from among individ-*
25 *uals who—*

1 (i) are not officers or employees of the
2 Federal Government; and

3 (ii) are eminent authorities in the
4 fields of diplomacy, national security, man-
5 agement, leadership, economics, trade, tech-
6 nology, or advanced international relations
7 education.

8 (B) *OUTSIDE EXPERTISE.*—

9 (i) *IN GENERAL.*—Not fewer than 6
10 members of the Board shall have a min-
11 imum of 10 years of relevant expertise out-
12 side the field of diplomacy.

13 (ii) *PRIOR SENIOR SERVICE AT THE*
14 *DEPARTMENT.*—Not more than 6 members
15 of the Board may be persons who previously
16 served in the Senior Foreign Service or the
17 Senior Executive Service at the Depart-
18 ment.

19 (4) *TERMS.*—Each member of the Board shall be
20 appointed for a term of 3 years, except that of the
21 members first appointed—

22 (A) 4 members shall be appointed for a
23 term of 3 years;

24 (B) 4 members shall be appointed for a
25 term of 2 years; and

1 (C) 4 members shall be appointed for a
2 term of 1 year.

3 (5) CHAIRPERSON; VICE CHAIRPERSON.—

4 (A) APPROVAL.—The Chairperson and Vice
5 Chairperson of the Board shall be approved by
6 the Secretary of State based upon a rec-
7 ommendation from the members of the Board.

8 (B) SERVICE.—The Chairperson and Vice
9 Chairperson shall serve at the discretion of the
10 Secretary.

11 (6) MEETINGS.—The Board shall meet—

12 (A) at the call of the Director of the Foreign
13 Service Institute and the Chairperson; and

14 (B) not fewer than 2 times per year.

15 (7) COMPENSATION.—Each member of the Board
16 shall serve without compensation, except that a mem-
17 ber of the Board shall be allowed travel expenses, in-
18 cluding per diem in lieu of subsistence, at rates au-
19 thorized for employees of agencies under subchapter I
20 of chapter 57 of title 5, United States Code, while
21 away from their homes or regular places of business
22 in the performance of service for the Board. Notwith-
23 standing section 1342 of title 31, United States Code,
24 the Secretary may accept the voluntary and uncom-
25 pensated service of members of the Board.

1 (8) *APPLICABILITY OF FEDERAL ADVISORY COM-*
2 *MITTEE ACT.—The Federal Advisory Committee Act*
3 *(5 U.S.C. App.) shall apply to the Board established*
4 *under this subsection.*

5 (f) *ESTABLISHMENT OF PROVOST OF THE FOREIGN*
6 *SERVICE INSTITUTE.—*

7 (1) *ESTABLISHMENT.—There is established in*
8 *the Foreign Service Institute the position of Provost.*

9 (2) *APPOINTMENT; REPORTING.—The Provost*
10 *shall—*

11 (A) *be appointed by the Secretary; and*

12 (B) *report to the Director of the Foreign*
13 *Service Institute.*

14 (3) *QUALIFICATIONS.—The Provost, who should*
15 *be a member of the Senior Executive Service, shall*
16 *have—*

17 (A) *experience in the field of diplomacy, na-*
18 *tional security, education, management, leader-*
19 *ship, economics, history, trade, adult education,*
20 *or technology; and*

21 (B) *significant experience outside the De-*
22 *partment, whether in other national security*
23 *agencies or in the private sector, and preferably*
24 *in positions of authority in educational institu-*
25 *tions or the field of professional development and*

1 *mid-career training with oversight for the eval-*
2 *uation of academic programs.*

3 (4) *DUTIES.—The Provost shall—*

4 (A) *oversee, review, evaluate, and coordinate*
5 *the academic curriculum for all courses taught*
6 *and administered by the Foreign Service Insti-*
7 *tute; and*

8 (B) *coordinate the development of an eval-*
9 *uation system to ascertain the utility of the in-*
10 *formation and skills imparted by each such*
11 *course, such that, to the extent practicable, per-*
12 *formance assessments can be included in the per-*
13 *sonnel records maintained by the Bureau of*
14 *Global Talent Management and utilized in For-*
15 *oreign Service Selection Boards.*

16 (5) *COMPENSATION.—The Provost shall receive a*
17 *salary commensurate with the rank and experience of*
18 *a member of the Senior Executive Service, as deter-*
19 *mined by the Secretary.*

20 (g) *OTHER AGENCY RESPONSIBILITIES AND OPPORTU-*
21 *NITIES FOR CONGRESSIONAL STAFF.—*

22 (1) *OTHER AGENCIES.—National security agen-*
23 *cies other than the Department should be afforded the*
24 *ability to increase the enrollment of their personnel in*
25 *courses at the Foreign Service Institute and other*

1 *training and professional development facilities of the*
2 *Department to promote a whole-of-government ap-*
3 *proach to mitigating national security challenges.*

4 (2) *CONGRESSIONAL STAFF.*—Not later than 180
5 *days after the date of the enactment of this Act, the*
6 *Secretary shall submit a report to the appropriate*
7 *committees of Congress that describes—*

8 (A) *the training and professional develop-*
9 *ment opportunities at the Foreign Service Insti-*
10 *tute and other Department facilities available to*
11 *congressional staff;*

12 (B) *the budget impacts of offering such op-*
13 *portunities to congressional staff; and*

14 (C) *potential course offerings.*

15 (h) *STRATEGY FOR ADAPTING TRAINING REQUIRE-*
16 *MENTS FOR MODERN DIPLOMATIC NEEDS.*—

17 (1) *IN GENERAL.*—Not later than 1 year after
18 *the date of the enactment of this Act, the Secretary*
19 *shall develop and submit to the appropriate commit-*
20 *tees of Congress a strategy for adapting and evolving*
21 *training requirements to better meet the Department's*
22 *current and future needs for 21st century diplomacy.*

23 (2) *ELEMENTS.*—The strategy required under
24 *paragraph (1) shall include the following elements:*

1 (A) *Integrating training requirements into*
2 *the Department's promotion policies, including*
3 *establishing educational and professional devel-*
4 *opment standards for training and attainment*
5 *to be used as a part of tenure and promotion*
6 *guidelines.*

7 (B) *Addressing multiple existing and*
8 *emerging national security challenges, includ-*
9 *ing—*

10 (i) *democratic backsliding and*
11 *authoritarianism;*

12 (ii) *countering, and assisting United*
13 *States allies to address, state-sponsored*
14 *disinformation, including through the Glob-*
15 *al Engagement Center;*

16 (iii) *cyber threats;*

17 (iv) *the aggression and malign influ-*
18 *ence of Russia, Cuba, Iran, North Korea,*
19 *the Maduro Regime, and the Chinese Com-*
20 *munist Party's multi-faceted and com-*
21 *prehensive challenge to the rules-based*
22 *order;*

23 (v) *the implications of climate change*
24 *for United States diplomacy; and*

25 (vi) *nuclear threats.*

1 (C) *An examination of the likely advantages*
2 *and disadvantages of establishing residential*
3 *training for the A-100 orientation course ad-*
4 *ministered by the Foreign Service Institute and*
5 *evaluating the feasibility of residential training*
6 *for other long-term training opportunities.*

7 (D) *An examination of the likely advan-*
8 *tages and disadvantages of establishing a press*
9 *freedom curriculum for the National Foreign Af-*
10 *airs Training Center that enables Foreign Serv-*
11 *ice officers to better understand issues of press*
12 *freedom and the tools that are available to help*
13 *protect journalists and promote freedom of the*
14 *press norms, which may include—*

15 (i) *the historic and current issues fac-*
16 *ing press freedom, including countries of*
17 *specific concern;*

18 (ii) *the Department's role in pro-*
19 *moting press freedom as an American value,*
20 *a human rights issue, and a national secu-*
21 *rity imperative;*

22 (iii) *ways to incorporate press freedom*
23 *promotion into other aspects of diplomacy;*
24 *and*

1 (iv) existing tools to assist journalists
2 in distress and methods for engaging foreign
3 governments and institutions on behalf of
4 individuals engaged in journalistic activity
5 who are at risk of harm.

6 (E) The expansion of external courses of-
7 fered by the Foreign Service Institute at aca-
8 demic institutions or professional associations on
9 specific topics, including in-person and virtual
10 courses on monitoring and evaluation, audience
11 analysis, and the use of emerging technologies in
12 diplomacy.

13 (3) UTILIZATION OF EXISTING RESOURCES.—In
14 examining the advantages and disadvantages of estab-
15 lishing a residential training program pursuant to
16 paragraph (2)(C), the Secretary shall—

17 (A) collaborate with other national security
18 departments and agencies that employ residen-
19 tial training for their orientation courses; and

20 (B) consider using the Department's For-
21 eign Affairs Security Training Center in Black-
22 stone, Virginia.

23 (i) REPORT AND BRIEFING REQUIREMENTS.—

24 (1) REPORT.—Not later than 1 year after the
25 date of the enactment of this Act, the Secretary shall

1 *submit a report to the appropriate committees of Con-*
2 *gress that includes—*

3 *(A) a strategy for broadening and deep-*
4 *ening professional development and training at*
5 *the Department, including assessing current and*
6 *future needs for 21st century diplomacy;*

7 *(B) the process used and resources needed to*
8 *implement the strategy referred to in subpara-*
9 *graph (A) throughout the Department; and*

10 *(C) the results and impact of the strategy*
11 *on the workforce of the Department, particularly*
12 *the relationship between professional development*
13 *and training and promotions for Department*
14 *personnel, and the measurement and evaluation*
15 *methods used to evaluate such results.*

16 *(2) BRIEFING.—Not later than 1 year after the*
17 *date on which the Secretary submits the report re-*
18 *quired under paragraph (1), and annually thereafter*
19 *for 2 years, the Secretary shall provide to the appro-*
20 *priate committees of Congress a briefing on the infor-*
21 *mation required to be included in the report.*

22 *(j) FOREIGN LANGUAGE MAINTENANCE INCENTIVE*
23 *PROGRAM.—*

24 *(1) AUTHORIZATION.—The Secretary is author-*
25 *ized to establish and implement an incentive pro-*

1 *gram, with a similar structure as the Foreign Lan-*
2 *guage Proficiency Bonus offered by the Department of*
3 *Defense, to encourage members of the Foreign Service*
4 *who possess language proficiency in any of the lan-*
5 *guages that qualify for additional incentive pay, as*
6 *determined by the Secretary, to maintain critical for-*
7 *ign language skills.*

8 (2) *REPORT.—Not later than 90 days after the*
9 *date of the enactment of this Act, the Secretary shall*
10 *submit a report to the appropriate committees of Con-*
11 *gress that includes a detailed plan for implementing*
12 *the program authorized under paragraph (1), includ-*
13 *ing anticipated resource requirements to carry out*
14 *such program.*

15 **SEC. 9206. FACILITATION AND ENCOURAGEMENT OF TRAIN-**
16 **ING AND PROFESSIONAL DEVELOPMENT FOR**
17 **FOREIGN SERVICE AND CIVIL SERVICE PER-**
18 **SONNEL.**

19 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
20 *that recognition throughout the Department of the value*
21 *and importance of training and professional development*
22 *for Foreign Service and Civil Service personnel is vital to*
23 *the development and maintenance by such personnel of the*
24 *skills and expertise required for the Department to con-*

1 *tribute fully and effectively to the conduct of the foreign*
2 *affairs of the United States.*

3 (b) *STUDY AND REPORT.*—

4 (1) *IN GENERAL.*—*The Secretary, in consultation*
5 *with the heads of relevant Federal agencies, shall con-*
6 *duct a study of the feasibility and cost of establishing*
7 *a diplomatic officers' reserve corps or similar mecha-*
8 *nism to augment the Department's personnel needs at*
9 *any level on a temporary or permanent basis.*

10 (2) *ELEMENTS.*—*In conducting the study re-*
11 *quired under paragraph (1), the Secretary shall con-*
12 *sider whether the diplomatic officers' reserve corps*
13 *should be modeled on the Senior Reserve Officers'*
14 *Training Corps established under chapter 103 of title*
15 *10, United States Code, to encourage the recruitment*
16 *and retention of personnel who have the critical lan-*
17 *guage skills necessary to meet the requirements of the*
18 *Foreign Service by providing financial assistance to*
19 *students studying critical languages at institutions of*
20 *higher education.*

21 (3) *REPORT.*—*Not later than 1 year after the*
22 *date of the enactment of this Act, the Secretary shall*
23 *submit a report to the appropriate congressional com-*
24 *mittees that contains the results of the study con-*
25 *ducted pursuant to paragraph (1).*

1 (c) *TRAINING AND DEVELOPMENT IN PROMOTION PRE-*
2 *CEPTS AND EVALUATION CRITERIA.*—

3 (1) *FOREIGN SERVICE.*—*The Secretary shall take*
4 *appropriate action to ensure accountability and*
5 *transparency in the evaluation of the precepts de-*
6 *scribed in section 603 of the Foreign Service Act of*
7 *1980 (22 U.S.C. 4003) upon which the selection*
8 *boards established pursuant to section 602 of such Act*
9 *(22 U.S.C. 4002) make recommendations for the pro-*
10 *motion of members of the Foreign Service under sec-*
11 *tion 601 of such Act (22 U.S.C. 4001) by affording*
12 *equal consideration to the undertaking of training,*
13 *professional development, and foreign language acqui-*
14 *sition and retention among any other objective cri-*
15 *teria considered by selection boards in making such*
16 *recommendations.*

17 (2) *CIVIL SERVICE.*—*The Secretary shall take*
18 *appropriate action to ensure that the performance*
19 *standards for any job performance appraisal system*
20 *for Civil Service personnel of the Department afford*
21 *equal consideration to the undertaking of training,*
22 *professional development, and foreign language acqui-*
23 *sition and retention among any other objective cri-*
24 *teria in the evaluation of the job performance of such*
25 *personnel.*

1 (d) *RESPONSE TO SUBORDINATE TRAINING AND DE-*
2 *VELOPMENT NEEDS IN EVALUATION OF SUPERVISOR PER-*
3 *FORMANCE.*—

4 (1) *FOREIGN SERVICE.*—*The Secretary shall take*
5 *appropriate action to ensure that the evaluation of*
6 *precepts for recommendations for promotion described*
7 *in subsection (c)(1) for members of the Foreign Serv-*
8 *ice in supervisory positions incorporates the extent to*
9 *which such members appropriately address the train-*
10 *ing and professional development needs of the per-*
11 *sonnel under their supervision.*

12 (2) *CIVIL SERVICE.*—*The Secretary shall take*
13 *appropriate action to ensure that the performance*
14 *standards described in subsection (c)(2) for Civil*
15 *Service personnel of the Department in supervisory*
16 *positions afford appropriate weight to addressing the*
17 *training and professional development needs of the*
18 *personnel under their supervision.*

19 **SEC. 9207. SECURITY CLEARANCE APPROVAL PROCESS.**

20 (a) *RECOMMENDATIONS.*—*Not later than 270 days*
21 *after the date of the enactment of this Act, the Secretary,*
22 *in coordination with the Director of National Intelligence,*
23 *shall submit recommendations to the appropriate congres-*
24 *sional committees for streamlining the security clearance*
25 *approval process within the Bureau of Diplomatic Security*

1 *so that the security clearance approval process for Civil*
2 *Service and Foreign Service applicants is completed within*
3 *6 months, on average, and within 1 year, in the vast major-*
4 *ity of cases.*

5 (b) *REPORT.*—*Not later than 90 days after the rec-*
6 *ommendations are submitted pursuant to subsection (a), the*
7 *Secretary shall submit a report to the Committee on For-*
8 *ign Relations of the Senate, the Select Committee on Intel-*
9 *ligence of the Senate, the Committee on Foreign Affairs of*
10 *the House of Representatives, and the Permanent Select*
11 *Committee on Intelligence of the House of Representatives*
12 *that—*

13 (1) *describes the status of the efforts of the De-*
14 *partment to streamline the security clearance ap-*
15 *proval process; and*

16 (2) *identifies any remaining obstacles preventing*
17 *security clearances from being completed within the*
18 *time frames set forth in subsection (a), including lack*
19 *of cooperation or other actions by other Federal de-*
20 *partments and agencies.*

21 **SEC. 9208. ADDENDUM FOR STUDY ON FOREIGN SERVICE**
22 **ALLOWANCES.**

23 (a) *IN GENERAL.*—*Not later than 180 days after the*
24 *date of the enactment of this Act, the Secretary shall submit*
25 *to the appropriate congressional committees an addendum*

1 *to the report required under section 5302 of the Department*
2 *of State Authorization Act of 2021 (division E of Public*
3 *Law 117–81), which shall be entitled the “Report on Bid-*
4 *ding for Domestic and Overseas Posts and Filling Unfilled*
5 *Positions”.* *The addendum shall be prepared using input*
6 *from the same federally funded research and development*
7 *center that prepared the analysis conducted for the purposes*
8 *of such report.*

9 **(b) ELEMENTS.**—*The addendum required under sub-*
10 *section (a) shall include—*

11 (1) *the total number of domestic and overseas po-*
12 *sitions open during the most recent summer bidding*
13 *cycle;*

14 (2) *the total number of bids each position re-*
15 *ceived;*

16 (3) *the number of unfilled positions at the con-*
17 *clusion of the most recent summer bidding cycle,*
18 *disaggregated by bureau; and*

19 (4) *detailed recommendations and a timeline*
20 *for—*

21 (A) *increasing the number of qualified bid-*
22 *ders for underbid positions; and*

23 (B) *minimizing the number of unfilled posi-*
24 *tions at the end of the bidding season.*

1 **SEC. 9209. CURTAILMENTS, REMOVALS FROM POST, AND**
2 **WAIVERS OF PRIVILEGES AND IMMUNITIES.**

3 *(a) CURTAILMENTS REPORT.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of the enactment of this Act, and every 180*
6 *days thereafter, the Secretary shall submit a report to*
7 *the appropriate congressional committees regarding*
8 *curtailments of Department personnel from overseas*
9 *posts.*

10 *(2) CONTENTS.—The Secretary shall include in*
11 *the report required under paragraph (1)—*

12 *(A) relevant information about any post*
13 *that, during the 6-month period preceding the re-*
14 *port—*

15 *(i) had more than 5 curtailments; or*
16 *(ii) had curtailments representing*
17 *more than 5 percent of Department per-*
18 *sonnel at such post; and*

19 *(B) for each post referred to in subpara-*
20 *graph (A), the number of curtailments,*
21 *disaggregated by month of occurrence.*

22 *(C) ADDITIONAL CONTENTS FOR INITIAL RE-*
23 *PORT.—The initial report submitted pursuant to*
24 *paragraph (1) shall identify—*

25 *(i) the number of curtailments at the*
26 *Deputy Chief of Mission or Principal Offi-*

1 *cer level for each of the previous 5 years;*

2 *and*

3 *(ii) to the extent practicable—*

4 *(I) the number of such curtail-*
5 *ments that were voluntary and the*
6 *number of such curtailments that were*
7 *involuntary; and*

8 *(II) the number of those curtailed*
9 *who left the service within 1 year after*
10 *such curtailment.*

11 *(b) REMOVAL OF DIPLOMATS.—Not later than 20 days*
12 *after the date on which any United States personnel under*
13 *Chief of Mission authority is declared persona non grata*
14 *by a host government, the Secretary shall—*

15 *(1) notify the Committee on Foreign Relations of*
16 *the Senate, the Select Committee on Intelligence of the*
17 *Senate, the Committee on Foreign Affairs of the*
18 *House of Representatives, and the Permanent Select*
19 *Committee on Intelligence of the House of Representa-*
20 *tives of such declaration; and*

21 *(2) include with such notification—*

22 *(A) the official reason for such declaration*
23 *(if provided by the host government);*

24 *(B) the date of the declaration; and*

1 (C) *whether the Department responded by*
2 *declaring a host government's diplomat in the*
3 *United States persona non grata.*

4 (c) *WAIVER OF PRIVILEGES AND IMMUNITIES.—Not*
5 *later than 15 days after any waiver of privileges and im-*
6 *munities pursuant to the Vienna Convention on Diplomatic*
7 *Relations, done at Vienna April 18, 1961, that is applicable*
8 *to an entire diplomatic post or to the majority of United*
9 *States personnel under Chief of Mission authority, the Sec-*
10 *retary shall notify the appropriate congressional commit-*
11 *tees of such waiver and the reason for such waiver.*

12 (d) *TERMINATION.—This section shall terminate on*
13 *the date that is 5 years after the date of the enactment of*
14 *this Act.*

15 **SEC. 9210. REPORT ON WORLDWIDE AVAILABILITY.**

16 (a) *IN GENERAL.—Not later than 270 days after the*
17 *date of the enactment of this Act, the Secretary shall submit*
18 *a report to the appropriate congressional committees on the*
19 *feasibility of requiring that each member of the Foreign*
20 *Service, at the time of entry into the Foreign Service and*
21 *thereafter, be worldwide available, as determined by the*
22 *Secretary.*

23 (b) *CONTENTS.—The report required under subsection*
24 (i) *shall include—*

1 (1) *the feasibility of a worldwide availability re-*
2 *quirement for all members of the Foreign Service;*

3 (2) *considerations if such a requirement were to*
4 *be implemented, including the potential effect on re-*
5 *ruitment and retention; and*

6 (3) *recommendations for exclusions and limita-*
7 *tions, including exemptions for medical reasons, dis-*
8 *ability, and other circumstances.*

9 **SEC. 9211. PROFESSIONAL DEVELOPMENT.**

10 (a) *REQUIREMENTS.—The Secretary shall strongly en-*
11 *courage that Foreign Service officers seeking entry into the*
12 *Senior Foreign Service participate in professional develop-*
13 *ment described in subsection (c).*

14 (b) *REQUIREMENTS.—Not later than 180 days after*
15 *the date of the enactment of this Act, the Secretary shall*
16 *submit recommendations on requiring that Foreign Service*
17 *officers complete professional development described in sub-*
18 *section (c) to be eligible for entry into the Senior Foreign*
19 *Service.*

20 (c) *PROFESSIONAL DEVELOPMENT DESCRIBED.—Pro-*
21 *fessional development described in this subsection is not less*
22 *than 6 months of training or experience outside of the De-*
23 *partment, including time spent—*

1 (1) *as a detailee to another government agency,*
2 *including Congress or a State, Tribal, or local govern-*
3 *ment; or*

4 (2) *in Department-sponsored and -funded uni-*
5 *versity training that results in an advanced degree,*
6 *excluding time spent at a university that is fully*
7 *funded or operated by the Federal Government.*

8 (d) *PROMOTION PRECEPTS.—The Secretary shall in-*
9 *struct promotion boards to consider positively long-term*
10 *training and out-of-agency detail assignments as described*
11 *in this section.*

12 **SEC. 9212. MANAGEMENT ASSESSMENTS AT DIPLOMATIC**
13 **AND CONSULAR POSTS.**

14 (a) *IN GENERAL.—Beginning not later than 1 year*
15 *after the date of the enactment of this Act, the Secretary*
16 *shall annually conduct, at each diplomatic and consular*
17 *post, a voluntary survey, which shall be offered to all staff*
18 *assigned to that post who are citizens of the United States*
19 *(excluding the Chief of Mission) to assess the management*
20 *and leadership of that post by the Chief of Mission, the Dep-*
21 *uty Chief of Mission, and the Charge d’Affaires.*

22 (b) *ANONYMITY.—All responses to the survey shall be—*

23 (1) *fully anonymized; and*

24 (2) *made available to the Director General of the*
25 *Foreign Service.*

1 (c) *SURVEY.*—*The survey shall seek to assess—*

2 (1) *the general morale at post;*

3 (2) *the presence of any hostile work environment;*

4 (3) *the presence of any harassment, discrimina-*
5 *tion, retaliation, or other mistreatment; and*

6 (4) *effective leadership and collegial work envi-*
7 *ronment.*

8 (d) *DIRECTOR GENERAL RECOMMENDATIONS.*—*Upon*
9 *compilation and review of the surveys, the Director General*
10 *of the Foreign Service shall issue recommendations to posts,*
11 *as appropriate, based on the findings of the surveys.*

12 (e) *REFERRAL.*—*If the surveys reveal any action that*
13 *is grounds for referral to the Inspector General of the De-*
14 *partment of State and the Foreign Service, the Director*
15 *General of the Foreign Service may refer the matter to the*
16 *Inspector General of the Department of State and the For-*
17 *eign Service, who shall, as the Inspector General considers*
18 *appropriate, conduct an inspection of the post in accord-*
19 *ance with section 209(b) of the Foreign Service Act of 1980*
20 *(22 U.S.C. 3929(b)).*

21 (f) *ANNUAL REPORT.*—*The Director General of the*
22 *Foreign Service shall submit an annual report to the appro-*
23 *priate congressional committees that includes—*

24 (1) *any trends or summaries from the surveys;*

1 (2) *the posts where corrective action was rec-*
2 *ommended or taken in response to any issues identi-*
3 *fied by the surveys; and*

4 (3) *the number of referrals to the Inspector Gen-*
5 *eral of the Department of State and the Foreign Serv-*
6 *ice, as applicable.*

7 (g) *INITIAL BASIS.—The surveys and reports required*
8 *under this section shall be carried out on an initial basis*
9 *for the 5-year period beginning on the date of the enactment*
10 *of this Act.*

11 **SEC. 9213. INDEPENDENT REVIEW OF PROMOTION POLI-**
12 **CIES.**

13 *Not later than 18 months after the date of the enact-*
14 *ment of this Act, the Comptroller General of the United*
15 *States shall conduct a comprehensive review of the policies,*
16 *personnel, organization, and processes related to promotions*
17 *within the Department, including—*

18 (1) *a review of—*

19 (A) *the selection and oversight of Foreign*
20 *Service promotion panels; and*

21 (B) *the use of quantitative data and metrics*
22 *in such panels;*

23 (2) *an assessment of the promotion practices of*
24 *the Department, including how promotion processes*

1 *are communicated to the workforce and appeals pro-*
2 *cesses; and*

3 *(3) recommendations for improving promotion*
4 *panels and promotion practices.*

5 **SEC. 9214. THIRD PARTY VERIFICATION OF PERMANENT**
6 **CHANGE OF STATION (PCS) ORDERS.**

7 *Not later than 180 days after the date of the enactment*
8 *of this Act, the Secretary shall establish a mechanism for*
9 *third parties to verify the employment of, and the validity*
10 *of permanent change of station (PCS) orders received by,*
11 *members of the Foreign Service, in a manner that protects*
12 *the safety, security, and privacy of sensitive employee infor-*
13 *mation.*

14 **SEC. 9215. POST-EMPLOYMENT RESTRICTIONS ON SENATE-**
15 **CONFIRMED OFFICIALS AT THE DEPARTMENT**
16 **OF STATE.**

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

19 *(1) Congress and the executive branch have rec-*
20 *ognized the importance of preventing and mitigating*
21 *the potential for conflicts of interest following govern-*
22 *ment service, including with respect to senior United*
23 *States officials working on behalf of foreign govern-*
24 *ments; and*

1 (2) *Congress and the executive branch should*
2 *jointly evaluate the status and scope of post-employ-*
3 *ment restrictions.*

4 (b) *RESTRICTIONS.—Section 1 of the State Depart-*
5 *ment Basic Authorities Act of 1956 (22 U.S.C. 2651a) is*
6 *amended by adding at the end the following:*

7 “(m) *EXTENDED POST-EMPLOYMENT RESTRICTIONS*
8 *FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—*

9 “(1) *DEFINITIONS.—In this subsection:*

10 “(A) *COUNTRY OF CONCERN.—The term*
11 *‘country of concern’ means—*

12 “(i) *the People’s Republic of China;*

13 “(ii) *the Russian Federation;*

14 “(iii) *the Islamic Republic of Iran;*

15 “(iv) *the Democratic People’s Republic*
16 *of Korea;*

17 “(v) *the Republic of Cuba; and*

18 “(vi) *the Syrian Arab Republic.*

19 “(B) *FOREIGN GOVERNMENT ENTITY.—The*
20 *term ‘foreign governmental entity’ includes—*

21 “(i) *any person employed by—*

22 “(I) *any department, agency, or*
23 *other entity of a foreign government at*
24 *the national, regional, or local level;*

1 “(II) any governing party or coa-
2 lition of a foreign government at the
3 national, regional, or local level; or

4 “(III) any entity majority-owned
5 or majority-controlled by a foreign gov-
6 ernment at the national, regional, or
7 local level; and

8 “(ii) in the case of a country of con-
9 cern, any company, economic project, cul-
10 tural organization, exchange program, or
11 nongovernmental organization that is more
12 than 33 percent owned or controlled by the
13 government of such country.

14 “(C) REPRESENTATION.—The term ‘rep-
15 resentation’ does not include representation by
16 an attorney, who is duly licensed and authorized
17 to provide legal advice in a United States juris-
18 diction, of a person or entity in a legal capacity
19 or for the purposes of rendering legal advice.

20 “(2) SECRETARY OF STATE AND DEPUTY SEC-
21 RETARY OF STATE.—With respect to a person serving
22 as the Secretary of State or the Deputy Secretary of
23 State, the restrictions described in section 207(f)(1) of
24 title 18, United States Code, shall apply to any such
25 person who knowingly represents, aids, or advises a

1 *foreign governmental entity before an officer or em-*
2 *ployee of the executive branch of the United States*
3 *with the intent to influence a decision of such officer*
4 *or employee in carrying out his or her official duties*
5 *at any time after the termination of such person's*
6 *service as Secretary or Deputy Secretary.*

7 “(3) *UNDER SECRETARIES, ASSISTANT SECRE-*
8 *TARIES, AND AMBASSADORS.—With respect to a per-*
9 *son serving as an Under Secretary, Assistant Sec-*
10 *retary, or Ambassador at the Department of State or*
11 *as the United States Permanent Representative to the*
12 *United Nations, the restrictions described in section*
13 *207(f)(1) of title 18, United States Code, shall apply*
14 *to any such person who knowingly represents, aids, or*
15 *advises—*

16 “(A) *a foreign governmental entity before*
17 *an officer or employee of the executive branch of*
18 *the United States with the intent to influence a*
19 *decision of such officer or employee in carrying*
20 *out his or her official duties for 3 years after the*
21 *termination of such person's service in a position*
22 *described in this paragraph, or the duration of*
23 *the term or terms of the President who appointed*
24 *that person to their position, whichever is longer;*
25 *or*

1 “(B) a foreign governmental entity of a
2 country of concern before an officer or employee
3 of the executive branch of the United States with
4 the intent to influence a decision of such officer
5 or employee in carrying out his or her official
6 duties at any time after the termination of such
7 person’s service in a position described in this
8 paragraph.

9 “(4) *PENALTIES AND INJUNCTIONS.*—Any viola-
10 tions of the restrictions under paragraphs (2) or (3)
11 shall be subject to the penalties and injunctions pro-
12 vided for under section 216 of title 18, United States
13 Code.

14 “(5) *NOTICE OF RESTRICTIONS.*—Any person
15 subject to the restrictions under this subsection shall
16 be provided notice of these restrictions by the Depart-
17 ment of State—

18 “(A) upon appointment by the President;

19 and

20 “(B) upon termination of service with the
21 Department of State.

22 “(6) *EFFECTIVE DATE.*—The restrictions under
23 this subsection shall apply only to persons who are
24 appointed by the President to the positions referenced
25 in this subsection on or after 120 days after the date

1 *of the enactment of the Department of State Author-*
2 *ization Act of 2022.*

3 “(7) *SUNSET.*—*The restrictions under this sub-*
4 *section shall expire on the date that is 5 years after*
5 *the date of the enactment of the Department of State*
6 *Authorization Act of 2022.*”.

7 **SEC. 9216. EXPANSION OF AUTHORITIES REGARDING SPE-**
8 **CIAL RULES FOR CERTAIN MONTHLY WORK-**
9 **ERS’ COMPENSATION PAYMENTS AND OTHER**
10 **PAYMENTS.**

11 *Section 901 of division J of the Further Consolidated*
12 *Appropriations Act, 2020 (22 U.S.C. 2680b) is amended*
13 *by adding at the end the following:*

14 “(j) *EXPANSION OF AUTHORITIES.*—*The head of any*
15 *Federal agency may exercise the authorities of this section,*
16 *including to designate an incident, whether the incident oc-*
17 *curred in the United States or abroad, for purposes of sub-*
18 *paragraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the*
19 *incident affects United States Government employees of the*
20 *agency or their dependents who are not under the security*
21 *responsibility of the Secretary of State as set forth in section*
22 *103 of the Omnibus Diplomatic Security and Antiterrorism*
23 *Act of 1986 (22 U.S.C. 4802) or when operational control*
24 *of overseas security responsibility for such employees or de-*
25 *pendents has been delegated 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 of
5 State for Management shall submit a report to the appro-
6 priate congressional committees describing the implementa-
7 tion of the pilot program for lateral entry into the Foreign
8 Service required under section 404(b) of the Department of
9 State Authorities Act, Fiscal Year 2017 (Public Law 114–
10 323; 130 Stat. 1928).

11 (b) *MATTERS TO BE INCLUDED.*—The report required
12 under subsection (a) shall include—

13 (1) *the current status of implementation of the*
14 *pilot program, including a summary of concrete steps*
15 *taken by the Department to implement the pilot pro-*
16 *gram;*

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, and*
26 *past occupation;*

1 (4) *an analysis of the skills gap identified by the*
2 *Department for the use of the pilot program’s flexible-*
3 *hiring mechanism;*

4 (5) *any legal justification provided by the Office*
5 *of the Legal Adviser of the Department if the Depart-*
6 *ment did not implement the pilot program; and*

7 (6) *the estimated date by which the Department*
8 *is expected to implement the pilot program.*

9 **SEC. 9218. REPORT ON CHANGES TO THE FOREIGN SERVICE**

10 **OFFICER TEST.**

11 *Not later than December 1, 2023, the Secretary shall*
12 *submit a report to the appropriate congressional committees*
13 *describing and justifying any changes made during fiscal*
14 *years 2022 and 2023 to the Foreign Service entry process,*
15 *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 *ign Service;*

20 (2) *the use of virtual formats for any portion of*
21 *the entry process and its impacts on recruitment into*
22 *the Foreign Service; and*

23 (3) *the entities, groups, or individuals informed*
24 *of or consulted on any changes to the Foreign Service*

1 entry process during the 1-year period immediately
2 preceding the implementation of such 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 et*
6 *seq.) is amended—*

7 (1) *in section 101(b)(2) (22 U.S.C. 3901(b)(2)),*
8 *by striking “handicapping condition” and inserting*
9 *“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. 4115(b)(4)),*
17 *by striking “handicapping condition” and inserting*
18 *“disability”.*

19 **SEC. 9220. EXPANDING SCOPE OF FELLOWSHIP PROGRAMS**
20 **TO INCLUDE CIVIL SERVANTS.**

21 (a) *IN GENERAL.*—*Section 47 of the State Department*
22 *Basic Authorities Act of 1956 (22 U.S.C. 2719) is amend-*
23 *ed—*

24 (1) *in the first sentence—*

1 (A) by inserting “or the Civil Service” after
2 “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
10 fellowship program of the Department, the Secretary shall
11 submit a report to the appropriate congressional committees
12 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 after
18 the expansion of any fellowship program authorized under
19 this section, the Secretary shall submit a follow-up report
20 to the appropriate congressional committees that describes
21 how the expansion of participation in such program has
22 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 findings:

9 (1) *The Secure Embassy Construction and*
10 *Counterterrorism Act of 1999 (title VI of division A*
11 *of appendix G of Public Law 106–113) was a nec-*
12 *essary response to bombings on August 7, 1998, at the*
13 *United States embassies in Nairobi, Kenya, and in*
14 *Dar es Salaam, Tanzania, that were destroyed by si-*
15 *multaneously exploding bombs. The resulting explo-*
16 *sions killed 220 persons and injured more than 4,000*
17 *others. Twelve Americans and 40 Kenyan and Tanza-*
18 *nian employees of the United States Foreign Service*
19 *were killed in the attacks.*

20 (2) *Those bombings, followed by the expedi-*
21 *tionary diplomatic efforts in Iraq and Afghanistan,*
22 *demonstrated the need to prioritize the security of*
23 *United States posts and personnel abroad above other*
24 *considerations.*

1 (3) *Between 1999 and 2022, the risk calculus of*
2 *the Department impacted the ability of United States*
3 *diplomats around the world to advance the interests*
4 *of the United States through access to local popu-*
5 *lations, leaders, and places.*

6 (4) *America’s competitors and adversaries do not*
7 *have the same restrictions that United States dip-*
8 *lomats 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 colloca-*
13 *tion of diplomatic posts under paragraphs (2)*
14 *and (3) of section 606(a) of the Secure Embassy*
15 *Construction and Counterterrorism Act of 1999*
16 *(22 U.S.C. 4865(a)) has led to skyrocketing costs*
17 *of new embassies and consulates; and*

18 (B) *the locations of such posts have become*
19 *less desirable, creating an extremely suboptimal*
20 *nexus that further hinders United States dip-*
21 *lomats who are willing to accept more risk in*
22 *order to advance United States interests.*

23 (c) *SENSE OF CONGRESS.—It is the sense of Congress*
24 *that—*

1 (1) *the setback and collocation requirements re-*
2 *ferred to in subsection (b)(5)(A), even with available*
3 *waivers, no longer provide the security such require-*
4 *ments used to provide because of advancement in tech-*
5 *nologies, such as remote controlled drones, that can*
6 *evade walls and other such static barriers;*

7 (2) *the Department should focus on creating per-*
8 *formance security standards that—*

9 (A) *attempt to keep the setback requirements*
10 *of diplomatic posts as limited as possible; and*

11 (B) *provide diplomats access to local popu-*
12 *lations as much as possible, while still providing*
13 *a necessary level of security;*

14 (3) *collocation of diplomatic facilities is often*
15 *not feasible or advisable, particularly for public di-*
16 *plomacy spaces whose mission is to reach and be ac-*
17 *cessible to wide sectors of the public, including in*
18 *countries with repressive governments, since such*
19 *spaces are required to permit the foreign public to*
20 *enter and exit the space easily and openly;*

21 (4) *the Bureau of Diplomatic Security should—*

22 (A) *fully utilize the waiver process provided*
23 *under paragraphs (2)(B) and (3)(B) of section*
24 *606(a) of the Secure Embassy Construction and*

1 *Counterterrorism Act of 1999 (22 U.S.C.*
2 *4865(a)); and*

3 *(B) appropriately exercise such waiver*
4 *process as a tool to right-size the appropriate se-*
5 *curity footing at each diplomatic post rather*
6 *than only approving waivers in extreme cir-*
7 *cumstances;*

8 *(5) the return of great power competition re-*
9 *quires—*

10 *(A) United States diplomats to do all they*
11 *can to outperform our adversaries; and*

12 *(B) the Department to better optimize use of*
13 *taxpayer funding to advance United States na-*
14 *tional interests; and*

15 *(6) this section will better enable United States*
16 *diplomats to compete in the 21st century, while sav-*
17 *ing United States taxpayers millions in reduced*
18 *property and maintenance costs at embassies and*
19 *consulates abroad.*

20 *(d) DEFINITION OF UNITED STATES DIPLOMATIC FA-*
21 *CILITY.—Section 603 of the Secure Embassy Construction*
22 *and Counterterrorism Act of 1999 (title VI of division A*
23 *of appendix G of Public Law 106–113) is amended to read*
24 *as follows:*

1 **“SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.**

2 *“In this title, the terms ‘United States diplomatic fa-*
3 *cility’ and ‘diplomatic facility’ mean any chancery, con-*
4 *sulate, or other office that—*

5 *“(1) is considered by the Secretary of State to be*
6 *diplomatic or consular premises, consistent with the*
7 *Vienna Convention on Diplomatic Relations, done at*
8 *Vienna April 18, 1961, and the Vienna Convention*
9 *on Consular Relations, done at Vienna April 24,*
10 *1963, and was notified to the host government as*
11 *such; or*

12 *“(2) is otherwise subject to a publicly available*
13 *bilateral agreement with the host government (con-*
14 *tained in the records of the United States Department*
15 *of State) that recognizes the official status of the*
16 *United States Government personnel present at the*
17 *facility.”.*

18 *(e) GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC*
19 *FACILITIES.—*

20 *(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLO-*
21 *MACY FACILITIES.—Section 5606(a) of the Public Di-*
22 *plomacy Modernization Act of 2021 (Public Law*
23 *117–81; 22 U.S.C. 1475g note) is amended to read as*
24 *follows:*

25 *“(a) IN GENERAL.—In order to preserve public diplo-*
26 *macy facilities that are accessible to the publics of foreign*

1 *countries, not later than 180 days after the date of the en-*
2 *actment of the Secure Embassy Construction and Counter-*
3 *terrorism Act of 2022, the Secretary of State shall adopt*
4 *guidelines to collect and utilize information from each dip-*
5 *lomatic post at which the construction of a new embassy*
6 *compound or new consulate compound could result in the*
7 *closure or co-location of an American Space that is owned*
8 *and operated by the United States Government, generally*
9 *known as an American Center, or any other public diplo-*
10 *macy facility under the Secure Embassy Construction and*
11 *Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).”.*

12 (2) *SECURITY REQUIREMENTS FOR UNITED*
13 *STATES DIPLOMATIC FACILITIES.—Section 606(a) of*
14 *the Secure Embassy Construction and Counterter-*
15 *rorism Act of 1999 (22 U.S.C. 4865(a)) is amended—*

16 (A) *in paragraph (1)(A), by striking “the*
17 *threat” and inserting “a range of threats, in-*
18 *cluding that”;*

19 (B) *in paragraph (2)—*

20 (i) *in subparagraph (A)—*

21 (I) *by inserting “in a location*
22 *that has certain minimum ratings*
23 *under the Security Environment*
24 *Threat List as determined by the Sec-*

1 *retary in his or her discretion” after*
2 *“abroad”; and*

3 *(II) by inserting “, personnel of*
4 *the Peace Corps, and personnel of any*
5 *other type or category of facility that*
6 *the Secretary may identify” after*
7 *“military commander”; and*

8 *(ii) in subparagraph (B)—*

9 *(I) by amending clause (i) to read*
10 *as follows:*

11 *“(i) IN GENERAL.—Subject to clause*
12 *(ii), the Secretary of State may waive sub-*
13 *paragraph (A) if the Secretary, in consulta-*
14 *tion with, as appropriate, the head of each*
15 *agency employing personnel that would not*
16 *be located at the site, if applicable, deter-*
17 *mines that it is in the national interest of*
18 *the United States after taking account of*
19 *any considerations the Secretary in his or*
20 *her discretion considers relevant, which may*
21 *include security conditions.”; and*

22 *(II) in clause (ii), by striking*
23 *“(ii) CHANCERY OR CONSULATE*
24 *BUILDING.—” and all that follows*

1 through “15 days prior” and inserting
2 the following:

3 “(ii) CHANCERY OR CONSULATE
4 BUILDING.—Prior”; and
5 (C) in paragraph (3)—

6 (i) by amending subparagraph (A) to
7 read as follows:

8 “(A) REQUIREMENT.—

9 “(i) IN GENERAL.—Each newly ac-
10 quired United States diplomatic facility in
11 a location that has certain minimum rat-
12 ings under the Security Environment
13 Threat List as determined by the Secretary
14 of State in his or her discretion shall—

15 “(I) be constructed or modified to
16 meet the measured building blast per-
17 formance standard applicable to a dip-
18 lomatic facility sited not less than 100
19 feet from the perimeter of the property
20 on which the facility is situated; or

21 “(II) fulfill the criteria described
22 in clause (ii).

23 “(ii) ALTERNATIVE ENGINEERING
24 EQUIVALENCY STANDARD REQUIREMENT.—
25 Each facility referred to in clause (i) may,

1 *instead of meeting the requirement under*
2 *such clause, fulfill such other criteria as the*
3 *Secretary is authorized to employ to achieve*
4 *an engineering standard of security and de-*
5 *gree of protection that is equivalent to the*
6 *numerical perimeter distance setback de-*
7 *scribed in such clause seeks to achieve.”;*
8 *and*

9 *(ii) in subparagraph (B)—*

10 *(I) in clause (i)—*

11 *(aa) by striking “security*
12 *considerations permit and”;* and

13 *(bb) by inserting “after tak-*
14 *ing account of any considerations*
15 *the Secretary in his or her discre-*
16 *tion considers relevant, which*
17 *may include security conditions”*
18 *after “national interest of the*
19 *United States”;*

20 *(II) in clause (ii), by striking*
21 *“(ii) CHANCERY OR CONSULATE*
22 *BUILDING.—” and all that follows*
23 *through “15 days prior” and inserting*
24 *the following:*

1 “(i) *CHANCERY OR CONSULATE*
2 *BUILDING.—Prior*”; and
3 (III) *in clause (iii), by striking*
4 “*an annual*” and inserting “*a quar-*
5 *terly*”.

6 **SEC. 9302. DIPLOMATIC SUPPORT AND SECURITY.**

7 (a) *SHORT TITLE.—This section may be cited as the*
8 “*Diplomatic Support and Security Act of 2022*”.

9 (b) *FINDINGS.—Congress makes the following findings:*

10 (1) *A robust overseas diplomatic presence is part*
11 *of an effective foreign policy, particularly in volatile*
12 *environments where a flexible and timely diplomatic*
13 *response can be decisive in preventing and addressing*
14 *conflict.*

15 (2) *Diplomats routinely put themselves and their*
16 *families at great personal risk to serve their country*
17 *overseas where they face threats related to inter-*
18 *national terrorism, violent conflict, and public health.*

19 (3) *The Department has a remarkable record of*
20 *protecting personnel while enabling an enormous*
21 *amount of global diplomatic activity, often in unse-*
22 *ecure and remote places and facing a variety of evol-*
23 *ving risks and threats. With support from Congress,*
24 *the Department has revised policy, improved physical*
25 *security through retrofitting and replacing old facili-*

1 *ties, deployed additional security personnel and ar-*
2 *mored vehicles, and greatly enhanced training re-*
3 *quirements and training facilities, including the new*
4 *Foreign Affairs Security Training Center in Black-*
5 *stone, Virginia.*

6 *(4) Diplomatic missions rely on robust staffing*
7 *and ambitious external engagement to advance*
8 *United States interests as diverse as competing with*
9 *China's malign influence around the world, fighting*
10 *terrorism and transnational organized crime, pre-*
11 *venting and addressing violent conflict and humani-*
12 *tarian disasters, promoting United States businesses*
13 *and trade, protecting the rights of marginalized*
14 *groups, addressing climate change, and preventing*
15 *pandemic disease.*

16 *(5) Efforts to protect personnel overseas have*
17 *often resulted in inhibiting diplomatic activity and*
18 *limiting engagement between embassy personnel and*
19 *local governments and populations.*

20 *(6) Given that Congress currently provides an-*
21 *ual appropriations in excess of \$1,900,000,000 for*
22 *embassy security, construction, and maintenance, the*
23 *Department should be able to ensure a robust overseas*
24 *presence without inhibiting the ability of diplomats*
25 *to—*

1 (A) meet outside United States secured fa-
2 cilities with foreign leaders to explain, defend,
3 and advance United States priorities;

4 (B) understand and report on foreign polit-
5 ical, social, and economic conditions through
6 meeting and interacting with community offi-
7 cials outside of United States facilities;

8 (C) provide United States citizen services;
9 and

10 (D) collaborate and, at times, compete with
11 other diplomatic missions, particularly those,
12 such as that of the People's Republic of China,
13 that do not have restrictions on meeting loca-
14 tions.

15 (7) Given these stakes, Congress has a responsi-
16 bility to empower, support, and hold the Department
17 accountable for implementing an aggressive strategy
18 to ensure a robust overseas presence that mitigates po-
19 tential risks and adequately considers the myriad di-
20 rect and indirect consequences of a lack of diplomatic
21 presence.

22 (c) ENCOURAGING EXPEDITIONARY DIPLOMACY.—

23 (1) PURPOSE.—Section 102(b) of the Diplomatic
24 Security Act of 1986 (22 U.S.C. 4801(b)) is amend-
25 ed—

1 (A) by amending paragraph (3) to read as
2 follows:

3 “(3) to promote strengthened security measures,
4 institutionalize a culture of learning, and, in the case
5 of apparent gross negligence or breach of duty, rec-
6 ommend that the Secretary investigate accountability
7 for United States Government personnel with secu-
8 rity-related responsibilities under chief of mission au-
9 thority;”;

10 (B) by redesignating paragraphs (4) and
11 (5) as paragraphs (5) and (6), respectively; and

12 (C) by inserting after paragraph (3) the fol-
13 lowing:

14 “(4) to support a culture of risk management,
15 instead of risk avoidance, that enables the Depart-
16 ment of State to pursue its vital goals with full
17 knowledge that it is neither desirable nor possible for
18 the Department to avoid all risks;”.

19 (2) *BRIEFINGS ON EMBASSY SECURITY*.—Section
20 105(a)(1) of the Diplomatic Security Act (22 U.S.C.
21 4804(a)) is amended—

22 (A) by striking “any plans to open or re-
23 open a high risk, high threat post” and inserting
24 “progress towards opening or reopening a high
25 risk, high threat post, and the risk to national

1 *security of the continued closure or any suspen-*
2 *sion of operations and remaining barriers to*
3 *doing so”;*

4 (B) in subparagraph (A), by inserting “*the*
5 *risk to United States national security of the*
6 *post’s continued closure or suspension of oper-*
7 *ations,”* after “*national security of the United*
8 *States,”*; and

9 (C) in subparagraph (C), by inserting “*the*
10 *type and level of security threats such post could*
11 *encounter, and”* before “*security ‘tripwires’*”.

12 (d) *SECURITY REVIEW COMMITTEES.*—Section 301 of
13 *the Diplomatic Security Act (22 U.S.C. 4831)* is amend-
14 *ed—*

15 (1) in the section heading, by striking “**AC-**
16 **COUNTABILITY REVIEW BOARDS**” and inserting
17 “**SECURITY REVIEW COMMITTEES**”;

18 (2) in subsection (a)—

19 (A) by amending paragraph (1) to read as
20 *follows:*

21 “(1) *CONVENING THE SECURITY REVIEW COM-*
22 *MITTEE.*—*In any case of a serious security incident*
23 *involving loss of life, serious injury, or significant de-*
24 *struction of property at, or related to, a United States*
25 *Government diplomatic mission abroad (referred to in*

1 *this title as a ‘Serious Security Incident’), and in*
2 *any case of a serious breach of security involving in-*
3 *telligence activities of a foreign government directed*
4 *at a United States Government mission abroad, the*
5 *Secretary of State shall convene a Security Review*
6 *Committee, which shall issue a report providing a full*
7 *account of what occurred, consistent with section*
8 *304.”;*

9 *(B) by redesignating paragraphs (2) and*
10 *(3) as paragraphs (3) and (4), respectively;*

11 *(C) by inserting after paragraph (1) the fol-*
12 *lowing:*

13 *“(2) COMMITTEE COMPOSITION.—The Secretary*
14 *shall designate a Chairperson and may designate ad-*
15 *ditional personnel of commensurate seniority to serve*
16 *on the Security Review Committee, which shall in-*
17 *clude—*

18 *“(A) the Director of the Office of Manage-*
19 *ment Strategy and Solutions;*

20 *“(B) the Assistant Secretary responsible for*
21 *the region where the incident occurred;*

22 *“(C) the Assistant Secretary of State for*
23 *Diplomatic Security;*

24 *“(D) the Assistant Secretary of State for In-*
25 *telligence and Research;*

1 “(E) an Assistant Secretary-level represent-
2 ative from any involved United States Govern-
3 ment department or agency; and

4 “(F) other personnel determined to be nec-
5 essary or appropriate.”;

6 (D) in paragraph (3), as redesignated by
7 subclause (B)—

8 (i) in the paragraph heading, by strik-
9 ing “DEPARTMENT OF DEFENSE FACILITIES
10 AND PERSONNEL” and inserting “EXCEP-
11 TIONS TO CONVENING A SECURITY REVIEW
12 COMMITTEE”;

13 (ii) by striking “The Secretary of State
14 is not required to convene a Board in the
15 case” and inserting the following:

16 “(A) IN GENERAL.—The Secretary of State
17 is not required to convene a Security Review
18 Committee—

19 “(i) if the Secretary determines that
20 the incident involves only causes unrelated
21 to security, such as when the security at
22 issue is outside of the scope of the Secretary
23 of State’s security responsibilities under sec-
24 tion 103;

1 “(ii) if operational control of overseas
2 security functions has been delegated to an-
3 other agency in accordance with section
4 106;

5 “(iii) if the incident is a cybersecurity
6 incident and is covered by other review
7 mechanisms; or

8 “(iv) in the case”; and

9 (iii) by striking “In any such case”
10 and inserting the following:

11 “(B) DEPARTMENT OF DEFENSE INVESTIGA-
12 TIONS.—In the case of an incident described in
13 subparagraph (A)(iv)”; and

14 (E) by adding at the end the following:

15 “(5) RULEMAKING.—The Secretary of State shall
16 promulgate regulations defining the membership and
17 operating procedures for the Security Review Com-
18 mittee and provide such guidance to the Chair and
19 ranking members of the Committee on Foreign Rela-
20 tions of the Senate and the Committee on Foreign Af-
21 fairs of the House of Representatives.”;

22 (3) in subsection (b)—

23 (A) in the subsection heading, by striking
24 “BOARDS” and inserting “SECURITY REVIEW
25 COMMITTEES”; and

1 (B) by amending paragraph (1) to read as
2 follows:

3 “(1) *IN GENERAL.*—*The Secretary of State shall*
4 *convene a Security Review Committee not later than*
5 *60 days after the occurrence of an incident described*
6 *in subsection (a)(1), or 60 days after the Department*
7 *first becomes aware of such an incident, whichever is*
8 *earlier, except that the 60-day period for convening a*
9 *Security Review Committee may be extended for one*
10 *additional 60-day period if the Secretary determines*
11 *that the additional period is necessary.”; and*

12 (4) by amending subsection (c) to read as fol-
13 lows:

14 “(c) *CONGRESSIONAL NOTIFICATION.*—*Whenever the*
15 *Secretary of State convenes a Security Review Committee,*
16 *the Secretary shall promptly inform the chair and ranking*
17 *member of—*

18 “(1) *the Committee on Foreign Relations of the*
19 *Senate;*

20 “(2) *the Select Committee on Intelligence of the*
21 *Senate;*

22 “(3) *the Committee on Appropriations of the*
23 *Senate;*

24 “(4) *the Committee on Foreign Affairs of the*
25 *House of Representatives;*

1 “(5) *the Permanent Select Committee on Intel-*
2 *ligence of the House of Representatives; and*

3 “(6) *the Committee on Appropriations of the*
4 *House of Representatives.*”.

5 (e) *TECHNICAL AND CONFORMING AMENDMENTS.—*
6 *Section 302 of the Diplomatic Security Act of 1986 (22*
7 *U.S.C. 4832) is amended—*

8 (1) *in the section heading, by striking “AC-*
9 *COUNTABILITY REVIEW BOARD” and inserting*
10 *“SECURITY REVIEW COMMITTEE”; and*

11 (2) *by striking “a Board” each place such term*
12 *appears and inserting “a Security Review Com-*
13 *mittee”.*

14 (f) *SERIOUS SECURITY INCIDENT INVESTIGATION*
15 *PROCESS.—Section 303 of the Diplomatic Security Act of*
16 *1986 (22 U.S.C. 4833) is amended to read as follows:*

17 **“SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION**
18 **PROCESS.**

19 “(a) *INVESTIGATION PROCESS.—*

20 “(1) *INITIATION UPON REPORTED INCIDENT.—A*
21 *United States mission shall submit an initial report*
22 *of a Serious Security Incident not later than 3 days*
23 *after such incident occurs, whenever feasible, at which*
24 *time an investigation of the incident shall be initi-*
25 *ated.*

1 “(2) *INVESTIGATION.*—Not later than 10 days
2 after the submission of a report pursuant to para-
3 graph (1), the Secretary shall direct the Diplomatic
4 Security Service to assemble an investigative team to
5 investigate the incident and independently establish
6 what occurred. Each investigation under this sub-
7 section shall cover—

8 “(A) an assessment of what occurred, who
9 perpetrated or is suspected of having perpetrated
10 the Serious Security Incident, and whether ap-
11 plicable security procedures were followed;

12 “(B) in the event the Serious Security Inci-
13 dent involved a United States diplomatic com-
14 pound, motorcade, residence, or other facility, an
15 assessment of whether adequate security counter-
16 measures were in effect based on a known threat
17 at the time of the incident;

18 “(C) if the incident involved an individual
19 or group of officers, employees, or family mem-
20 bers under Chief of Mission security responsi-
21 bility conducting approved operations or move-
22 ments outside the United States mission, an as-
23 sessment of whether proper security briefings and
24 procedures were in place and whether weighing

1 *of risk of the operation or movement took place;*
2 *and*

3 “(D) *an assessment of whether the failure of*
4 *any officials or employees to follow procedures or*
5 *perform their duties contributed to the security*
6 *incident.*

7 “(3) *INVESTIGATIVE TEAM.—The investigative*
8 *team assembled pursuant to paragraph (2) shall con-*
9 *sist of individuals from the Diplomatic Security*
10 *Service who shall provide an independent examina-*
11 *tion of the facts surrounding the incident and what*
12 *occurred. The Secretary, or the Secretary’s designee,*
13 *shall review the makeup of the investigative team for*
14 *a conflict, appearance of conflict, or lack of independ-*
15 *ence that could undermine the results of the investiga-*
16 *tion and may remove or replace any members of the*
17 *team to avoid such an outcome.*

18 “(b) *REPORT OF INVESTIGATION.—Not later than 90*
19 *days after the occurrence of a Serious Security Incident,*
20 *the investigative team investigating the incident shall pre-*
21 *pare and submit a Report of Investigation to the Security*
22 *Review Committee that includes—*

23 “(1) *a detailed description of the matters set*
24 *forth in subparagraphs (A) through (D) of subsection*
25 *(a)(2), including all related findings;*

1 “(2) a complete and accurate account of the cas-
2 ualties, injuries, and damage resulting from the inci-
3 dent; and

4 “(3) a review of security procedures and direc-
5 tives in place at the time of the incident.

6 “(c) *CONFIDENTIALITY*.—The investigative team inves-
7 tigating a Serious Security Incident shall adopt such proce-
8 dures with respect to confidentiality as determined nec-
9 essary, including procedures relating to the conduct of
10 closed proceedings or the submission and use of evidence in
11 camera, to ensure in particular the protection of classified
12 information relating to national defense, foreign policy, or
13 intelligence matters. The Director of National Intelligence
14 shall establish the level of protection required for intelligence
15 information and for information relating to intelligence
16 personnel included in the report required under subsection
17 (b). The Security Review Committee shall determine the
18 level of classification of the final report prepared pursuant
19 to section 304(b), and shall incorporate the same confiden-
20 tiality measures in such report to the maximum extent
21 practicable.”.

22 (g) *FINDINGS AND RECOMMENDATIONS OF THE SECUR-*
23 *ITY REVIEW COMMITTEE*.—Section 304 of the Diplomatic
24 Security Act of 1986 (22 U.S.C. 4834) is amended to read
25 as follows:

1 **“SEC. 304. SECURITY REVIEW COMMITTEE FINDINGS AND**
2 **REPORT.**

3 “(a) *FINDINGS.—The Security Review Committee*
4 *shall—*

5 “(1) *review the Report of Investigation prepared*
6 *pursuant to section 303(b), and all other evidence, re-*
7 *porting, and relevant information relating to a Seri-*
8 *ous Security Incident at a United States mission*
9 *abroad, including an examination of the facts and*
10 *circumstances surrounding any serious injuries, loss*
11 *of life, or significant destruction of property resulting*
12 *from the incident; and*

13 “(2) *determine, in writing—*

14 “(A) *whether the incident was security re-*
15 *lated and constituted a Serious Security Inci-*
16 *dent;*

17 “(B) *if the incident involved a diplomatic*
18 *compound, motorcade, residence, or other mission*
19 *facility—*

20 “(i) *whether the security systems, secu-*
21 *rity countermeasures, and security proce-*
22 *dures operated as intended; and*

23 “(ii) *whether such systems worked to*
24 *materially mitigate the attack or were*
25 *found to be inadequate to mitigate the*
26 *threat and attack;*

1 “(C) if the incident involved an individual
2 or group of officers conducting an approved op-
3 eration outside the mission, whether a valid
4 process was followed in evaluating the requested
5 operation and weighing the risk of the operation,
6 which determination shall not seek to assign ac-
7 countability for the incident unless the Security
8 Review Committee determines that an official
9 breached his or her duty;

10 “(D) the impact of intelligence and infor-
11 mation availability, and whether the mission
12 was aware of the general operating threat envi-
13 ronment or any more specific threat intelligence
14 or information and took that into account in on-
15 going and specific operations; and

16 “(E) any other facts and circumstances that
17 may be relevant to the appropriate security
18 management of United States missions abroad.

19 “(b) REPORT.—

20 “(1) SUBMISSION TO SECRETARY OF STATE.—
21 Not later than 60 days after receiving the Report of
22 Investigation prepared pursuant to section 303(b), the
23 Security Review Committee shall submit a report to
24 the Secretary of State that includes—

1 “(A) *the findings described in subsection*
2 *(a); and*

3 “(B) *any related recommendations.*

4 “(2) *SUBMISSION TO CONGRESS.—Not later than*
5 *90 days after receiving the report pursuant to para-*
6 *graph (1), the Secretary of State shall submit a copy*
7 *of the report to—*

8 “(A) *the Committee on Foreign Relations of*
9 *the Senate;*

10 “(B) *the Select Committee on Intelligence of*
11 *the Senate;*

12 “(C) *the Committee on Appropriations of*
13 *the Senate;*

14 “(D) *the Committee on Foreign Affairs of*
15 *the House of Representatives;*

16 “(E) *the Permanent Select Committee on*
17 *Intelligence of the House of Representatives; and*

18 “(F) *the Committee on Appropriations of*
19 *the House of Representatives.*

20 “(c) *PERSONNEL RECOMMENDATIONS.—If in the*
21 *course of conducting an investigation under section 303, the*
22 *investigative team finds reasonable cause to believe any in-*
23 *dividual described in section 303(a)(2)(D) has breached the*
24 *duty of that individual or finds lesser failures on the part*
25 *of an individual in the performance of his or her duties*

1 *related to the incident, it shall be reported to the Security*
2 *Review Committee. If the Security Review Committee finds*
3 *reasonable cause to support the determination, it shall be*
4 *reported to the Secretary for appropriate action.”.*

5 *(h) RELATION TO OTHER PROCEEDINGS.—Section 305*
6 *of the Diplomatic Security Act of 1986 (22 U.S.C. 4835)*
7 *is amended—*

8 *(1) by inserting “(a) NO EFFECT ON EXISTING*
9 *REMEDIES OR DEFENSES.—” before “Nothing in this*
10 *title”; and*

11 *(2) by adding at the end the following:*

12 *“(b) FUTURE INQUIRIES.—Nothing in this title may*
13 *be construed to preclude the Secretary of State from con-*
14 *vening a follow-up public board of inquiry to investigate*
15 *any security incident if the incident was of such magnitude*
16 *or significance that an internal process is deemed insuffi-*
17 *cient to understand and investigate the incident. All mate-*
18 *rials gathered during the procedures provided under this*
19 *title shall be provided to any related board of inquiry con-*
20 *vened by the Secretary.”.*

21 *(i) TRAINING FOR FOREIGN SERVICE PERSONNEL ON*
22 *RISK MANAGEMENT PRACTICES.—Not later than 120 days*
23 *after the date of the enactment of this Act, the Secretary*
24 *shall develop and submit a strategy to the appropriate con-*
25 *gressional committees for training and educating Foreign*

1 *Service personnel regarding appropriate risk management*
2 *practices while conducting their duties in high risk, high*
3 *threat environments that includes—*

4 (1) *plans to continue to develop and offer addi-*
5 *tional training courses, or augment existing courses,*
6 *for Department personnel regarding the conduct of*
7 *their duties in high risk, high threat environments*
8 *outside of diplomatic compounds, including for diplo-*
9 *matic personnel, such as political officers, economic*
10 *officers, and consular officers;*

11 (2) *plans to educate Senior Foreign Service per-*
12 *sonnel serving abroad, including ambassadors, chiefs*
13 *of mission, deputy chiefs of missions, and regional se-*
14 *curity officers, regarding appropriate risk manage-*
15 *ment practices to employ while evaluating requests for*
16 *diplomatic operations in high risk, high threat envi-*
17 *ronments outside of diplomatic compounds; 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 ESTABLISH-*
22 *MENT OF THE EXPEDITIONARY DIPLOMACY AWARD.—It is*
23 *the sense of Congress that the Secretary should—*

24 (1) *encourage expeditionary diplomacy, proper*
25 *risk management practices, and regular and mean-*

1 *ingful engagement with civil society at the Depart-*
2 *ment by establishing an annual award, which shall be*
3 *known as the “Expeditionary Diplomacy Award”, to*
4 *be awarded to deserving officers and employees of the*
5 *Department; and*

6 (2) *establish procedures for selecting the recipi-*
7 *ents of the Expeditionary Diplomacy Award, includ-*
8 *ing any financial terms associated with such award.*

9 (k) *PROMOTION IN THE FOREIGN SERVICE.—Section*
10 *603(b) of the Foreign Service Act of 1980 (22 U.S.C.*
11 *4003(b)) is amended—*

12 (1) *in the third sentence of the matter preceding*
13 *paragraph (1), by inserting “and when occupying po-*
14 *sitions for which the following is, to any degree, an*
15 *element of the member’s duties,” after “as the case*
16 *may be,”;*

17 (2) *in paragraph (1), by striking “when occu-*
18 *pying positions for which such willingness and abil-*
19 *ity is, to any degree, an element of the member’s du-*
20 *ties, or” and inserting a semicolon;*

21 (3) *by striking paragraph (2) and inserting the*
22 *following:*

23 “(3) *other demonstrated experience in public di-*
24 *plomacy; or”;*

1 (4) *by inserting after paragraph (1) the fol-*
2 *lowing:*

3 “(2) *a willingness and ability to regularly and*
4 *meaningfully engage with civil society and other local*
5 *actors in country;”;* and

6 (5) *by inserting after paragraph (3), as redesign-*
7 *ated, the following:*

8 “(4) *the ability to effectively manage and assess*
9 *risk associated with the conduct of diplomatic oper-*
10 *ations.”.*

11 (1) *REPORTING REQUIREMENT.—Not later than 180*
12 *days after the date of the enactment of this Act and every*
13 *180 days thereafter for the following 2 years, the Secretary*
14 *shall submit a report to the appropriate congressional com-*
15 *mittees describing the Department’s risk management ef-*
16 *forts, including information relating to—*

17 (1) *implementing this section and section 102(b)*
18 *of the Diplomatic Security Act (22 U.S.C. 4801), as*
19 *amended by subsection (c);*

20 (2) *encouraging and incentivizing appropriate*
21 *Foreign Service personnel to regularly and meaning-*
22 *fully engage with civil society and other local actors*
23 *in-country;*

24 (3) *promoting a more effective culture of risk*
25 *management and greater risk tolerance among all*

1 *Foreign Service personnel, including through addi-*
2 *tional risk management training and education op-*
3 *portunities; and*

4 *(4) incorporating the provisions of this section*
5 *into the Foreign Affairs Manual regulations and im-*
6 *plementing the Serious Security Incident Investiga-*
7 *tion Permanent Coordinating Committee established*
8 *and convened pursuant to section 302(b) of the Diplo-*
9 *matic Security Act (22 U.S.C. 4832(b)) to more close-*
10 *ly align Department procedures with the procedures*
11 *used by other Federal departments and agencies to*
12 *analyze, weigh, and manage risk.*

13 **SEC. 9303. ESTABLISHMENT OF UNITED STATES EMBASSIES**
14 **IN SOLOMON ISLANDS, KIRIBATI, AND TONGA**
15 **AND A DIPLOMATIC PRESENCE IN VANUATU.**

16 *(a) FINDINGS.—Congress makes the following findings:*

17 *(1) The Pacific Islands are vital to United*
18 *States national security and national interests in the*
19 *Indo-Pacific region and globally.*

20 *(2) The Pacific Islands region spans 15 percent*
21 *of the world's surface area and controls access to open*
22 *waters in the Central Pacific, sea lanes to the Western*
23 *Hemisphere, supply lines to United States forward-*
24 *deployed forces in East Asia, and economically im-*
25 *portant fisheries.*

1 (3) *The Pacific Islands region is home to the*
2 *State of Hawaii, 11 United States territories, United*
3 *States Naval Base Guam, and United States Ander-*
4 *sen Air Force Base.*

5 (4) *Pacific Island countries cooperate with the*
6 *United States and United States partners on mari-*
7 *time security and efforts to stop illegal, unreported,*
8 *and destructive fishing.*

9 (5) *The Pacific Islands are rich in biodiversity*
10 *and are on the frontlines of environmental challenges*
11 *and climate issues.*

12 (6) *The People's Republic of China seeks to in-*
13 *crease its influence in the Pacific Islands region, in-*
14 *cluding through infrastructure development under the*
15 *People's Republic of China's One Belt, One Road Ini-*
16 *tiative and its new security agreement with the Sol-*
17 *omon Islands.*

18 (7) *The United States closed its embassy in the*
19 *Solomon Islands in 1993.*

20 (8) *The United States Embassy in Papua New*
21 *Guinea manages the diplomatic affairs of the United*
22 *States to the Republic of Vanuatu and the Solomon*
23 *Islands, and the United States Embassy in Fiji man-*
24 *ages the diplomatic affairs of the United States to the*
25 *Republic of Kiribati and the Kingdom of Tonga.*

1 (9) *The United States requires a physical and*
2 *more robust diplomatic presence in the Republic of*
3 *Vanuatu, the Republic of Kiribati, the Solomon Is-*
4 *lands, and the Kingdom of Tonga, to ensure the phys-*
5 *ical and operational security of our efforts in those*
6 *countries to deepen relations, protect United States*
7 *national security, and pursue United States national*
8 *interests.*

9 (10) *Increasing the number of United States em-*
10 *bassies dedicated solely to a Pacific Island country*
11 *demonstrates the United States' ongoing commitment*
12 *to the region and to the Pacific Island countries.*

13 ***(b) ESTABLISHMENT OF EMBASSIES.—***

14 (1) *IN GENERAL.—As soon as possible, the Sec-*
15 *retary should—*

16 (A) *establish physical United States embas-*
17 *sies in the Republic of Kiribati and in the King-*
18 *dom of Tonga;*

19 (B) *upgrade the United States consular*
20 *agency in the Solomon Islands to an embassy;*
21 *and*

22 (C) *establish a physical United States Gov-*
23 *ernment presence in the Republic of Vanuatu.*

24 (2) *OTHER STRATEGIES.—*

1 (A) *PHYSICAL INFRASTRUCTURE.*—*In estab-*
2 *lishing embassies pursuant to paragraph (1) and*
3 *creating the physical infrastructure to ensure the*
4 *physical and operational safety of embassy per-*
5 *sonnel, the Secretary may pursue rent or pur-*
6 *chase existing buildings or co-locate personnel in*
7 *embassies of like-minded partners, such as Aus-*
8 *tralia and New Zealand.*

9 (B) *PERSONNEL.*—*In establishing a phys-*
10 *ical presence in the Republic of Vanuatu pursu-*
11 *ant to paragraph (1), the Secretary may assign*
12 *1 or more United States Government personnel*
13 *to the Republic of Vanuatu as part of the United*
14 *States mission in Papua New Guinea.*

15 (3) *WAIVER AUTHORITY.*—*The President may*
16 *waive the requirements under paragraph (1) for a pe-*
17 *riod of one year if the President determines and re-*
18 *ports to Congress in advance that such waiver is nec-*
19 *essary to protect the national security interests of the*
20 *United States.*

21 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*
22 *amounts authorized to be appropriated to the Department*
23 *of State for Embassy Security, Construction, and Mainte-*
24 *nance—*

1 (1) \$40,200,000 is authorized to be appropriated
2 for fiscal year 2023—

3 (A) to establish and maintain the 3 embas-
4 sies authorized to be established under subsection
5 (b); and

6 (B) to establish a physical United States
7 Government presence in the Republic of
8 Vanuatu;

9 (2) \$3,000,000 is authorized to be appropriated
10 for fiscal year 2024—

11 (A) to maintain such embassies; and

12 (B) to establish a physical United States
13 Government presence in the Republic of
14 Vanuatu;

15 (d) REPORT.—

16 (1) *DEFINED TERM.*—In this subsection, the
17 term “appropriate committees of Congress” means—

18 (A) the Committee on Foreign Relations of
19 the Senate;

20 (B) the Committee on Appropriations of the
21 Senate;

22 (C) the Committee on Foreign Affairs of the
23 House of Representatives; and

24 (D) the Committee on Appropriations of the
25 House of Representatives.

1 (2) *PROGRESS REPORT.*—Not later than 180
2 days following the date of the enactment of this Act,
3 the Secretary shall submit to the appropriate commit-
4 tees of Congress a report that includes—

5 (A) a description of the status of activities
6 carried out to achieve the objectives described in
7 this section;

8 (B) an estimate of when embassies and a
9 physical presence will be fully established pursu-
10 ant to subsection (b)(1); and

11 (C) an update on events in the Pacific Is-
12 lands region relevant to the establishment of
13 United States embassies, including activities by
14 the People's Republic of China.

15 (3) *REPORT ON FINAL DISPOSITION.*—Not later
16 than 2 years after the date of the enactment of this
17 Act, the Secretary shall submit a report to the appro-
18 priate committees of Congress that—

19 (A) confirms the establishment of the 3 em-
20 bassies and the physical presence required under
21 subsection (b)(1); or

22 (B) if the embassies and physical presence
23 required in subsection (b)(1) have not been estab-
24 lished, a justification for such failure to comply
25 with such requirement.

1 **TITLE XCIV—A DIVERSE WORK-**
2 **FORCE: RECRUITMENT, RE-**
3 **TENTION, AND PROMOTION**

4 **SEC. 9401. REPORT ON BARRIERS TO APPLYING FOR EM-**
5 **PLOYMENT WITH THE DEPARTMENT OF**
6 **STATE.**

7 *Not later than 120 days after the date of the enactment*
8 *of this Act, the Secretary shall submit a report to the appro-*
9 *priate congressional committees that—*

10 *(1) identifies any barriers for applicants apply-*
11 *ing for employment with the Department;*

12 *(2) provides demographic data of online appli-*
13 *cants during the most recent 3 years disaggregated by*
14 *race, ethnicity, sex, age, veteran status, disability, ge-*
15 *ographic region;*

16 *(3) assesses any barriers that exist for applying*
17 *online for employment with the Department,*
18 *disaggregated by race, ethnicity, sex, age, veteran sta-*
19 *tus, disability, geographic region; and*

20 *(4) includes recommendations for addressing any*
21 *disparities identified in the online application proc-*
22 *ess.*

1 **SEC. 9402. COLLECTION, ANALYSIS, AND DISSEMINATION**
2 **OF WORKFORCE DATA.**

3 (a) *INITIAL REPORT.*—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary shall
5 submit a report to the appropriate congressional committees
6 that includes disaggregated demographic data and other in-
7 formation regarding the diversity of the workforce of the
8 Department.

9 (b) *DATA.*—The report required under subsection (a)
10 shall include, to the maximum extent that the collection and
11 dissemination of such data can be done in a way that pro-
12 tects the confidentiality of individuals and is otherwise per-
13 missible by law—

14 (1) demographic data on each element of the
15 workforce of the Department during the 3-year period
16 ending on the date of the enactment of this Act,
17 disaggregated by rank and grade or grade-equivalent,
18 with respect to—

19 (A) individuals hired to join the workforce;

20 (B) individuals promoted, including pro-
21 motions to and within the Senior Executive
22 Service or the Senior Foreign Service;

23 (C) individuals serving as special assistants
24 in any of the offices of the Secretary of State, the
25 Deputy Secretary of State, the Counselor of the
26 Department of State, the Secretary's Policy

1 *Planning Staff, the Under Secretary of State for*
2 *Arms Control and International Security, the*
3 *Under Secretary of State for Civilian Security,*
4 *Democracy, and Human Rights, the Under Sec-*
5 *retary of State for Economic Growth, Energy,*
6 *and the Environment, the Under Secretary of*
7 *State for Management, the Under Secretary of*
8 *State for Political Affairs, and the Under Sec-*
9 *retary of State for Public Diplomacy and Public*
10 *Affairs;*

11 (D) *individuals serving in each bureau's*
12 *front office;*

13 (E) *individuals serving as detailees to the*
14 *National Security Council;*

15 (F) *individuals serving on applicable selec-*
16 *tion boards;*

17 (G) *members of any external advisory com-*
18 *mittee or board who are subject to appointment*
19 *by individuals at senior positions in the Depart-*
20 *ment;*

21 (H) *individuals participating in profes-*
22 *sional development programs of the Department*
23 *and the extent to which such participants have*
24 *been placed into senior positions within the De-*
25 *partment after such participation;*

1 (I) individuals participating in mentorship
2 or retention programs; and

3 (J) individuals who separated from the
4 agency, including individuals in the Senior Ex-
5 ecutive Service or the Senior Foreign Service;

6 (2) an assessment of agency compliance with the
7 essential elements identified in Equal Employment
8 Opportunity Commission Management Directive 715,
9 effective October 1, 2003;

10 (3) data on the overall number of individuals
11 who are part of the workforce, the percentages of such
12 workforce corresponding to each element specified in
13 paragraph (1), and the percentages corresponding to
14 each rank, grade, or grade equivalent; and

15 (4) the total amount of funds spent by the De-
16 partment for the purposes of advancing diversity, eq-
17 uity, inclusion, and accessibility during each of the 4
18 previous fiscal years, disaggregated, to the extent
19 practicable, by bureau and activity, including, as
20 outlined in the Department's 2022 Diversity, Equity,
21 Inclusion and Accessibility Strategic Plan—

22 (A) workforce pay and compensation;

23 (B) recruitment, hiring, promotions, and
24 retention;

1 (C) *reasonable accommodations for dis-*
2 *ability and religion;*

3 (D) *safe workplaces; and*

4 (E) *addressing sexual harassment and dis-*
5 *crimination.*

6 (c) *EFFECTIVENESS OF DEPARTMENT EFFORTS.—The*
7 *report required under subsection (a) shall describe and as-*
8 *sess the effectiveness of the efforts of the Department—*

9 (1) *to propagate fairness, impartiality, and in-*
10 *clusion in the work environment, both domestically*
11 *and abroad;*

12 (2) *to enforce anti-harassment and anti-dis-*
13 *crimination policies, both domestically and at posts*
14 *overseas;*

15 (3) *to refrain from engaging in unlawful dis-*
16 *crimination in any phase of the employment process,*
17 *including recruitment, hiring, evaluation, assign-*
18 *ments, promotion, retention, and training;*

19 (4) *to prevent retaliation against employees for*
20 *participating in a protected equal employment oppor-*
21 *tunity activity or for reporting sexual harassment or*
22 *sexual assault;*

23 (5) *to provide reasonable accommodation for*
24 *qualified employees and applicants with disabilities;*

25 (6) *to recruit a representative workforce by—*

1 (A) *recruiting women, persons with disabili-*
2 *ties, and minorities;*

3 (B) *recruiting at women's colleges, histori-*
4 *cally Black colleges and universities, minority-*
5 *serving institutions, and other institutions serv-*
6 *ing a significant percentage of minority stu-*
7 *dents;*

8 (C) *placing job advertisements in news-*
9 *papers, magazines, and job sites oriented toward*
10 *women and minorities;*

11 (D) *sponsoring and recruiting at job fairs*
12 *in urban and rural communities and at land-*
13 *grant colleges or universities;*

14 (E) *providing opportunities through the*
15 *Foreign Service Internship Program under chap-*
16 *ter 12 of the Foreign Service Act of 1980 (22*
17 *U.S.C. 4141 et seq.), and other hiring initiatives;*

18 (F) *recruiting mid-level and senior-level*
19 *professionals through programs designed to in-*
20 *crease representation in international affairs of*
21 *people belonging to traditionally underrep-*
22 *resented groups;*

23 (G) *offering the Foreign Service written and*
24 *oral assessment examinations in several locations*
25 *throughout the United States or via online plat-*

1 *forms to reduce the burden of applicants having*
2 *to travel at their own expense to take either or*
3 *both such examinations;*

4 *(H) expanding the use of paid internships;*
5 *and*

6 *(I) supporting recruiting and hiring oppor-*
7 *tunities through—*

8 *(i) the Charles B. Rangel International*
9 *Affairs Fellowship Program;*

10 *(ii) the Thomas R. Pickering Foreign*
11 *Affairs Fellowship Program; and*

12 *(iii) other initiatives, including agen-*
13 *cy-wide policy initiatives; and*

14 *(7) to ensure transparency and accountability in*
15 *the work of the Chief Diversity and Inclusion Officer*
16 *and the Secretary's Office of Diversity and Inclusion,*
17 *particularly by—*

18 *(A) avoiding any duplication of existing di-*
19 *versity, equity, inclusion, and accessibility ef-*
20 *forts, including with the Bureau of Global Talent*
21 *Management, the Office of Civil Rights, and*
22 *other Department offices; and*

23 *(B) requiring measurable impacts in hir-*
24 *ing, retention, and other aspects of the Diversity,*

1 *Equity, Inclusion and Accessibility Strategic*
2 *Plan.*

3 *(d) ANNUAL REPORT.—*

4 *(1) IN GENERAL.—Not later than 1 year after*
5 *the publication of the report required under subsection*
6 *(a), and annually thereafter for the following 5 years,*
7 *the Secretary shall submit a report to the appropriate*
8 *congressional committees, and make such report*
9 *available on the Department’s website, that includes,*
10 *without compromising the confidentiality of individ-*
11 *uals and to the extent otherwise consistent with law—*

12 *(A) disaggregated demographic data, to the*
13 *maximum extent that collection of such data is*
14 *permissible by law, relating to the workforce and*
15 *information on the status of diversity and inclu-*
16 *sion efforts of the Department;*

17 *(B) an analysis of applicant flow data, to*
18 *the maximum extent that collection of such data*
19 *is permissible by law; and*

20 *(C) disaggregated demographic data relat-*
21 *ing to participants in professional development*
22 *programs of the Department and the rate of*
23 *placement into senior positions for participants*
24 *in such programs.*

1 (2) *COMBINATION WITH OTHER ANNUAL RE-*
2 *PORT.—The report required under paragraph (1)*
3 *may be combined with another annual report re-*
4 *quired by law, to the extent practicable.*

5 **SEC. 9403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS**
6 **AND ASSISTANCE.**

7 (a) *PURPOSE.—The purposes of this section are—*

8 (1) *to advance the values and interests of the*
9 *United States overseas through programs that foster*
10 *innovation, competitiveness, and a plethora of back-*
11 *grounds, views, and experience in the formulation*
12 *and implementation of United States foreign policy*
13 *and assistance; and*

14 (2) *to create opportunities for specialized re-*
15 *search, education, training, professional development,*
16 *and leadership opportunities for individuals belong-*
17 *ing to an underrepresented group within the Depart-*
18 *ment and USAID.*

19 (b) *STUDY.—*

20 (1) *IN GENERAL.—The Secretary and the Ad-*
21 *ministrator of USAID shall conduct a study on the*
22 *feasibility of establishing Centers of Excellence in*
23 *Foreign Affairs and Assistance (referred to in this*
24 *section as the “Centers of Excellence”) within institu-*
25 *tions that serve individuals belonging to an underrep-*

1 *resented group to focus on 1 or more of the areas de-*
2 *scribed in paragraph (2).*

3 (2) *ELEMENTS.—In conducting the study re-*
4 *quired under paragraph (1), the Secretary and the*
5 *Administrator, respectively, shall consider—*

6 (A) *opportunities to enter into public-pri-*
7 *vate partnerships that will—*

8 (i) *increase interest in foreign affairs*
9 *and foreign assistance Federal careers;*

10 (ii) *prepare an assorted cadre of stu-*
11 *dents (including nontraditional, mid-career,*
12 *part-time, and heritage students) and non-*
13 *profit or business professionals with the*
14 *skills and education needed to meaningfully*
15 *contribute to the formulation and execution*
16 *of United States foreign policy and assist-*
17 *ance;*

18 (iii) *support the conduct of research,*
19 *education, and extension programs that re-*
20 *fect a wide range of perspectives and views*
21 *of world regions and international affairs—*

22 (I) *to assist in the development of*
23 *regional and functional foreign policy*
24 *skills;*

1 (II) to strengthen international
2 development and humanitarian assist-
3 ance programs; and

4 (III) to strengthen democratic in-
5 stitutions and processes in policy-
6 making, including in education,
7 health, wealth, justice, and other sec-
8 tors;

9 (iv) enable domestic and international
10 educational, internship, fellowship, faculty
11 exchange, training, employment or other in-
12 novative programs to acquire or strengthen
13 knowledge of foreign languages, cultures, so-
14 cieties, and international skills and perspec-
15 tives;

16 (v) support collaboration among insti-
17 tutions of higher education, including com-
18 munity colleges, nonprofit organizations,
19 and corporations, to strengthen the engage-
20 ment between experts and practitioners in
21 the foreign affairs and foreign assistance
22 fields; and

23 (vi) leverage additional public-private
24 partnerships with nonprofit organizations,
25 foundations, corporations, institutions of

1 *higher education, and the Federal Govern-*
2 *ment; and*

3 *(B) budget and staffing requirements, in-*
4 *cluding appropriate sources of funding, for the*
5 *establishment and conduct of operations of such*
6 *Centers of Excellence.*

7 *(c) REPORT.—Not later than 120 days after the date*
8 *of the enactment of this Act, the Secretary shall submit a*
9 *report to the appropriate congressional committees that*
10 *contains the findings of the study conducted pursuant to*
11 *subsection (b).*

12 **SEC. 9404. PROMOTING TRANSPARENCY AND ACCOUNT-**
13 **ABILITY IN THE DEPARTMENT OF STATE**
14 **WORKFORCE.**

15 *(a) IN GENERAL.—The Secretary should establish a*
16 *mechanism to ensure that appointments or details of De-*
17 *partment career employees to staff positions in the Office*
18 *of the Secretary, the Office of the Deputy Secretary of State,*
19 *the Office of the Counselor of the Department, any office*
20 *of the Secretary's Policy Planning Staff, and any office of*
21 *an Under Secretary of State, and details to the National*
22 *Security Council, are transparent, competitive, inclusive,*
23 *and merit-based.*

24 *(b) REPORT.—Not later than 90 days after the date*
25 *of the enactment of this Act, the Secretary shall submit a*

1 *report to the appropriate congressional committees regard-*
2 *ing the mechanism established pursuant to subsection (a).*

3 (c) *AVAILABILITY.—The Secretary shall—*

4 (1) *use transparent, competitive, inclusive, and*
5 *merit-based processes for appointments and details to*
6 *the staff positions specified in subsection (a); and*

7 (2) *ensure that such positions are equally avail-*
8 *able to all employees of the Civil Service and the For-*
9 *ign Service of the Department.*

10 **SEC. 9405. RULE OF CONSTRUCTION.**

11 *Nothing in this title may be construed as altering ex-*
12 *isting law regarding merit system principles.*

13 **TITLE XCV—INFORMATION SE-**
14 **CURITY AND CYBER DIPLO-**
15 **MACY**

16 **SEC. 9501. UNITED STATES INTERNATIONAL CYBERSPACE**
17 **POLICY.**

18 (a) *IN GENERAL.—It is the policy of the United*
19 *States—*

20 (1) *to work internationally to promote an open,*
21 *interoperable, reliable, and secure internet governed*
22 *by the multi-stakeholder model, which—*

23 (A) *promotes democracy, the rule of law,*
24 *and human rights, including freedom of expres-*
25 *sion;*

1 (B) supports the ability to innovate, com-
2 municate, and promote economic prosperity; and

3 (C) is designed to protect privacy and
4 guard against deception, malign influence, in-
5 citement to violence, harassment and abuse,
6 fraud, and theft;

7 (2) to encourage and aid United States allies
8 and partners in improving their own technological
9 capabilities and resiliency to pursue, defend, and pro-
10 tect shared interests and values, free from coercion
11 and external pressure; and

12 (3) in furtherance of the efforts described in
13 paragraphs (1) and (2)—

14 (A) to provide incentives to the private sec-
15 tor to accelerate the development of the tech-
16 nologies referred to in such paragraphs;

17 (B) to modernize and harmonize with allies
18 and partners export controls and investment
19 screening regimes and associated policies and
20 regulations; and

21 (C) to enhance United States leadership in
22 technical standards-setting bodies and avenues
23 for developing norms regarding the use of digital
24 tools.

1 **(b) IMPLEMENTATION.**—*In implementing the policy*
2 *described in subsection (a), the President, in consultation*
3 *with outside actors, as appropriate, including private sector*
4 *companies, nongovernmental organizations, security re-*
5 *searchers, and other relevant stakeholders, in the conduct*
6 *of bilateral and multilateral relations, shall strive—*

7 *(1) to clarify the applicability of international*
8 *laws and norms to the use of information and com-*
9 *munications technology (referred to in this subsection*
10 *as “ICT”);*

11 *(2) to reduce and limit the risk of escalation and*
12 *retaliation in cyberspace, damage to critical infra-*
13 *structure, and other malicious cyber activity that im-*
14 *pairs the use and operation of critical infrastructure*
15 *that provides services to the public;*

16 *(3) to cooperate with like-minded countries that*
17 *share common values and cyberspace policies with the*
18 *United States, including respect for human rights, de-*
19 *mocracy, and the rule of law, to advance such values*
20 *and policies internationally;*

21 *(4) to encourage the responsible development of*
22 *new, innovative technologies and ICT products that*
23 *strengthen a secure internet architecture that is acces-*
24 *sible to all;*

1 (5) *to secure and implement commitments on re-*
2 *sponsible country behavior in cyberspace, including*
3 *commitments by countries—*

4 (A) *not to conduct, or knowingly support,*
5 *cyber-enabled theft of intellectual property, in-*
6 *cluding trade secrets or other confidential busi-*
7 *ness information, with the intent of providing*
8 *competitive advantages to companies or commer-*
9 *cial sectors;*

10 (B) *to take all appropriate and reasonable*
11 *efforts to keep their territories clear of inten-*
12 *tionally wrongful acts using ICT in violation of*
13 *international commitments;*

14 (C) *not to conduct or knowingly support*
15 *ICT activity that intentionally damages or oth-*
16 *erwise impairs the use and operation of critical*
17 *infrastructure providing services to the public, in*
18 *violation of international law;*

19 (D) *to take appropriate measures to protect*
20 *the country’s critical infrastructure from ICT*
21 *threats;*

22 (E) *not to conduct or knowingly support*
23 *malicious international activity that harms the*
24 *information systems of authorized international*
25 *emergency response teams (also known as “com-*

1 *puter emergency response teams” or “cybersecu-*
2 *urity incident response teams”)* of another coun-
3 *try or authorize emergency response teams to en-*
4 *gage in malicious international activity, in vio-*
5 *lation of international law;*

6 *(F) to respond to appropriate requests for*
7 *assistance to mitigate malicious ICT activity*
8 *emanating from their territory and aimed at the*
9 *critical infrastructure of another country;*

10 *(G) not to restrict cross-border data flows or*
11 *require local storage or processing of data; and*

12 *(H) to protect the exercise of human rights*
13 *and fundamental freedoms on the internet, while*
14 *recognizing that the human rights that people*
15 *have offline also need to be protected online; and*

16 *(6) to advance, encourage, and support the devel-*
17 *opment and adoption of internationally recognized*
18 *technical standards and best practices.*

19 **SEC. 9502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.**

20 *(a) IN GENERAL.—Section 1 of the State Department*
21 *Basic Authorities Act of 1956 (22 U.S.C. 2651a), is amend-*
22 *ed—*

23 *(1) by redesignating subsections (i) and (j) as*
24 *subsection (j) and (k), respectively;*

1 (2) by redesignating subsection (h) (as added by
2 section 361(a)(1) of division FF of the Consolidated
3 Appropriations Act, 2021 (Public Law 116–260)) as
4 subsection (l); and

5 (3) by inserting after subsection (h) the fol-
6 lowing:

7 “(i) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—

8 “(1) IN GENERAL.—There is established, within
9 the Department of State, the Bureau of Cyberspace
10 and Digital Policy (referred to in this subsection as
11 the ‘Bureau’). The head of the Bureau shall have the
12 rank and status of ambassador and shall be ap-
13 pointed by the President, by and with the advice and
14 consent of the Senate.

15 “(2) DUTIES.—

16 “(A) IN GENERAL.—The head of the Bureau
17 shall perform such duties and exercise such pow-
18 ers as the Secretary of State shall prescribe, in-
19 cluding implementing the diplomatic and foreign
20 policy aspects of the policy described in section
21 9501(a) of the Department of State Authoriza-
22 tion Act of 2022.

23 “(B) DUTIES DESCRIBED.—The principal
24 duties and responsibilities of the head of the Bu-
25 reau shall, in furtherance of the diplomatic and

1 *foreign policy mission of the Department of*
2 *State, be—*

3 “(i) *to serve as the principal cyber-*
4 *space policy official within the senior man-*
5 *agement of the Department of State and as*
6 *the advisor to the Secretary of State for*
7 *cyberspace and digital issues;*

8 “(ii) *to lead, coordinate, and execute,*
9 *in coordination with other relevant bureaus*
10 *and offices, the Department of State’s diplo-*
11 *matic cyberspace, and cybersecurity efforts*
12 *(including efforts related to data privacy,*
13 *data flows, internet governance, information*
14 *and communications technology standards,*
15 *and other issues that the Secretary has as-*
16 *signed to the Bureau);*

17 “(iii) *to coordinate with relevant Fed-*
18 *eral agencies and the Office of the National*
19 *Cyber Director to ensure the diplomatic and*
20 *foreign policy aspects of the cyber strategy*
21 *in section 9501 of the Department of State*
22 *Authorization Act of 2022 and any other*
23 *subsequent strategy are implemented in a*
24 *manner that is fully integrated with the*
25 *broader strategy;*

1 “(iv) to promote an open, interoper-
2 able, reliable, and secure information and
3 communications technology infrastructure
4 globally;

5 “(v) to represent the Secretary of State
6 in interagency efforts to develop and ad-
7 vance Federal Government cyber priorities
8 and activities, including efforts to develop
9 credible national capabilities, strategies,
10 and policies to deter and counter cyber ad-
11 versaries, and carry out the purposes of title
12 V of the Department of State Authorization
13 Act of 2022;

14 “(vi) to engage civil society, the pri-
15 vate sector, academia, and other public and
16 private entities on relevant international
17 cyberspace and international information
18 and communications technology issues;

19 “(vii) to support United States Gov-
20 ernment efforts to uphold and further de-
21 velop global deterrence frameworks for mali-
22 cious cyber activity;

23 “(viii) to advise the Secretary of State
24 and coordinate with foreign governments re-
25 garding responses to national security-level

1 *cyber incidents, including coordination on*
2 *diplomatic response efforts to support allies*
3 *and partners threatened by malicious cyber*
4 *activity, in conjunction with members of the*
5 *North Atlantic Treaty Organization and*
6 *like-minded countries;*

7 *“(ix) to promote the building of foreign*
8 *capacity relating to cyberspace policy prior-*
9 *ities;*

10 *“(x) to promote an open, interoperable,*
11 *reliable, and secure information and com-*
12 *munications technology infrastructure glob-*
13 *ally and an open, interoperable, secure, and*
14 *reliable internet governed by the multi-*
15 *stakeholder model;*

16 *“(xi) to promote an international envi-*
17 *ronment for technology investments and the*
18 *internet that benefits United States eco-*
19 *nomics and national security interests;*

20 *“(xii) to promote cross-border flow of*
21 *data and combat international initiatives*
22 *seeking to impose unreasonable require-*
23 *ments on United States businesses;*

24 *“(xiii) to promote international poli-*
25 *cies to protect the integrity of United States*

1 *and international telecommunications in-*
2 *frastructure from foreign-based threats, in-*
3 *cluding cyber-enabled threats;*

4 *“(xiv) to lead engagement, in coordina-*
5 *tion with relevant executive branch agen-*
6 *cies, with foreign governments on relevant*
7 *international cyberspace, cybersecurity,*
8 *cybercrime, and digital economy issues de-*
9 *scribed in title V of the Department of State*
10 *Authorization Act of 2022;*

11 *“(xv) to promote international policies,*
12 *in coordination with the Department of*
13 *Commerce, to secure radio frequency spec-*
14 *trum in the best interests of the United*
15 *States;*

16 *“(xvi) to promote and protect the exer-*
17 *cise of human rights, including freedom of*
18 *speech and religion, through the internet;*

19 *“(xvii) to build capacity of United*
20 *States diplomatic officials to engage on*
21 *cyberspace issues;*

22 *“(xviii) to encourage the development*
23 *and adoption by foreign countries of inter-*
24 *nationally recognized standards, policies,*
25 *and best practices;*

1 “(xix) to support efforts by the Global
2 Engagement Center to counter cyber-enabled
3 information operations against the United
4 States or its allies and partners; and

5 “(xx) to conduct such other matters as
6 the Secretary of State may assign.

7 “(3) QUALIFICATIONS.—The head of the Bureau
8 should be an individual of demonstrated competency
9 in the fields of—

10 “(A) cybersecurity and other relevant cyber-
11 space and information and communications
12 technology policy issues; and

13 “(B) international diplomacy.

14 “(4) ORGANIZATIONAL PLACEMENT.—

15 “(A) INITIAL PLACEMENT.—Except as pro-
16 vided in subparagraph (B), the head of the Bu-
17 reau shall report to the Deputy Secretary of
18 State.

19 “(B) SUBSEQUENT PLACEMENT.—The head
20 of the Bureau may report to an Under Secretary
21 of State or to an official holding a higher posi-
22 tion than Under Secretary if, not later than 15
23 days before any change in such reporting struc-
24 ture, the Secretary of State—

1 “(i) consults with the Committee on
2 *Foreign Relations of the Senate and the*
3 *Committee on Foreign Affairs of the House*
4 *of Representatives; and*

5 “(ii) submits a report to such commit-
6 tees that—

7 “(I) indicates that the Secretary,
8 with respect to the reporting structure
9 of the Bureau, has consulted with and
10 solicited feedback from—

11 “(aa) other relevant Federal
12 entities with a role in inter-
13 national aspects of cyber policy;
14 and

15 “(bb) the elements of the De-
16 partment of State with responsi-
17 bility for aspects of cyber policy,
18 including the elements reporting
19 to—

20 “(AA) the Under Sec-
21 retary of State for Political
22 Affairs;

23 “(BB) the Under Sec-
24 retary of State for Civilian

1 *Security, Democracy, and*
2 *Human Rights;*

3 “*(CC) the Under Sec-*
4 *retary of State for Economic*
5 *Growth, Energy, and the En-*
6 *vironment;*

7 “*(DD) the Under Sec-*
8 *retary of State for Arms*
9 *Control and International*
10 *Security Affairs;*

11 “*(EE) the Under Sec-*
12 *retary of State for Manage-*
13 *ment; and*

14 “*(FF) the Under Sec-*
15 *retary of State for Public Di-*
16 *plomacy and Public Affairs;*

17 “*(II) describes the new reporting*
18 *structure for the head of the Bureau*
19 *and the justification for such new*
20 *structure; and*

21 “*(III) includes a plan describing*
22 *how the new reporting structure will*
23 *better enable the head of the Bureau to*
24 *carry out the duties described in para-*
25 *graph (2), including the security, eco-*

1 *conomic, and human rights aspects of*
2 *cyber diplomacy.*

3 “(5) *SPECIAL HIRING AUTHORITIES.*—*The Sec-*
4 *retary of State may—*

5 “(A) *appoint up to 25 employees to cyber*
6 *positions in the Bureau without regard to the*
7 *provisions of subchapter I of chapter 33 of title*
8 *5, United States Code, regarding appointments*
9 *in the competitive service; and*

10 “(B) *fix the rates of basic pay of such em-*
11 *ployees without regard to chapter 51 and sub-*
12 *chapter III of chapter 53 of such title regarding*
13 *classification and General Schedule pay rates,*
14 *provided that the rates for such positions do not*
15 *exceed the annual rate of basic pay in effect for*
16 *a position at level IV of the Executive Schedule*
17 *under section 5315 of title 5, United States Code.*

18 “(6) *COORDINATION.*—*In implementing the du-*
19 *ties prescribed under paragraph (2), the head of the*
20 *Bureau shall coordinate with the heads of other Fed-*
21 *eral agencies, including the Department of Commerce,*
22 *the Department of Homeland Security, and other*
23 *Federal agencies that the National Cyber Director*
24 *deems appropriate.*

1 “(7) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection may be construed—*

3 “(A) *to preclude the head of the Bureau*
4 *from being designated as an Assistant Secretary,*
5 *if such an Assistant Secretary position does not*
6 *increase the number of Assistant Secretary posi-*
7 *tions at the Department above the number au-*
8 *thorized under subsection (c)(1); or*

9 “(B) *to alter or modify the existing authori-*
10 *ties of any other Federal agency or official.”.*

11 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
12 *that the Bureau established under section 1(i) of the State*
13 *Department Basic Authorities Act of 1956, as added by sub-*
14 *section (a), should have a diverse workforce composed of*
15 *qualified individuals, including individuals belonging to an*
16 *underrepresented group.*

17 (c) *UNITED NATIONS.*—*The Permanent Representative*
18 *of the United States to the United Nations should use the*
19 *voice, vote, and influence of the United States to oppose any*
20 *measure that is inconsistent with the policy described in*
21 *section 9501(a).*

22 **SEC. 9503. INTERNATIONAL CYBERSPACE AND DIGITAL**
23 **POLICY STRATEGY.**

24 (a) *STRATEGY REQUIRED.*—*Not later than 1 year*
25 *after the date of the enactment of this Act, the President,*

1 *acting through the Secretary, and in coordination with the*
2 *heads of other relevant Federal departments and agencies,*
3 *shall develop an international cyberspace and digital policy*
4 *strategy.*

5 (b) *ELEMENTS.—The strategy required under sub-*
6 *section (a) shall include—*

7 (1) *a review of actions and activities undertaken*
8 *to support the policy described in section 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 advance
9 proposals to strengthen civilian and private
10 sector resiliency to threats and access to op-
11 portunities 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 relevant
21 Federal agencies, of new and evolving threats regard-
22 ing cyberspace from foreign adversaries, state-spon-
23 sored 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 *foreign countries, state-sponsored actors, and private ac-*
10 *tors regarding—*

11 (A) *threats in cyberspace;*

12 (B) *the degree to which such tools have been*
13 *used; and*

14 (C) *whether such tools have been effective*
15 *deterrents;*

16 (6) *a review of resources required to conduct ac-*
17 *tivities 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 budg-*
22 *etary resources, technical expertise, legal authorities,*
23 *and personnel available to the Department are ade-*
24 *quate to achieve the actions and activities undertaken*

1 *by the Department to support the policy described in*
2 *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 agencies*
10 *as the President may direct, with respect to the inclu-*
11 *sion of cyber issues in mutual defense agreements.*

12 (c) *FORM OF STRATEGY.—*

13 (1) *PUBLIC AVAILABILITY.—The strategy re-*
14 *quired under subsection (a) shall be available to the*
15 *public in unclassified form, including through publi-*
16 *cation in the Federal Register.*

17 (2) *CLASSIFIED ANNEX.—The strategy required*
18 *under subsection (a) may include a classified annex.*

19 (d) *BRIEFING.—Not later than 30 days after the com-*
20 *pletion of the strategy required under subsection (a), the*
21 *Secretary shall brief the Committee on Foreign Relations*
22 *of the Senate, the Select Committee on Intelligence of the*
23 *Senate, the Committee on Armed Services of the Senate, the*
24 *Committee on Foreign Affairs of the House of Representa-*
25 *tives, the Permanent Select Committee on Intelligence of the*

1 *House of Representatives, and the Committee on Armed*
2 *Services of the House of Representatives regarding the strat-*
3 *egy, including any material contained in a classified*
4 *annex.*

5 *(e) UPDATES.—The strategy required under subsection*
6 *(a) shall be updated—*

7 *(1) not later than 90 days after any material*
8 *change to United States policy described in such*
9 *strategy; and*

10 *(2) not later than 1 year after the inauguration*
11 *of each new President.*

12 **SEC. 9504. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
13 **ON CYBER DIPLOMACY.**

14 *Not later than 18 months after the date of the enact-*
15 *ment of this Act, the Comptroller General of the United*
16 *States shall submit a report and provide a briefing to the*
17 *appropriate congressional committees that includes—*

18 *(1) an assessment of the extent to which United*
19 *States diplomatic processes and other efforts with for-*
20 *ign countries, including through multilateral fora,*
21 *bilateral engagements, and negotiated cyberspace*
22 *agreements, advance the full range of United States*
23 *interests regarding cyberspace, including the policy*
24 *described in section 9501(a);*

1 (2) *an assessment of the Department's organiza-*
2 *tional structure and approach to managing its diplo-*
3 *matic efforts to advance the full range of United*
4 *States interests regarding cyberspace, including a re-*
5 *view 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 mis-*
10 *sion, structure, staffing, funding, and activities*
11 *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 Department*
16 *has faced or will face in establishing such Bu-*
17 *reau; and*

18 (3) *any other matters that the Comptroller Gen-*
19 *eral 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 enactment*
24 *of this Act, the Secretary, in coordination with the heads*
25 *of other relevant Federal agencies, shall submit a report to*

1 *the appropriate congressional committees that assesses the*
2 *capabilities of the Department to provide civilian-led sup-*
3 *port for acute cyber incident response in ally and partner*
4 *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 Depart-*
8 *ment 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 partners*
12 *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 Congress*
20 *that improving computer programming language pro-*
21 *ficiency will improve—*

22 (1) *the cybersecurity effectiveness of the Depart-*
23 *ment; and*

24 (2) *the ability of foreign service officers to engage*
25 *with foreign audiences on cybersecurity matters.*

1 **(b) TECHNOLOGY TALENT ACQUISITION.**—

2 **(1) ESTABLISHMENT.**—*The Secretary shall estab-*
3 *lish positions within the Bureau of Global Talent*
4 *Management that are solely dedicated to the recruit-*
5 *ment and retention of Department personnel with*
6 *backgrounds in cybersecurity, engineering, data*
7 *science, application development, artificial intel-*
8 *ligence, critical and emerging technology, and tech-*
9 *nology and digital policy.*

10 **(2) GOALS.**—*The goals of the positions described*
11 *in paragraph (1) shall be—*

12 **(A)** *to fulfill the critical need of the Depart-*
13 *ment to recruit and retain employees for cyberse-*
14 *curity, digital, and technology positions;*

15 **(B)** *to actively recruit relevant candidates*
16 *from academic institutions, the private sector,*
17 *and related industries;*

18 **(C)** *to work with the Office of Personnel*
19 *Management and the United States Digital Serv-*
20 *ice to develop and implement best strategies for*
21 *recruiting and retaining technology talent; and*

22 **(D)** *to inform and train supervisors at the*
23 *Department on the use of the authorities listed in*
24 *subsection (c)(1).*

1 (3) *IMPLEMENTATION PLAN.*—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary shall submit a plan to the appropriate con-
4 gressional committees that describes how the objectives
5 and goals set forth in paragraphs (1) and (2) will be
6 implemented.

7 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
8 There is authorized to be appropriated \$750,000 for
9 each of the fiscal years 2023 through 2027 to carry
10 out this subsection.

11 (c) *ANNUAL REPORT ON HIRING AUTHORITIES.*—Not
12 later than 1 year after the date of the enactment of this
13 Act, and annually thereafter for the following 5 years, the
14 Secretary shall submit a report to the appropriate congres-
15 sional committees that includes—

16 (1) a list of the hiring authorities available to
17 the Department to recruit and retain personnel with
18 backgrounds in cybersecurity, engineering, data
19 science, application development, artificial intel-
20 ligence, critical and emerging technology, and tech-
21 nology and digital policy;

22 (2) a list of which hiring authorities described in
23 paragraph (1) have been used during the previous 5
24 years;

1 (3) *the number of employees in qualified posi-*
2 *tions hired, aggregated by position and grade level or*
3 *pay band;*

4 (4) *the number of employees who have been*
5 *placed in qualified positions, aggregated by bureau*
6 *and offices within the Department;*

7 (5) *the rate of attrition of individuals who begin*
8 *the hiring process and do not complete the process*
9 *and a description of the reasons for such attrition;*

10 (6) *the number of individuals who are inter-*
11 *viewed by subject matter experts and the number of*
12 *individuals who are not interviewed by subject matter*
13 *experts; and*

14 (7) *recommendations for—*

15 (A) *reducing the attrition rate referred to in*
16 *paragraph (5) by 5 percent each year;*

17 (B) *additional hiring authorities needed to*
18 *acquire needed technology talent;*

19 (C) *hiring personnel to hold public trust po-*
20 *sitions until such personnel can obtain the nec-*
21 *essary security clearance; and*

22 (D) *informing and training supervisors*
23 *within the Department on the use of the authori-*
24 *ties listed in paragraph (1).*

1 (d) *INCENTIVE PAY FOR CYBERSECURITY PROFES-*
2 *SIONALS.*—*To increase the number of qualified candidates*
3 *available to fulfill the cybersecurity needs of the Depart-*
4 *ment, the Secretary shall—*

5 (1) *include computer programming languages*
6 *within the Recruitment Language Program; and*

7 (2) *provide appropriate language incentive pay.*

8 (e) *REPORT.*—*Not later than 1 year after the date of*
9 *the enactment of this Act, and annually thereafter for the*
10 *following 5 years, the Secretary shall provide a list to the*
11 *appropriate congressional committees that identifies—*

12 (1) *the computer programming languages in-*
13 *cluded within the Recruitment Language Program*
14 *and the language incentive pay rate; and*

15 (2) *the number of individuals benefitting from*
16 *the inclusion of such computer programming lan-*
17 *guages in the Recruitment Language Program and*
18 *language incentive pay.*

19 **SEC. 9507. SHORT COURSE ON EMERGING TECHNOLOGIES**
20 **FOR SENIOR OFFICIALS.**

21 (a) *IN GENERAL.*—*Not later than 1 year after the date*
22 *of the enactment of this Act, the Secretary shall develop and*
23 *begin providing, for senior officials of the Department, a*
24 *course addressing how the most recent and relevant tech-*
25 *nologies affect the activities of the Department.*

1 **(b) THROUGHPUT OBJECTIVES.**—*The Secretary should*
2 *ensure that—*

3 (1) *during the first year that the course devel-*
4 *oped pursuant to subsection (a) is offered, not fewer*
5 *than 20 percent of senior officials are certified as hav-*
6 *ing passed such course; and*

7 (2) *in each subsequent year, until the date on*
8 *which 80 percent of senior officials are certified as*
9 *having passed such course, an additional 10 percent*
10 *of senior officials are certified as having passed such*
11 *course.*

12 **SEC. 9508. ESTABLISHMENT AND EXPANSION OF REGIONAL**
13 **TECHNOLOGY OFFICER PROGRAM.**

14 **(a) REGIONAL TECHNOLOGY OFFICER PROGRAM.**—

15 (1) **ESTABLISHMENT.**—*The Secretary shall estab-*
16 *lish a program, which shall be known as the “Re-*
17 *gional Technology Officer Program” (referred to in*
18 *this section as the “Program”).*

19 (2) **GOALS.**—*The goals of the Program shall in-*
20 *clude the following:*

21 (A) *Promoting United States leadership in*
22 *technology abroad.*

23 (B) *Working with partners to increase the*
24 *deployment of critical and emerging technology*
25 *in support of democratic values.*

1 (C) *Shaping diplomatic agreements in re-*
2 *gional and international fora with respect to*
3 *critical and emerging technologies.*

4 (D) *Building diplomatic capacity for han-*
5 *dling critical and emerging technology issues.*

6 (E) *Facilitating the role of critical and*
7 *emerging technology in advancing the foreign*
8 *policy objectives of the United States through en-*
9 *gagement with research labs, incubators, and*
10 *venture capitalists.*

11 (F) *Maintaining the advantages of the*
12 *United States with respect to critical and emerg-*
13 *ing technologies.*

14 (b) *IMPLEMENTATION PLAN.*—*Not later than 180 days*
15 *after the date of the enactment of this Act, the Secretary*
16 *shall submit an implementation plan to the appropriate*
17 *congressional committees that outlines strategies for—*

18 (1) *advancing the goals described in subsection*
19 *(a)(2);*

20 (2) *hiring Regional Technology Officers and in-*
21 *creasing the competitiveness of the Program within*
22 *the Foreign Service bidding process;*

23 (3) *expanding the Program to include a min-*
24 *imum of 15 Regional Technology Officers; and*

1 (4) *assigning not fewer than 2 Regional Tech-*
2 *nology Officers to posts within—*

3 (A) *each regional bureau of the Department;*
4 *and*

5 (B) *the Bureau of International Organiza-*
6 *tion Affairs.*

7 (c) *ANNUAL BRIEFING REQUIREMENT.—Not later than*
8 *180 days after the date of the enactment of this Act, and*
9 *annually thereafter for the following 5 years, the Secretary*
10 *shall brief the appropriate congressional committees regard-*
11 *ing the status of the implementation plan required under*
12 *subsection (b).*

13 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated up to \$25,000,000 for each*
15 *of the fiscal years 2023 through 2027 to carry out this sec-*
16 *tion.*

17 **SEC. 9509. VULNERABILITY DISCLOSURE POLICY AND BUG**
18 **BOUNTY PROGRAM REPORT.**

19 (a) *DEFINITIONS.—In this section:*

20 (1) *BUG BOUNTY PROGRAM.—The term “bug*
21 *bounty program” means a program under which an*
22 *approved individual, organization, or company is*
23 *temporarily authorized to identify and report*
24 *vulnerabilities of internet-facing information tech-*

1 *nology of the Department in exchange for compensa-*
2 *tion.*

3 (2) *INFORMATION TECHNOLOGY.*—*The term “in-*
4 *formation technology” has the meaning given such*
5 *term in section 11101 of title 40, United States Code.*

6 (b) *VULNERABILITY DISCLOSURE POLICY.*—

7 (1) *IN GENERAL.*—*Not later than 180 days after*
8 *the date of the enactment of this Act, the Secretary*
9 *shall design, establish, and make publicly known a*
10 *Vulnerability Disclosure Policy (referred to in this*
11 *section as the “VDP”)* *to improve Department cyber-*
12 *security by—*

13 (A) *creating Department policy and infra-*
14 *structure to receive reports of and remediate dis-*
15 *covered vulnerabilities in line with existing poli-*
16 *cies of the Office of Management and Budget and*
17 *the Department of Homeland Security Binding*
18 *Operational Directive 20–01 or any subsequent*
19 *directive; and*

20 (B) *providing a report on such policy and*
21 *infrastructure to Congress.*

22 (2) *ANNUAL REPORTS.*—*Not later than 180 days*
23 *after the establishment of the VDP pursuant to para-*
24 *graph (1), and annually thereafter for the following*
25 *5 years, the Secretary shall submit a report on the*

1 *VDP to the Committee on Foreign Relations of the*
2 *Senate, the Committee on Homeland Security and*
3 *Governmental Affairs of the Senate, the Select Com-*
4 *mittee on Intelligence of the Senate, the Committee on*
5 *Foreign Affairs of the House of Representatives, the*
6 *Committee on Homeland Security of the House of*
7 *Representatives, and the Permanent Select Committee*
8 *on Intelligence of the House of Representatives that*
9 *includes information relating to—*

10 *(A) the number and severity of all security*
11 *vulnerabilities reported;*

12 *(B) the number of previously unidentified*
13 *security vulnerabilities remediated as a result;*

14 *(C) the current number of outstanding pre-*
15 *viously unidentified security vulnerabilities and*
16 *Department of State remediation plans;*

17 *(D) the average time between the reporting*
18 *of security vulnerabilities and remediation of*
19 *such vulnerabilities;*

20 *(E) the resources, surge staffing, roles, and*
21 *responsibilities within the Department used to*
22 *implement the VDP and complete security vul-*
23 *nerability remediation;*

24 *(F) how the VDP identified vulnerabilities*
25 *are incorporated into existing Department vul-*

1 nerability prioritization and management proc-
2 esses;

3 (G) any challenges in implementing the
4 VDP and plans for expansion or contraction in
5 the scope of the VDP across Department infor-
6 mation systems; and

7 (H) any other topic that the Secretary de-
8 termines to be relevant.

9 (c) *BUG BOUNTY PROGRAM REPORT.*—

10 (1) *IN GENERAL.*—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary
12 shall submit a report to Congress that describes any
13 ongoing efforts by the Department or a third-party
14 vendor under contract with the Department to estab-
15 lish or carry out a bug bounty program that identi-
16 fies security vulnerabilities of internet-facing infor-
17 mation technology of the Department.

18 (2) *REPORT.*—Not later than 180 days after the
19 date on which any bug bounty program is established,
20 the Secretary shall submit a report to the Committee
21 on Foreign Relations of the Senate, the Committee on
22 Homeland Security and Governmental Affairs of the
23 Senate, the Committee on Foreign Affairs of the
24 House of Representatives, and the Committee on
25 Homeland Security of the House of Representatives

1 *regarding such program, including information relat-*
2 *ing to—*

3 *(A) the number of approved individuals, or-*
4 *ganizations, or companies involved in such pro-*
5 *gram, disaggregated by the number of approved*
6 *individuals, organizations, or companies that—*

7 *(i) registered;*

8 *(ii) were approved;*

9 *(iii) submitted security vulnerabilities;*

10 *and*

11 *(iv) received compensation;*

12 *(B) the number and severity of all security*
13 *vulnerabilities reported as part of such program;*

14 *(C) the number of previously unidentified*
15 *security vulnerabilities remediated as a result of*
16 *such program;*

17 *(D) the current number of outstanding pre-*
18 *viously unidentified security vulnerabilities and*
19 *Department remediation plans for such out-*
20 *standing vulnerabilities;*

21 *(E) the average length of time between the*
22 *reporting of security vulnerabilities and remedi-*
23 *ation of such vulnerabilities;*

24 *(F) the types of compensation provided*
25 *under such program;*

1 (G) the lessons learned from such program;

2 (H) the public accessibility of contact infor-
3 mation for the Department regarding the bug
4 bounty program;

5 (I) the incorporation of bug bounty pro-
6 gram identified vulnerabilities into existing De-
7 partment vulnerability prioritization and man-
8 agement processes; and

9 (J) any challenges in implementing the bug
10 bounty program and plans for expansion or con-
11 traction in the scope of the bug bounty program
12 across Department information systems.

13 **TITLE XCVI—PUBLIC DIPLOMACY**

14 **SEC. 9601. UNITED STATES PARTICIPATION IN INTER-** 15 **NATIONAL FAIRS AND EXPOSITIONS.**

16 (a) *DEFINED TERM.*—In this section, the term “appro-
17 priate committees of Congress” means—

18 (1) the Committee on Foreign Relations of the
19 Senate;

20 (2) the Committee on Appropriations of the Sen-
21 ate;

22 (3) the Committee on Foreign Affairs of the
23 House of Representatives; and

24 (4) the Committee on Appropriations of the
25 House of Representatives.

1 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*Consistent*
2 *with section 204 of the Admiral James W. Nance and Meg*
3 *Donovan Foreign Relations Authorization Act, Fiscal Years*
4 *2000 and 2001 (22 U.S.C. 2452b), subject to subsections (c)*
5 *and (d), there is authorized to be appropriated to the De-*
6 *partment up to \$25,000,000 for each of the fiscal years 2023*
7 *and 2024 for United States participation in international*
8 *fairs and expositions abroad, including for the construction*
9 *and operation of a United States pavilion at Expo 2025*
10 *Osaka.*

11 **(c) COST-SHARE REQUIREMENT.**—*Amounts made*
12 *available pursuant to subsection (b) to the Department for*
13 *a United States pavilion or other major exhibit at an inter-*
14 *national fair or exposition abroad shall be made available*
15 *on a cost-matching basis, to the maximum extent prac-*
16 *ticable, from sources other than the United States Govern-*
17 *ment.*

18 **(d) NOTIFICATION.**—

19 **(1) IN GENERAL.**—*No funds made available pur-*
20 *suant to subsection (b) to the Department for a*
21 *United States pavilion or other major exhibit at an*
22 *international fair or exposition abroad may be obli-*
23 *gated until at least 15 days after the appropriate*
24 *committees of Congress have been notified of such in-*
25 *tended obligation.*

1 (2) *MATTERS TO BE INCLUDED.*—*Each notification*
2 *under paragraph (1) shall include—*

3 (A) *a description of the source of such*
4 *funds, including any funds reprogrammed or*
5 *transferred by the Department to be made avail-*
6 *able for such pavilion or other major exhibit*
7 *abroad;*

8 (B) *an estimate of the amount of investment*
9 *such pavilion or other major exhibit abroad*
10 *could bring to the United States; and*

11 (C) *a description of the strategy of the De-*
12 *partment to identify and obtain such matching*
13 *funds from sources other than the United States*
14 *Government, in accordance with subsection (c).*

15 (e) *FINAL REPORT.*—*Not later than 180 days after the*
16 *date on which a United States pavilion or other major ex-*
17 *hibit abroad is opened at an international fair or expo-*
18 *sition in accordance with this section, the Secretary shall*
19 *submit a report to the appropriate committees of Congress*
20 *that includes—*

21 (1) *the number of United States businesses that*
22 *participated in such pavilion or other major exhibit;*
23 *and*

24 (2) *the dollar amount and source of any match-*
25 *ing funds obtained by the Department.*

1 **SEC. 9602. UNDER SECRETARY FOR PUBLIC DIPLOMACY**
2 **AND PUBLIC AFFAIRS.**

3 (a) *FINANCIAL AND HUMAN RESOURCES COORDINA-*
4 *TION.—Section 1(b)(3) of the State Department Basic Au-*
5 *thorities Act of 1956 (22 U.S.C. 2651a) 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) *coordinate the allocation and manage-*
12 *ment of the financial and human resources for*
13 *public diplomacy, including for—*

14 “(i) *the Bureau of Educational and*
15 *Cultural Affairs;*

16 “(ii) *the Bureau of Global Public Af-*
17 *fairs;*

18 “(iii) *the Office of Policy, Planning,*
19 *and Resources for Public Diplomacy and*
20 *Public Affairs;*

21 “(iv) *the Global Engagement Center;*
22 *and*

23 “(v) *the public diplomacy functions*
24 *within the regional and functional bu-*
25 *reaus.”.*

1 **(b) SENSE OF CONGRESS ON THE IMPORTANCE OF**
2 *FILLING THE POSITION OF UNDER SECRETARY FOR PUB-*
3 *LIC DIPLOMACY AND PUBLIC AFFAIRS.—It is the sense of*
4 *Congress that since a vacancy in the position of Under Sec-*
5 *retary of State for Public Diplomacy and Public Affairs*
6 *is detrimental to the national security interests of the*
7 *United States, the President should expeditiously nominate*
8 *a qualified individual to such position whenever such va-*
9 *cancy occurs to ensure that the bureaus reporting to such*
10 *position are able to fulfill their mission of—*

11 (1) *expanding and strengthening relationships*
12 *between the people of the United States and citizens*
13 *of other countries; and*

14 (2) *engaging, informing, and understanding the*
15 *perspectives of foreign audiences.*

16 **SEC. 9603. REPORT ON PUBLIC DIPLOMACY.**

17 *Not later than 120 days after the date of the enactment*
18 *of this Act, the Secretary shall submit to the appropriate*
19 *congressional committees a report that includes—*

20 (1) *an evaluation of the May 2019 merger of the*
21 *Bureau of Public Affairs and the Bureau of Inter-*
22 *national Information Programs to form the Bureau of*
23 *Global Public Affairs with respect to—*

24 (A) *the efficacy of the current configuration*
25 *of the bureaus reporting to the Under Secretary*

1 *of State for Public Diplomacy and Public Affairs*
2 *in achieving the mission of the Department;*

3 *(B) the metrics before and after such merg-*
4 *er, including personnel data, disaggregated by*
5 *position and location, content production, opin-*
6 *ion polling, program evaluations, and media ap-*
7 *pearances;*

8 *(C) the results of a survey of public diplo-*
9 *macy practitioners to determine their opinion of*
10 *the efficacy of such merger and any adjustments*
11 *that still need to be made; and*

12 *(D) a plan for evaluating and monitoring,*
13 *not less frequently than once every 2 years, the*
14 *programs, activities, messaging, professional de-*
15 *velopment efforts, and structure of the Bureau of*
16 *Global Public Affairs, and submitting a sum-*
17 *mary of each such evaluation to the appropriate*
18 *congressional committees; and*

19 *(2) a review of recent outside recommendations*
20 *for modernizing diplomacy at the Department with*
21 *respect to public diplomacy efforts, including—*

22 *(A) efforts in each of the bureaus reporting*
23 *to the Under Secretary of State for Public Diplo-*
24 *macy and Public Affairs to address issues of di-*
25 *versity and inclusion in their work, structure,*

1 *data collection, programming, and personnel, in-*
2 *cluding any collaboration with the Chief Diver-*
3 *sity and Inclusion Officer;*

4 *(B) proposals to collaborate with think*
5 *tanks and academic institutions working on*
6 *public diplomacy issues to implement recent out-*
7 *side recommendations; and*

8 *(C) additional authorizations and appro-*
9 *priations necessary to implement such rec-*
10 *ommendations.*

11 **SEC. 9604. PROMOTING PEACE, EDUCATION, AND CULTURAL**
12 **EXCHANGE THROUGH MUSIC DIPLOMACY.**

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

15 *(1) music is an important conveyer of culture*
16 *and can be used to communicate values and build un-*
17 *derstanding between communities;*

18 *(2) musical artists play a valuable role in cross-*
19 *cultural exchange, and their works and performances*
20 *can promote peacebuilding and conflict resolution ef-*
21 *forts;*

22 *(3) the music industry in the United States has*
23 *made important contributions to American society*
24 *and culture, and musicians and industry profes-*

1 *sionals in the United States can offer valuable exper-*
2 *tise to young musical artists around the world; and*

3 *(4) the United States Government should pro-*
4 *mote exchange programs, especially programs that le-*
5 *verage the expertise and resources of the private sec-*
6 *tor, that give young musical artists from around the*
7 *world the chance—*

8 *(A) to improve their skills;*

9 *(B) share ideas;*

10 *(C) learn about American culture; and*

11 *(D) develop the necessary skills to support*
12 *conflict resolution and peacebuilding efforts in*
13 *their communities and broader societies.*

14 *(b) AUTHORIZATION OF MUSIC-RELATED EXCHANGE*
15 *PROGRAMS.—The Mutual Educational and Cultural Ex-*
16 *change Act of 1961 (22 U.S.C. 2451 et seq.; commonly*
17 *known as the Fulbright-Hays Act) is amended—*

18 *(1) in section 102(a)(2) (22 U.S.C.*
19 *2452(a)(2))—*

20 *(A) in clause (iii), by inserting “and” at*
21 *the end; and*

22 *(B) in clause (iv)—*

23 *(i) by inserting “, including in coordi-*
24 *nation and consultation with the private*
25 *sector,” before “similar”; and*

1 (ii) by striking the period at the end
2 and inserting “; and”; and

3 (2) in section 112(a) (22 U.S.C. 2460(a))—

4 (A) in paragraph (8), by striking “and” at
5 the end;

6 (B) in paragraph (9), by striking the period
7 at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(10) exchange programs, including in coordina-
10 tion and consultation with the private sector, focused
11 on music and the performing arts that provide oppor-
12 tunities for foreign nationals and Americans to build
13 cross-cultural understanding and advance peace
14 abroad.”.

15 (c) *PRIVATE SECTOR PARTNERSHIPS.*—

16 (1) *IN GENERAL.*—The Secretary should con-
17 tinue—

18 (A) to partner with the private sector in
19 support of music-related exchange programs im-
20 plemented by the Bureau of Educational and
21 Cultural Affairs (referred to in this section as the
22 “ECA”);

23 (B) to leverage private sector expertise in
24 developing and implementing such programs;
25 and

1 (C) to expand networking and mentorship
2 opportunities for program participants.

3 (2) *AUTHORIZATION OF CERTAIN PARTNER-*
4 *SHIPS.—The Secretary is authorized to partner with*
5 *the private sector to recognize musicians—*

6 (A) whose works or performances have ad-
7 vanced peace abroad; and

8 (B) who could contribute to networking and
9 mentorship opportunities for participants of
10 music-related exchange programs implemented
11 by ECA.

12 (d) *STRATEGY.—*

13 (1) *IN GENERAL.—Not later than 1 year after*
14 *the date of the enactment of this Act, the Secretary*
15 *shall submit a strategy to the appropriate congress-*
16 *sional committees, the Committee on Appropriations*
17 *of the Senate, and the Committee on Appropriations*
18 *of the House of Representatives for advancing United*
19 *States foreign policy goals, including conflict resolu-*
20 *tion and peacebuilding efforts, through music-related*
21 *exchange programs implemented by ECA. Such strat-*
22 *egy shall include—*

23 (A) a description of clearly defined annual
24 goals, targets, and planned outcomes for each
25 music-related exchange program;

1 (B) a plan to monitor and evaluate each
2 music-related exchange program and progress
3 made toward achieving such goals, targets, and
4 planned outcomes, including measurable bench-
5 marks;

6 (C) a plan to ensure that music-related ex-
7 change programs are promoting United States
8 foreign policy objectives, including ensuring such
9 programs are clearly branded and paired with
10 robust public diplomacy efforts;

11 (D) a plan to pursue partnerships with the
12 private sector while implementing music-related
13 exchange programs, including leveraging indus-
14 try expertise and expanding networking and
15 mentorship opportunities for program partici-
16 pants;

17 (E) examples of how ECA's music-related
18 exchange programs have contributed to conflict
19 resolution and peacebuilding efforts to date, in-
20 cluding through participant and alumni actions;

21 (F) a description of lessons learned regard-
22 ing how to better encourage conflict resolution
23 and peacebuilding efforts through ECA's music-
24 related exchange programs; and

1 (G) a plan to incorporate such lessons
2 learned into relevant current and future pro-
3 gramming.

4 (2) *CONSULTATION.*—In developing the strategy
5 required under paragraph (1), the Secretary shall
6 consult with the appropriate congressional committees
7 and relevant private sector partners.

8 **TITLE XCVII—OTHER MATTERS**

9 **SEC. 9701. SUPPORTING THE EMPLOYMENT OF UNITED** 10 **STATES CITIZENS BY INTERNATIONAL ORGA-** 11 **NIZATIONS.**

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

14 (1) the Department should continue to eliminate
15 the unreasonable barriers United States nationals face
16 to obtain employment in the United Nations Secre-
17 tariat, funds, programs, and agencies; and

18 (2) the Department should bolster efforts to in-
19 crease the number of qualified United States nation-
20 als who are candidates for leadership and oversight
21 positions in the United Nations system, agencies, and
22 commissions, and in other international organiza-
23 tions.

24 (b) *IN GENERAL.*—The Secretary is authorized to pro-
25 mote the employment and advancement of United States

1 *citizens by international organizations and bodies, includ-*
2 *ing by—*

3 (1) *providing stipends, consultation, and analyt-*
4 *ical services to support United States citizen appli-*
5 *cants; and*

6 (2) *making grants for the purposes described in*
7 *paragraph (1).*

8 (c) *USING DIPLOMATIC PROGRAMS FUNDING TO PRO-*
9 *MOTE THE EMPLOYMENT OF UNITED STATES CITIZENS BY*
10 *INTERNATIONAL ORGANIZATIONS.—Amounts appropriated*
11 *under the heading “DIPLOMATIC PROGRAMS” in Acts mak-*
12 *ing appropriations for the Department of State, Foreign*
13 *Operations, and Related Programs are authorized to be ap-*
14 *propriated for grants, programs, and activities described in*
15 *subsection (b).*

16 (d) *STRATEGY TO ESTABLISH JUNIOR PROFESSIONAL*
17 *PROGRAM.—*

18 (1) *IN GENERAL.—Not later than 120 days after*
19 *the date of the enactment of this Act, the Secretary,*
20 *in coordination with the Secretary of the Treasury*
21 *and other relevant cabinet members, shall publish a*
22 *strategy for encouraging United States citizens to*
23 *pursue careers with international organizations, par-*
24 *ticularly organizations that—*

1 (A) set international scientific, technical, or
2 commercial standards; or

3 (B) are involved in international finance
4 and development.

5 (2) *REPORT TO CONGRESS.*—Not later than 90
6 days after the date of the enactment of this Act, the
7 Secretary, in coordination with the Secretary of the
8 Treasury and other relevant cabinet members, shall
9 submit a report to the appropriate congressional com-
10 mittees that identifies—

11 (A) the number of United States citizens
12 who are involved in relevant junior professional
13 programs in an international organization;

14 (B) the distribution of individuals described
15 in subparagraph (A) among various inter-
16 national organizations; and

17 (C) the types of pre-deployment training
18 that are available to United States citizens
19 through a junior professional program at an
20 international organization.

1 **SEC. 9702. INCREASING HOUSING AVAILABILITY FOR CER-**
2 **TAIN EMPLOYEES ASSIGNED TO THE UNITED**
3 **STATES MISSION TO THE UNITED NATIONS.**

4 *Section 9(2) of the United Nations Participation Act*
5 *of 1945 (22 U.S.C. 287e-1(2)), is amended by striking “30”*
6 *and inserting “41”.*

7 **SEC. 9703. LIMITATION ON UNITED STATES CONTRIBU-**
8 **TIONS TO PEACEKEEPING OPERATIONS NOT**
9 **AUTHORIZED BY THE UNITED NATIONS SECU-**
10 **RITY COUNCIL.**

11 *The United Nations Participation Act of 1945 (22*
12 *U.S.C. 287 et seq.) is amended by adding at the end the*
13 *following:*

14 **“SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS**
15 **TO PEACEKEEPING OPERATIONS NOT AU-**
16 **THORIZED BY THE UNITED NATIONS SECU-**
17 **RITY COUNCIL.**

18 *“None of the funds authorized to be appropriated or*
19 *otherwise made available to pay assessed and other expenses*
20 *of international peacekeeping activities under this Act may*
21 *be made available for an international peacekeeping oper-*
22 *ation that has not been expressly authorized by the United*
23 *Nations Security Council.”.*

1 **SEC. 9704. BOARDS OF RADIO FREE EUROPE/RADIO LIB-**
2 **ERTY, RADIO FREE ASIA, THE MIDDLE EAST**
3 **BROADCASTING NETWORKS, AND THE OPEN**
4 **TECHNOLOGY FUND.**

5 *The United States International Broadcasting Act of*
6 *1994 (22 U.S.C. 6201 et seq.) is amended by inserting after*
7 *section 306 (22 U.S.C. 6205) the following:*

8 **“SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.**

9 *“(a) IN GENERAL.—The corporate board of directors*
10 *of each grantee under this title—*

11 *“(1) shall be bipartisan;*

12 *“(2) shall, except as otherwise provided in this*
13 *Act, have the sole responsibility to operate their re-*
14 *spective grantees within the jurisdiction of their re-*
15 *spective States of incorporation;*

16 *“(3) shall be composed of not fewer than 5 mem-*
17 *bers, who shall be qualified individuals who are not*
18 *employed in the public sector; and*

19 *“(4) shall appoint successors in the event of va-*
20 *cancies on their respective boards, in accordance with*
21 *applicable bylaws.*

22 *“(b) NOT FEDERAL EMPLOYEES.—No employee of any*
23 *grantee under this title may be a Federal employee.”.*

1 **SEC. 9705. BROADCASTING ENTITIES NO LONGER RE-**
2 **QUIRED TO CONSOLIDATE INTO A SINGLE**
3 **PRIVATE, NONPROFIT CORPORATION.**

4 *Section 310 of the United States International Broad-*
5 *casting Act of 1994 (22 U.S.C. 6209) is amended. to read*
6 *as follows:*

7 **“SEC. 310. INCORPORATION AND NON-FEDERAL STATUS OF**
8 **BROADCASTING ENTITIES.**

9 *“(a) DEFINED TERM.—In this chapter—*

10 *“(1) the term ‘grant’ includes agreements under*
11 *section 6305 of title 31, United States Code; and*

12 *“(2) the term ‘grantee’ includes recipients of an*
13 *agreement described in paragraph (1).*

14 *“(b) INCORPORATION.—The Chief Executive Officer is*
15 *authorized to incorporate grantees in accordance with the*
16 *regular notification procedures of—*

17 *“(1) the Committee on Appropriations of the*
18 *Senate;*

19 *“(2) the Committee on Foreign Relations of the*
20 *Senate;*

21 *“(3) the Committee on Appropriations of the*
22 *House of Representatives; and*

23 *“(4) the Committee on Foreign Affairs of the*
24 *House of Representatives.*

25 *“(c) FEDERAL STATUS.—Nothing in this chapter or*
26 *in any other Act, and no action taken pursuant to this*

1 *chapter or any other Act, may be construed to make a*
2 *grantee incorporated pursuant to subsection (b), or any*
3 *other grantee or entity provided funding by the Agency, a*
4 *Federal agency or instrumentality.*

5 “(d) *LEADERSHIP OF GRANTEE ORGANIZATIONS.—*
6 *The chief executive officer or the equivalent official of RFE/*
7 *RL Inc., Radio Free Asia, the Open Technology Fund, and*
8 *the Middle East Broadcasting Networks, and any other or-*
9 *ganization that is established or authorized under this*
10 *chapter, shall serve at the pleasure of, and may be named*
11 *by, the Chief Executive Officer of the Agency, with the con-*
12 *currence of the Grantee Board and subject to the approval*
13 *of the Advisory Board pursuant to section 306.”*

14 **SEC. 9706. INTERNATIONAL BROADCASTING ACTIVITIES.**

15 *Section 305(a) of the United States International*
16 *Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amend-*
17 *ed—*

18 (1) *in paragraph (1), by striking “direct and”;*

19 (2) *by striking paragraph (20);*

20 (3) *by redesignating paragraphs (21), (22), and*

21 *(23) as paragraphs (20), (21), and (22), respectively;*

22 *and*

23 (4) *in paragraph (22), as redesignated, by strik-*

24 *ing “and to condition grants” and all that follows*

25 *and inserting a period.*

1 **SEC. 9707. GLOBAL INTERNET FREEDOM.**

2 (a) *STATEMENT OF POLICY.*—*It is the policy of the*
3 *United States to promote internet freedom through pro-*
4 *grams of the Department and USAID that preserve and*
5 *expand the internet as an open, global space for freedom*
6 *of expression and association, which shall be prioritized for*
7 *countries—*

8 (1) *whose governments restrict freedom of expres-*
9 *sion on the internet; and*

10 (2) *that are important to the national interest of*
11 *the United States.*

12 (b) *PURPOSE AND COORDINATION WITH OTHER PRO-*
13 *GRAMS.*—*Global internet freedom programming under this*
14 *section—*

15 (1) *shall be coordinated with other United States*
16 *foreign assistance programs that promote democracy*
17 *and support the efforts of civil society—*

18 (A) *to counter the development of repressive*
19 *internet-related laws and regulations, including*
20 *countering threats to internet freedom at inter-*
21 *national organizations;*

22 (B) *to combat violence against bloggers and*
23 *other civil society activists who utilize the inter-*
24 *net; and*

25 (C) *to enhance digital security training and*
26 *capacity building for democracy activists;*

1 (2) *shall seek to assist efforts—*

2 (A) *to research key threats to internet free-*
3 *dom;*

4 (B) *to continue the development of tech-*
5 *nologies that provide or enhance access to the*
6 *internet, including circumvention tools that by-*
7 *pass internet blocking, filtering, and other cen-*
8 *sorship techniques used by authoritarian govern-*
9 *ments; and*

10 (C) *to maintain the technological advantage*
11 *of the Federal Government over the censorship*
12 *techniques described in subparagraph (B); and*

13 (3) *shall be incorporated into country assistance*
14 *and democracy promotion strategies, as appropriate.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated for fiscal year 2023—*

17 (1) *\$75,000,000 to the Department and USAID,*
18 *to continue efforts to promote internet freedom glob-*
19 *ally, and shall be matched, to the maximum extent*
20 *practicable, by sources other than the Federal Govern-*
21 *ment, including the private sector; and*

22 (2) *\$49,000,000 to the United States Agency for*
23 *Global Media (referred to in this section as the*
24 *“USAGM”) and its grantees, for internet freedom and*
25 *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 dig-
5 ital 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 AC-
13 TIVITIES.—

14 (1) ANNUAL CERTIFICATION.—For any new tools
15 or techniques authorized under subsection (c)(2), the
16 Chief Executive Officer of the USAGM, in consulta-
17 tion with the President of the Open Technology Fund
18 (referred to in this subsection as the “OTF”) and rel-
19 evant Federal departments and agencies, shall submit
20 an annual certification to the appropriate congres-
21 sional committees that verifies they—

22 (A) have evaluated the risks and benefits of
23 such new tools or techniques; and

1 (B) have established safeguards to minimize
2 the use of such new tools or techniques for illicit
3 purposes.

4 (2) *INFORMATION SHARING.*—The Secretary may
5 not direct programs or policy of the USAGM or the
6 OTF, but may share any research and development
7 with relevant Federal departments and agencies for
8 the exclusive purposes of—

9 (A) sharing information, technologies, and
10 best practices; and

11 (B) assessing the effectiveness of such tech-
12 nologies.

13 (3) *UNITED STATES AGENCY FOR GLOBAL*
14 *MEDIA.*—The Chief Executive Officer of the USAGM,
15 in consultation with the President of the OTF,
16 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 Technology*
14 *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 Tech-*
18 *nology Fund that are available for use by indi-*
19 *viduals in foreign countries seeking to counteract*
20 *censors; and*

21 *(C) any barriers to the provision of the ef-*
22 *forts described in clauses (i) and (ii) of subpara-*
23 *graph (A), including access to surge funding;*
24 *and*

1 (2) *successful examples from the Office of Inter-*
2 *net Freedom and Open Technology Fund involving—*

3 (A) *responding rapidly to internet shut-*
4 *downs in closed societies; and*

5 (B) *ensuring uninterrupted circumvention*
6 *services for USAGM entities to promote internet*
7 *freedom within repressive regimes.*

8 (f) *JOINT REPORT.—Not later than 60 days after the*
9 *date of the enactment of this Act, the Secretary and the Ad-*
10 *ministrator of USAID shall jointly submit a report, which*
11 *may include a classified annex, to the appropriate congres-*
12 *sional committees that describes—*

13 (1) *as of the date of the report—*

14 (A) *the full scope of internet freedom pro-*
15 *grams within the Department and USAID, in-*
16 *cluding—*

17 (i) *Department circumvention efforts;*

18 *and*

19 (ii) *USAID efforts to support internet*
20 *infrastructure;*

21 (B) *the capacity of internet censorship cir-*
22 *cumvention tools supported by the Federal Gov-*
23 *ernment that are available for use by individuals*
24 *in foreign countries seeking to counteract censors;*
25 *and*

1 (C) any barriers to provision of the efforts
2 enumerated in clauses (i) and (ii) of subsection
3 (e)(1)(A), including access to surge funding; and
4 (2) any new resources needed to provide the Fed-
5 eral Government with greater capacity to provide and
6 boost internet access—

7 (A) to respond rapidly to internet shut-
8 downs in closed societies; and

9 (B) to provide internet connectivity to for-
10 eign locations where the provision of additional
11 internet access service would promote freedom
12 from repressive regimes.

13 (g) SECURITY AUDITS.—Before providing any support
14 for open source technologies under this section, such tech-
15 nologies must undergo comprehensive security audits to en-
16 sure that such technologies are secure and have not been
17 compromised in a manner that is detrimental to the interest
18 of the United States or to the interests of individuals and
19 organizations benefitting from programs supported by such
20 funding.

21 (h) SURGE.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—Sub-
23 ject to paragraph (2), there is authorized to be appro-
24 priated, in addition to amounts otherwise made
25 available for such purposes, up to \$2,500,000 to sup-

1 *port internet freedom programs in closed societies, in-*
2 *cluding programs that—*

3 *(A) are carried out in crisis situations by*
4 *vetted entities that are already engaged in inter-*
5 *net freedom programs;*

6 *(B) involve circumvention tools; or*

7 *(C) increase the overseas bandwidth for*
8 *companies that received Federal funding during*
9 *the previous fiscal year.*

10 *(2) CERTIFICATION.—Amounts authorized to be*
11 *appropriated pursuant to paragraph (1) may not be*
12 *expended until the Secretary has certified to the ap-*
13 *propriate congressional committees, the Committee on*
14 *Appropriations of the Senate, and the Committee on*
15 *Appropriations of the House of Representatives that*
16 *the use of such funds is in the national interest of the*
17 *United States.*

18 *(i) DEFINED TERM.—In this section, the term “inter-*
19 *net censorship circumvention tool” means a software appli-*
20 *cation or other tool that an individual can use to evade*
21 *foreign government restrictions on internet access.*

22 **SEC. 9708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH**
23 **THE EXPORT CONTROL REFORM ACT.**

24 *Section 38(e) of the Arms Export Control Act (22*
25 *U.S.C. 2778(e)) is amended—*

1 (1) by striking “subsections (c), (d), (e), and (g)
2 of section 11 of the Export Administration Act of
3 1979, and by subsections (a) and (c) of section 12 of
4 such Act” and inserting “subsections (c) and (d) of
5 section 1760 of the Export Control Reform Act of
6 2018 (50 U.S.C. 4819), and by subsections (a)(1),
7 (a)(2), (a)(3), (a)(4), (a)(7), (c), and (h) of section
8 1761 of such Act (50 U.S.C. 4820)”;

9 (2) by striking “11(c)(2)(B) of such Act” and in-
10 sserting “1760(c)(2) of such Act (50 U.S.C.
11 4819(c)(2))”;

12 (3) by striking “11(c) of the Export Administra-
13 tion Act of 1979” and inserting “section 1760(c) of
14 the Export Control Reform Act of 2018 (50 U.S.C.
15 4819(c))”; and

16 (4) by striking “\$500,000” and inserting “the
17 greater of \$1,200,000 or the amount that is twice the
18 value of the transaction that is the basis of the viola-
19 tion with respect to which the penalty is imposed.”.

20 **SEC. 9709. INCREASING THE MAXIMUM ANNUAL LEASE PAY-**
21 **MENT AVAILABLE WITHOUT APPROVAL BY**
22 **THE SECRETARY.**

23 Section 10(a) of the Foreign Service Buildings Act,
24 1926 (22 U.S.C. 301(a)), is amended by striking “\$50,000”
25 and inserting “\$100,000”.

1 **SEC. 9710. REPORT ON UNITED STATES ACCESS TO CRIT-**
2 **ICAL MINERAL RESOURCES ABROAD.**

3 *Not later than 120 days after the date of the enactment*
4 *of this Act, the Secretary shall submit a report to the appro-*
5 *priate congressional committees that details, with regard to*
6 *the Department—*

7 *(1) diplomatic efforts to ensure United States ac-*
8 *cess to critical minerals acquired from outside of the*
9 *United States that are used to manufacture clean en-*
10 *ergy technologies; and*

11 *(2) collaboration with other parts of the Federal*
12 *Government to build a robust supply chain for crit-*
13 *ical minerals necessary to manufacture clean energy*
14 *technologies.*

15 **SEC. 9711. OVERSEAS UNITED STATES STRATEGIC INFRA-**
16 **STRUCTURE DEVELOPMENT PROJECTS.**

17 *(a) ASSESSMENT OF IMPACT TO UNITED STATES NA-*
18 *TIONAL SECURITY OF INFRASTRUCTURE PROJECTS BY THE*
19 *PEOPLE'S REPUBLIC OF CHINA IN THE DEVELOPING*
20 *WORLD.—Not later than 18 months after the date of the*
21 *enactment of this Act, the Comptroller General of the United*
22 *States shall submit a report to the appropriate congres-*
23 *sional committees, the Select Committee on Intelligence of*
24 *the Senate, and the Permanent Select Committee on Intel-*
25 *ligence of the House of Representatives regarding the One*
26 *Belt, One Road Initiative, which is the global infrastructure*

1 *development strategy initiated by the Government of the*
2 *People's Republic of China in 2013.*

3 (b) *REPORT ELEMENTS.—The report required under*
4 *subsection (a) shall—*

5 (1) *describe the nature and cost of One Belt, One*
6 *Road Initiative investments, operation, and construc-*
7 *tion of strategic infrastructure projects, including lo-*
8 *gistics, refining, and processing industries and re-*
9 *source facilities, and critical and strategic mineral*
10 *resource extraction projects, including an assessment*
11 *of—*

12 (A) *the strategic benefits of such investments*
13 *that are derived by the People's Republic of*
14 *China and the host nation; and*

15 (B) *the negative impacts of such invest-*
16 *ments to the host nation and to United States*
17 *interests;*

18 (2) *describe the nature and total funding of*
19 *United States' strategic infrastructure investments*
20 *and construction, such as projects financed through*
21 *initiatives such as Prosper Africa and the Millen-*
22 *ium Challenge Corporation;*

23 (3) *assess the national security threats posed by*
24 *the foreign infrastructure investment gap between the*
25 *People's Republic of China and the United States, in-*

1 *cluding strategic infrastructure, such as ports, market*
2 *access to, and the security of, critical and strategic*
3 *minerals, digital and telecommunications infrastruc-*
4 *ture, threats to the supply chains, and general*
5 *favorability towards the People’s Republic of China*
6 *and the United States among the populations of host*
7 *countries;*

8 *(4) assess the opportunities and challenges for*
9 *companies based in the United States and companies*
10 *based in United States partner and allied countries*
11 *to invest in foreign strategic infrastructure projects in*
12 *countries where the People’s Republic of China has fo-*
13 *cused these types of investments;*

14 *(5) identify challenges and opportunities for the*
15 *United States Government and United States part-*
16 *ners and allies to more directly finance and otherwise*
17 *support foreign strategic infrastructure projects, in-*
18 *cluding an assessment of the authorities and capabili-*
19 *ties of United States agencies, departments, public-*
20 *private partnerships, and international or multilat-*
21 *eral organizations to support such projects without*
22 *undermining United States domestic industries, such*
23 *as domestic mineral deposits; and*

24 *(6) include recommendations for United States*
25 *Government agencies to undertake or increase support*

1 *for United States businesses to support foreign, large-*
2 *scale, strategic infrastructure projects, such as roads,*
3 *power grids, and ports.*

4 **SEC. 9712. PROVISION OF PARKING SERVICES AND RETEN-**
5 **TION OF PARKING FEES.**

6 *The Secretary of State may—*

7 (1) *provide parking services, including electric*
8 *vehicle charging and other parking services, in facili-*
9 *ties operated by or for the Department; and*

10 (2) *charge fees for such services that may be de-*
11 *posited into the appropriate account of the Depart-*
12 *ment, to remain available until expended for the pur-*
13 *poses of such account, provided that the fees shall not*
14 *exceed the cost of the providing such services.*

15 **SEC. 9713. DIPLOMATIC RECEPTION AREAS.**

16 (a) *DEFINED TERM.—In this section, the term “recep-*
17 *tion areas” has the meaning given such term in section*
18 *41(c) of the State Department Basic Authorities Act of 1956*
19 *(22 U.S.C. 2713(c)).*

20 (b) *IN GENERAL.—The Secretary may sell goods and*
21 *services at fair market value and use the proceeds of such*
22 *sales for administration and related support of the recep-*
23 *tion areas.*

24 (c) *AMOUNTS COLLECTED.—Amounts collected pursu-*
25 *ant to the authority provided under subsection (b) may be*

1 *deposited into an account in the Treasury, to remain avail-*
2 *able until expended.*

3 **SEC. 9714. RETURN OF SUPPORTING DOCUMENTS FOR**
4 **PASSPORT APPLICATIONS THROUGH UNITED**
5 **STATES POSTAL SERVICE CERTIFIED MAIL.**

6 (a) *IN GENERAL.*—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary shall estab-
8 lish a procedure that provides, to any individual applying
9 for a new United States passport or to renew the United
10 States passport of the individual by mail, the option to have
11 supporting documents for the application returned to the
12 individual by the United States Postal Service through cer-
13 tified mail.

14 (b) *COST.*—

15 (1) *RESPONSIBILITY.*—The cost of returning sup-
16 porting documents to an individual as described in
17 subsection (a) shall be the responsibility of the indi-
18 vidual.

19 (2) *FEE.*—The fee charged to the individual by
20 the Secretary for returning supporting documents as
21 described in subsection (a) shall be the sum of—

22 (A) the retail price charged by the United
23 States Postal Service for the service; and

24 (B) the estimated cost of processing the re-
25 turn of the supporting documents.

1 (3) *REPORT.*—Not later than 30 days after the
2 establishment of the procedure required under sub-
3 section (a), the Secretary shall submit a report to the
4 appropriate congressional committees that—

5 (A) details the costs included in the proc-
6 essing fee described in paragraph (2); and

7 (B) includes an estimate of the average cost
8 per request.

9 **SEC. 9715. REPORT ON DISTRIBUTION OF PERSONNEL AND**
10 **RESOURCES RELATED TO ORDERED DEPAR-**
11 **TURES AND POST CLOSURES.**

12 Not later than 90 days after the date of the enactment
13 of this Act, the Secretary of State shall submit a report to
14 the appropriate congressional committees that describes—

15 (1) how Department personnel and resources
16 dedicated to Mission Afghanistan were reallocated fol-
17 lowing the closure of diplomatic posts in Afghanistan
18 in August 2021; and

19 (2) the extent to which Department personnel
20 and resources for Mission Iraq were reallocated fol-
21 lowing ordered departures for diplomatic posts in
22 March 2020, and how such resources were reallocated.

1 **SEC. 9716. ELIMINATION OF OBSOLETE REPORTS.**

2 (a) *CERTIFICATION OF EFFECTIVENESS OF THE AUS-*
3 *TRALIA GROUP.*—Section 2(7) of Senate Resolution 75
4 (105th Congress) is amended by striking subparagraph (C).

5 (b) *PLANS TO IMPLEMENT THE GANDHI-KING SCHOL-*
6 *ARLY EXCHANGE INITIATIVE.*—The Gandhi-King Scholarly
7 Exchange Initiative Act (subtitle D of title III of division
8 FF of Public Law 116–260) is amended by striking section
9 336.

10 (c) *PROGRESS REPORT ON JERUSALEM EMBASSY.*—
11 The Jerusalem Embassy Act of 1995 (Public Law 104–45)
12 is amended by striking section 6.

13 (d) *PRESIDENTIAL ANTI-PEDOPHILIA CERTIFI-*
14 *CATION.*—Section 102 of the Foreign Relations Authoriza-
15 tion Act, Fiscal Years 1994 and 1995 (Public Law 103–
16 236) is amended by striking subsection (g).

17 (e) *MICROENTERPRISE FOR SELF-RELIANCE RE-*
18 *PORT.*—Title III of the Microenterprise for Self-Reliance
19 and International Anti-Corruption Act of 2000 (Public
20 Law 106–309; 22 U.S.C. 2462 note) is amended by striking
21 section 304.

22 **SEC. 9717. LOCALITY PAY FOR FEDERAL EMPLOYEES WORK-**
23 **ING OVERSEAS UNDER DOMESTIC EMPLOYEE**
24 **TELEWORKING OVERSEAS AGREEMENTS.**

25 (a) *DEFINITIONS.*—In this section:

1 (1) *CIVIL SERVICE*.—The term “civil service” has
2 the meaning given the term in section 2101 of title
3 5, United States Code.

4 (2) *COVERED EMPLOYEE*.—The term “covered
5 employee” means an employee who—

6 (A) occupies a position in the civil service;

7 and

8 (B) is working overseas under a Domestic
9 Employee Teleworking Overseas agreement.

10 (3) *LOCALITY PAY*.—The term “locality pay”
11 means a locality-based comparability payment paid
12 in accordance with subsection (b).

13 (4) *NONFOREIGN AREA*.—The term “nonforeign
14 area” has the meaning given the term in section
15 591.205 of title 5, Code of Federal Regulations, or
16 any successor regulation.

17 (5) *OVERSEAS*.—The term “overseas” means any
18 geographic location that is not in—

19 (A) the continental United States; or

20 (B) a nonforeign area.

21 (b) *PAYMENT OF LOCALITY PAY*.—Each covered em-
22 ployee shall be paid locality pay in an amount that is equal
23 to the lesser of—

24 (1) the amount of a locality-based comparability
25 payment that the covered employee would have been

1 *paid under section 5304 or 5304a of title 5, United*
2 *States Code, had the official duty station of the cov-*
3 *ered employee not been changed to reflect an overseas*
4 *location under the applicable Domestic Employee*
5 *Teleworking Overseas agreement; or*

6 *(2) the amount of a locality-based comparability*
7 *payment that the covered employee would be paid*
8 *under section 1113 of the Supplemental Appropria-*
9 *tions Act, 2009 (Public Law 111–32), as limited*
10 *under section 9802(c)(2) of this Act, if the covered*
11 *employee were an eligible member of the Foreign*
12 *Service (as defined in subsection (b) of such section*
13 *1113).*

14 *(c) APPLICATION.—Locality pay paid to a covered em-*
15 *ployee under this section—*

16 *(1) shall begin to be paid not later than 60 days*
17 *after the date of the enactment of this Act; and*

18 *(2) shall be treated in the same manner, and*
19 *subject to the same terms and conditions, as a local-*
20 *ity-based comparability payment paid under section*
21 *5304 or 5304a of title 5, United States Code.*

22 **SEC. 9718. REPORT ON COUNTERING THE ACTIVITIES OF**
23 **MALIGN ACTORS.**

24 *(a) REPORT.—*

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of the enactment of this Act, the Secretary,
3 in consultation with the Secretary of the Treasury
4 and the Administrator, shall submit a report to the
5 Committee on Foreign Relations of the Senate, the
6 Committee on Armed Services of the Senate, the Select
7 Committee on Intelligence of the Senate, the Com-
8 mittee on Foreign Affairs of the House of Representa-
9 tives, the Committee on Armed Services of the House
10 of Representatives, and the Permanent Select Com-
11 mittee on Intelligence of the House of Representatives
12 regarding United States diplomatic efforts in Africa
13 in achieving United States policy goals and coun-
14 tering the activities of malign actors.

15 (2) *ELEMENTS.*—The report required under
16 paragraph (1) shall include—

17 (A) case studies from Mali, Sudan, the Cen-
18 tral African Republic, the Democratic Republic
19 of the Congo, Burkina Faso, and South Sudan,
20 with the goal of assessing the effectiveness of dip-
21 lomatic tools during the 5-year period ending on
22 the date of the enactment of this Act; and

23 (B) an assessment of—

24 (i) the extent and effectiveness of cer-
25 tain diplomatic tools to advance United

1 *States priorities in the respective case study*
2 *countries, including—*

3 *(I) in-country diplomatic pres-*
4 *ence;*

5 *(II) humanitarian and develop-*
6 *ment assistance;*

7 *(III) support for increased 2-way*
8 *trade and investment;*

9 *(IV) United States security assist-*
10 *ance;*

11 *(V) public diplomacy; and*

12 *(VI) accountability measures, in-*
13 *cluding sanctions;*

14 *(ii) whether the use of the diplomatic*
15 *tools described in clause (i) achieved the*
16 *diplomatic ends for which they were in-*
17 *tended; and*

18 *(iii) the means by which the Russian*
19 *Federation and the People's Republic of*
20 *China exploited any openings for diplo-*
21 *matic engagement in the case study coun-*
22 *tries.*

23 **(b) FORM.**—*The report required under subsection (b)*
24 *shall be submitted in classified form.*

1 (c) *CLASSIFIED BRIEFING REQUIRED.*—Not later than
2 1 year after the date of the enactment of this Act, the Sec-
3 retary and the Administrator shall jointly brief Congress
4 regarding the report required under subsection (b).

5 **TITLE XCVIII—EXTENSION OF**
6 **AUTHORITIES**

7 **SEC. 9801. DIPLOMATIC FACILITIES.**

8 For the purposes of calculating the costs of providing
9 new United States diplomatic facilities in any fiscal year,
10 in accordance with section 604(e) of the Secure Embassy
11 Construction and Counterterrorism Act of 1999 (22 U.S.C.
12 4865 note), the Secretary of State, in consultation with the
13 Director of the Office of Management and Budget, shall de-
14 termine the annual program level and agency shares for
15 such fiscal year in a manner that is proportional to the
16 contribution of the Department of State for this purpose.

17 **SEC. 9802. EXTENSION OF EXISTING AUTHORITIES.**

18 (a) *PASSPORT FEES.*—Section 1(b)(2) of the Passport
19 Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied
20 by striking “September 30, 2010” and inserting “September
21 30, 2026”.

22 (b) *USAID CIVIL SERVICE ANNUITANT WAIVER.*—Sec-
23 tion 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2385(j)(1)(B)) shall be applied by striking “October
25 1, 2010” and inserting “September 30, 2024”.

1 (c) *OVERSEAS PAY COMPARABILITY AND LIMITA-*
2 *TION.—*

3 (1) *IN GENERAL.—The authority provided under*
4 *section 1113 of the Supplemental Appropriations Act,*
5 *2009 (Public Law 111–32) shall remain in effect*
6 *through September 30, 2024.*

7 (2) *LIMITATION.—The authority described in*
8 *paragraph (1) may not be used to pay an eligible*
9 *member of the Foreign Service (as defined in section*
10 *1113(b) of the Supplemental Appropriations Act,*
11 *2009 (Public Law 111–32)) a locality-based com-*
12 *parability payment (stated as a percentage) that ex-*
13 *ceeds two-thirds of the amount of the locality-based*
14 *comparability payment (stated as a percentage) that*
15 *would be payable to such member under section 5304*
16 *of title 5, United States Code, if such member’s offi-*
17 *cial duty station were in the District of Columbia.*

18 (d) *INSPECTOR GENERAL ANNUITANT WAIVER.—The*
19 *authorities provided under section 1015(b) of the Supple-*
20 *mental Appropriations Act, 2010 (Public Law 111–212)—*

21 (1) *shall remain in effect through September 30,*
22 *2024; and*

23 (2) *may be used to facilitate the assignment of*
24 *persons for oversight of programs in Somalia, South*
25 *Sudan, Syria, Venezuela, and Yemen.*

1 (e) *SECURITY REVIEW COMMITTEES.*—The authority
2 provided under section 301(a)(3) of the Omnibus Diplo-
3 matic Security and Antiterrorism Act of 1986 (22 U.S.C.
4 4831(a)(3)) shall remain in effect for facilities in Afghani-
5 stan and shall apply to facilities in Ukraine through Sep-
6 tember 30, 2024, except that the notification and reporting
7 requirements contained in such section shall include the ap-
8 propriate congressional committees, the Committee on Ap-
9 propriations of the Senate, and the Committee on Appro-
10 priations of the House of Representatives.

11 (f) *DEPARTMENT OF STATE INSPECTOR GENERAL*
12 *WAIVER AUTHORITY.*—The Inspector General of the De-
13 partment may waive the provisions of subsections (a)
14 through (d) of section 824 of the Foreign Service Act of 1980
15 (22 U.S.C. 4064), on a case-by-case basis, for an annuitant
16 reemployed by the Inspector General on a temporary basis,
17 subject to the same constraints and in the same manner
18 by which the Secretary of State may exercise such waiver
19 authority pursuant to subsection (g) of such section.

20 **SEC. 9803. COMMISSION ON REFORM AND MODERNIZATION**
21 **OF THE DEPARTMENT OF STATE.**

22 (a) *SHORT TITLE.*—This section may be cited as the
23 “Commission on Reform and Modernization of the Depart-
24 ment of State Act”.

1 **(b) ESTABLISHMENT OF COMMISSION.**—*There is estab-*
2 *lished, in the legislative branch, the Commission on Reform*
3 *and Modernization of the Department of State (referred to*
4 *in this section as the “Commission”).*

5 **(c) PURPOSES.**—*The purposes of the Commission*
6 *are—*

7 **(1)** *to examine the changing nature of diplomacy*
8 *and the ways in which the Department can modernize*
9 *to advance the interests of the United States; and*

10 **(2)** *to offer recommendations to the President*
11 *and Congress related to—*

12 **(A)** *the organizational structure of the De-*
13 *partment;*

14 **(B)** *personnel-related matters, including re-*
15 *ruitment, promotion, training, and retention of*
16 *the Department’s workforce in order to foster ef-*
17 *fective diplomacy worldwide, including measures*
18 *to strengthen diversity and inclusion to ensure*
19 *that the Department’s workforce represents all of*
20 *America;*

21 **(C)** *the Department of State’s domestic and*
22 *overseas facilities;*

23 **(D)** *the link among diplomacy and defense,*
24 *development, commercial, health, law enforce-*

1 *ment, science, technology, and other core United*
2 *States interests;*

3 *(E) legislation that authorizes United*
4 *States diplomacy, including the Foreign Service*
5 *Act of 1980 (Public Law 96–465); and*

6 *(F) related regulations, rules, and processes*
7 *that define United States diplomatic efforts, in-*
8 *cluding the Foreign Affairs Manual.*

9 *(d) MEMBERSHIP.—*

10 *(1) COMPOSITION.—The Commission shall be*
11 *composed of 16 members, of whom—*

12 *(A) 4 members shall be appointed by the*
13 *President in a nonpartisan manner;*

14 *(B) 2 members (1 of whom may be a Mem-*
15 *ber of Congress) shall be appointed by the major-*
16 *ity leader of the Senate;*

17 *(C) 2 members (1 of whom may be a Mem-*
18 *ber of Congress) shall be appointed by the Speak-*
19 *er of the House of Representatives;*

20 *(D) 2 members (1 of whom may be a Mem-*
21 *ber of Congress) shall be appointed by the minor-*
22 *ity leader of the Senate;*

23 *(E) 2 members (1 of whom may be a Mem-*
24 *ber of Congress) shall be appointed by the minor-*
25 *ity leader of the House of Representatives;*

1 (F) 1 member shall be appointed by the
2 chairperson of the Committee on Foreign Rela-
3 tions of the Senate;

4 (G) 1 member shall be appointed by the
5 ranking member of the Committee on Foreign
6 Relations of the Senate;

7 (H) 1 member shall be appointed by the
8 chairperson of the Committee on Foreign Affairs
9 of the House of Representatives; and

10 (I) 1 member shall be appointed by the
11 ranking member of the Committee on Foreign
12 Affairs of the House of Representatives.

13 (2) *QUALIFICATIONS.*—

14 (A) *MEMBERSHIP.*—Any member of the
15 Commission who is not a Member of Congress
16 shall be a private United States citizen who is
17 nationally recognized and has significant depth
18 of experience in international relations, data-
19 driven management, and the policymaking, pro-
20 grammatic, and personnel aspects of the Depart-
21 ment.

22 (B) *RESTRICTIONS.*—

23 (i) *FOREIGN AGENTS REGISTRATION*
24 *ACT OF 1938.*—No member of the Commis-
25 sion may be a current or former registrant

1 *under the Foreign Agents Registration Act*
2 *of 1938 (22 U.S.C. 611 et seq.).*

3 (ii) *MEMBERS OF CONGRESS.*—*Not*
4 *more than 4 members of the Commission*
5 *may be Members of Congress, who may only*
6 *be appointed by the Majority Leader of the*
7 *Senate, the Minority Leader of the Senate,*
8 *the Speaker of the House of Representatives,*
9 *and the Minority Leader of the House of*
10 *Representatives in accordance with para-*
11 *graph (1). None of the members of the Com-*
12 *mission may be individuals who are eligible*
13 *to make such appointments.*

14 (3) *APPOINTMENTS.*—

15 (A) *DEADLINE.*—*Members of the Commis-*
16 *sion shall be appointed pursuant to paragraph*
17 *(1) not later than 90 days after the date of the*
18 *enactment of this Act.*

19 (B) *PERIOD OF APPOINTMENT; VACAN-*
20 *CIES.*—*Members of the Commission shall be ap-*
21 *pointed for the life of the Commission. Any va-*
22 *cancy in the Commission shall not affect the*
23 *powers of the Commission and shall be filled in*
24 *the same manner as the original appointment.*

1 (C) *NOTIFICATIONS.*—*Individuals making*
2 *appointments pursuant to paragraph (1) shall*
3 *notify the Chair and Ranking Member of the ap-*
4 *propriate committees of Congress and the Sec-*
5 *retary of State of such appointments.*

6 (D) *CO-CHAIRPERSONS.*—

7 (i) *DEMOCRATIC LEADERS.*—*The*
8 *Democratic leader in the Senate and the*
9 *Democratic leader in the House of Rep-*
10 *resentatives shall jointly select 1 member of*
11 *the Commission appointed pursuant to*
12 *paragraph (1) to serve as a co-chairperson*
13 *of the Commission.*

14 (ii) *REPUBLICAN LEADERS.*—*The Re-*
15 *publican leader in the Senate and the Re-*
16 *publican leader in the House of Representa-*
17 *tives shall jointly select 1 member of the*
18 *Commission appointed pursuant to para-*
19 *graph (1) to serve as a co-chairperson of the*
20 *Commission.*

21 (4) *REMOVAL.*—*A member may be removed from*
22 *the Commission for cause by the individual serving in*
23 *the position responsible for the original appointment*
24 *of such member under paragraph (1) if—*

1 (A) *notice was provided to such member de-*
2 *scribing the cause for removal; and*

3 (B) *such removal was voted and agreed*
4 *upon by a majority of the members serving on*
5 *the Commission.*

6 (5) *MEETINGS.—*

7 (A) *INITIAL MEETING.—Not later than 30*
8 *days after a majority of the members of the Com-*
9 *mission have been appointed, the Commission*
10 *shall hold the first meeting and shall begin oper-*
11 *ations as soon as practicable.*

12 (B) *FREQUENCY.—The Commission shall*
13 *meet upon the call of the co-chairpersons, acting*
14 *jointly.*

15 (C) *QUORUM.—A majority of the members*
16 *of the Commission, or a majority of the members*
17 *of a panel, shall constitute a quorum for pur-*
18 *poses of conducting business.*

19 (e) *FUNCTIONS OF COMMISSION.—*

20 (1) *IN GENERAL.—Except as provided in sub-*
21 *section (j), the Commission shall act by resolution*
22 *agreed to by a majority of the members of the Com-*
23 *mission voting and present.*

24 (2) *PANELS.—The Commission may establish*
25 *panels composed of less than the full membership of*

1 *the Commission for purposes of carrying out the du-*
2 *ties of the Commission under this section. The mem-*
3 *bership of such panels should reflect the bipartisan*
4 *composition of the Commission. The actions of any*
5 *such panel shall be subject to the review and control*
6 *of the Commission. Any findings and determinations*
7 *made by such a panel may not be considered the find-*
8 *ings and determinations of the Commission unless*
9 *such findings and determinations are approved by a*
10 *majority of the Commission, including both co-chair-*
11 *persons.*

12 *(f) POWERS OF COMMISSION.—*

13 *(1) HEARINGS AND EVIDENCE.—To carry out the*
14 *purposes of the Commission described in subsection*
15 *(c), the Commission or any panel of the Commission*
16 *may, with the joint approval of the co-chairpersons—*

17 *(A) hold such hearings and meetings, take*
18 *such testimony, receive such evidence, and ad-*
19 *minister such oaths as the Commission or such*
20 *designated panel considers necessary;*

21 *(B) request the attendance and testimony of*
22 *such witnesses and the production of such cor-*
23 *respondence, memoranda, papers, and docu-*
24 *ments, as the Commission or such designated*
25 *panel considers necessary; and*

1 (C) secure from the Department, USAID,
2 the United States International Development Fi-
3 nance 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 and
7 data necessary to enable it to carry out its mis-
8 sion.

9 (2) *CONTRACTS.*—*The Commission, to such ex-*
10 *tent and in such amounts as are provided in appro-*
11 *propriations Acts, may enter into contracts to enable the*
12 *Commission to discharge its duties under this section.*

13 (g) *SUPPORT FROM OTHER AGENCIES.*—

14 (1) *INFORMATION FROM FEDERAL AGENCIES.*—
15 *To carry out the purposes of the Commission de-*
16 *scribed in subsection (c), upon the receipt of a joint*
17 *written request by the co-chairpersons of the Commis-*
18 *sion to any of the heads of the Department, USAID,*
19 *the United States International Development Finance*
20 *Corporation, the Millennium Challenge Corporation,*
21 *the Peace Corps, the Trade Development Agency, or*
22 *the United States Agency for Global Media, the heads*
23 *of such entities shall expeditiously furnish the re-*
24 *quested information to the Commission.*

1 (2) *ASSISTANCE FROM FEDERAL AGENCIES.*—*The*
2 *Department of State and other Federal departments*
3 *and agencies may provide to the Commission, on a*
4 *nonreimbursable basis, such administrative services,*
5 *staff, and other support services as are necessary for*
6 *the performance of the Commission’s duties under this*
7 *section, at the request of the Commission.*

8 (3) *LIAISON.*—*The Secretary may designate at*
9 *least 1 officer or employee of the Department to serve*
10 *as a liaison officer between the Department and the*
11 *Commission.*

12 (4) *RECOMMENDATIONS FROM INDEPENDENT OR-*
13 *GANIZATIONS.*—*The Commission may review rec-*
14 *ommendations by independent organizations and out-*
15 *side experts relating to reform and modernization of*
16 *the Department.*

17 (h) *CONGRESSIONAL CONSULTATION.*—*Not later than*
18 *180 days after the initial meeting of the Commission, and*
19 *not less frequently than semiannually thereafter, the Com-*
20 *mission shall provide a briefing to Congress regarding the*
21 *work of the Commission.*

22 (i) *STAFF AND COMPENSATION.*—

23 (1) *STAFF.*—

24 (A) *COMPENSATION.*—*The co-chairpersons*
25 *of the Commission shall appoint and fix the*

1 *compensation of a staff director and such other*
2 *personnel as may be necessary to enable the*
3 *Commission to carry out its duties, without re-*
4 *gard to the provisions of title 5, United States*
5 *Code, governing appointments in the competitive*
6 *service, and without regard to the provisions of*
7 *chapter 51 and subchapter III of chapter 53 of*
8 *such title relating to classification and General*
9 *Schedule pay rates, except that no rate of pay*
10 *fixed under this subsection may exceed the equiv-*
11 *alent of that payable to a person occupying a po-*
12 *sition at level V of the Executive Schedule under*
13 *section 5316 of such title.*

14 (B) *DETAIL OF GOVERNMENT EMPLOY-*
15 *EES.—A Federal Government employee may be*
16 *detailed to the Commission without reimburse-*
17 *ment, and such detail shall be without interrup-*
18 *tion or loss of civil service status or privilege.*

19 (C) *PROCUREMENT OF TEMPORARY AND*
20 *INTERMITTENT SERVICES.—The co-chairs of the*
21 *Commission may procure temporary and inter-*
22 *mittent services under section 3109(b) of title 5,*
23 *United States Code, at rates for individuals that*
24 *do not exceed the daily equivalent of the annual*

1 *rate of basic pay prescribed for level V of the Ex-*
2 *ecutive Schedule under section 5315 of such title.*

3 (D) *STATUS AS FEDERAL EMPLOYEES.—*

4 *Notwithstanding the requirements under section*
5 *2105 of title 5, United States Code, including the*
6 *required supervision under subsection (a)(3) of*
7 *such section, the members of the commission*
8 *shall be deemed to be Federal employees.*

9 (2) *COMMISSION MEMBERS.—*

10 (A) *COMPENSATION.—Except as provided in*
11 *subparagraph (C), each member of the Commis-*
12 *sion shall be compensated at a rate not to exceed*
13 *the daily equivalent of the annual rate of basic*
14 *pay payable for level IV of the Executive Sched-*
15 *ule under section 5315 of title 5, United States*
16 *Code, for each day (including travel time) dur-*
17 *ing which that member is engaged in the actual*
18 *performance of the duties of the Commission.*

19 (B) *WAIVER OF CERTAIN PROVISIONS.—*

20 *Subsections (a) through (d) of section 824 of the*
21 *Foreign Service Act of 1980 (22 U.S.C. 4064)*
22 *are waived for an annuitant on a temporary*
23 *basis so as to be compensated for work performed*
24 *as part of the Commission.*

1 (C) *RESTRICTION FOR MEMBERS OF CON-*
2 *GRESS.—Any Member of Congress serving as a*
3 *member of the Commission shall not receive any*
4 *additional compensation or pay for their service*
5 *on the Commission.*

6 (3) *TRAVEL EXPENSES.—While away from their*
7 *homes or regular places of business in the perform-*
8 *ance of service for the Commission, members and staff*
9 *of the Commission, and any Federal Government em-*
10 *ployees detailed to the Commission, shall be allowed*
11 *travel expenses, including per diem in lieu of subsist-*
12 *ence, in the same manner as persons employed inter-*
13 *mittently in Government service are allowed expenses*
14 *under section 5703(b) of title 5, United States Code.*

15 (4) *SECURITY CLEARANCES FOR COMMISSION*
16 *MEMBERS AND STAFF.—*

17 (A) *IN GENERAL.—Members and staff shall*
18 *have or be eligible to receive the appropriate se-*
19 *curity clearance to conduct their duties.*

20 (B) *EXPEDITED PROCESSING.—The Office*
21 *of Senate Security shall ensure the expedited*
22 *processing of appropriate security clearances for*
23 *members, officers, and employees of the Commis-*
24 *sion.*

25 (j) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than 24 months
2 after the first date on which a majority of the mem-
3 bers of the Commission have been appointed, the Com-
4 mission shall submit a final report to the Secretary
5 and Congress that includes—

6 (A) a detailed statement of the findings and
7 conclusions of the Commission; and

8 (B) the recommendations of the Commission
9 for such legislative and administrative actions as
10 the Commission considers appropriate in light of
11 the results of the study, including the anticipated
12 amount of time and resources required to imple-
13 ment such recommendations.

14 (2) *DEPARTMENT RESPONSE.*—The Secretary, in
15 coordination with the heads of appropriate Federal
16 departments and agencies, shall have the right to re-
17 view and respond to all Commission recommenda-
18 tions before the Commission submits its final report
19 to the Secretary and Congress. The Commission shall
20 provide the Department with its recommendations not
21 later than 90 days before the date of submission of its
22 final report.

23 (k) *TERMINATION OF COMMISSION.*—

24 (1) *IN GENERAL.*—The Commission, and all the
25 authorities under this section, shall terminate on the

1 *date that is 60 days after the date on which the final*
2 *report is submitted pursuant to subsection (j)(1).*

3 (2) *ADMINISTRATIVE ACTIVITIES BEFORE TERMI-*
4 *NATION.—The Commission may use the 60-day period*
5 *referred to in paragraph (1) for the purpose of con-*
6 *cluding its activities, including providing testimony*
7 *to the appropriate committees of Congress concerning*
8 *its reports and disseminating the report.*

9 (l) *AUTHORIZATION OF APPROPRIATIONS.—*

10 (1) *IN GENERAL.—There is authorized to be ap-*
11 *propriated up to \$2,000,000 for fiscal year 2023 to*
12 *carry out this section.*

13 (2) *TRANSFERS; SUPPORT.—In addition to other*
14 *transfers and support otherwise authorized by law,*
15 *the Secretary may—*

16 (A) *transfer any amounts appropriated*
17 *pursuant to paragraph (1) to the Commission;*
18 *and*

19 (B) *use the amounts referred to in subpara-*
20 *graph (A) to provide non-reimbursable support*
21 *to the Commission.*

22 (3) *COMMISSION ACCOUNTS.—*

23 (A) *ESTABLISHMENT.—The Secretary of the*
24 *Treasury may establish 1 or more accounts to fa-*

1 *facilitate transfers to the Commission of amounts*
 2 *authorized under paragraph (2)(A).*

3 *(B) USE OF FUNDS.—Amounts transferred*
 4 *to the Commission pursuant to subparagraph(A)*
 5 *may be used for the activities of the Commission,*
 6 *including—*

7 *(i) the payment of Commission ex-*
 8 *penses;*

9 *(ii) the compensation of Commission*
 10 *members, officers, and employees.*

11 *(m) DEFINED TERM.—In this section, the term “ap-*
 12 *propriate committees of Congress” means—*

13 *(1) the Committee on Foreign Relations of the*
 14 *Senate;*

15 *(2) the Committee on Appropriations of the Sen-*
 16 *ate;*

17 *(3) the Committee on Foreign Affairs of the*
 18 *House of Representatives; and*

19 *(4) the Committee on Appropriations of the*
 20 *House of Representatives.*

21 ***DIVISION J—OCEANS AND***
 22 ***ATMOSPHERE***

23 ***SEC. 10000. TABLE OF CONTENTS.***

24 *The table of contents for this division is as follows:*

Sec. 10000. Table of contents.

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

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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 2000**

5 **SEC. 10001. REAUTHORIZATION OF CORAL REEF CONSERVA-**
 6 **TION ACT OF 2000.**

7 (a) *IN GENERAL.*—*The Coral Reef Conservation Act*
 8 *of 2000 (16 U.S.C. 6401 et seq.) is amended by striking*
 9 *sections 202 through 210 and inserting the following:*

10 **“SEC. 202. PURPOSES.**

11 *“The purposes of this title are—*

12 *“(1) to conserve and restore the condition of*
 13 *United States coral reef ecosystems challenged by nat-*
 14 *ural and human-accelerated changes, including in-*
 15 *creasing ocean temperatures, changing ocean chem-*
 16 *istry, coral bleaching, coral diseases, water quality*
 17 *degradation, invasive species, and illegal, unreported,*
 18 *and unregulated fishing;*

1 “(2) to promote the science-based management
2 and sustainable use of coral reef ecosystems to benefit
3 local communities and the Nation, including through
4 improved integration and cooperation among Federal
5 and non-Federal stakeholders responsible for man-
6 aging coral reef resources;

7 “(3) to develop sound scientific information on
8 the condition of coral reef ecosystems, continuing and
9 emerging threats to such ecosystems, and the efficacy
10 of innovative tools, technologies, and strategies to
11 mitigate stressors and restore such ecosystems, includ-
12 ing evaluation criteria to determine the effectiveness
13 of management interventions, and accurate mapping
14 for coral reef restoration;

15 “(4) to assist in the preservation of coral reefs by
16 supporting science-based, consensus-driven, and com-
17 munity-based coral reef management by covered
18 States and covered Native entities, including moni-
19 toring, conservation, and restoration projects that em-
20 power local communities, small businesses, and non-
21 governmental organizations;

22 “(5) to provide financial resources, technical as-
23 sistance, and scientific expertise to supplement, com-
24 plement, and strengthen community-based manage-

1 *ment programs and conservation and restoration*
2 *projects of non-Federal reefs;*

3 “(6) *to establish a formal mechanism for col-*
4 *lecting and allocating monetary donations from the*
5 *private sector to be used for coral reef conservation*
6 *and restoration projects;*

7 “(7) *to support rapid, effective, and science-based*
8 *assessment and response to exigent circumstances that*
9 *pose immediate and long-term threats to coral reefs,*
10 *including—*

11 “(A) *coral disease outbreaks;*

12 “(B) *invasive or nuisance species;*

13 “(C) *coral bleaching;*

14 “(D) *natural disasters; and*

15 “(E) *industrial or mechanical disasters, in-*
16 *cluding vessel groundings, hazardous spills, and*
17 *coastal construction accidents; and*

18 “(8) *to serve as a model for advancing similar*
19 *international efforts to monitor, conserve, and restore*
20 *coral reef ecosystems.*

21 **“SEC. 203. FEDERAL CORAL REEF MANAGEMENT AND RES-**
22 **TORATION ACTIVITIES.**

23 “(a) *IN GENERAL.—The Administrator, the Secretary*
24 *of the Interior, or the Secretary of Commerce may conduct*
25 *activities described in subsection (b) to conserve and restore*

1 *coral reefs and coral reef ecosystems that are consistent*
2 *with—*

3 “(1) *all applicable laws governing resource man-*
4 *agement in Federal and State waters, including this*
5 *Act;*

6 “(2) *the National Coral Reef Resilience Strategy;*
7 *and*

8 “(3) *coral reef action plans in effect under sec-*
9 *tion 205, as applicable.*

10 “(b) *ACTIVITIES DESCRIBED.—Activities described in*
11 *this subsection are activities to conserve, research, monitor,*
12 *assess, and restore coral reefs and coral reef ecosystems in*
13 *waters managed under the jurisdiction of a Federal agency*
14 *specified in subsection (c) or in coordination with a State*
15 *in waters managed under the jurisdiction of such State, in-*
16 *cluding—*

17 “(1) *developing, including through the collection*
18 *of requisite in situ and remotely sensed data, high-*
19 *quality and digitized maps reflecting—*

20 “(A) *current and historical live coral cover*
21 *data;*

22 “(B) *coral reef habitat quality data;*

23 “(C) *priority areas for coral reef conserva-*
24 *tion to maintain biodiversity and ecosystem*
25 *structure and function, including the reef ma-*

1 *trix, that benefit coastal communities and living*
2 *marine resources;*

3 “(D) *priority areas for coral reef restora-*
4 *tion to enhance biodiversity and ecosystem struc-*
5 *ture and function, including the reef matrix, to*
6 *benefit coastal communities and living marine*
7 *resources; and*

8 “(E) *areas of concern that may require en-*
9 *hanced monitoring of coral health and cover;*

10 “(2) *enhancing compliance with Federal laws*
11 *that prohibit or regulate—*

12 “(A) *the taking of coral products or species*
13 *associated with coral reefs; or*

14 “(B) *the use and management of coral reef*
15 *ecosystems;*

16 “(3) *long-term ecological monitoring of coral reef*
17 *ecosystems;*

18 “(4) *implementing species-specific recovery plans*
19 *for listed coral species consistent with the Endangered*
20 *Species Act of 1973 (16 U.S.C. 1531 et seq.);*

21 “(5) *restoring degraded coral reef ecosystems;*

22 “(6) *reducing land-based stressors to coral reef*
23 *ecosystems;*

24 “(7) *promoting ecologically sound navigation*
25 *and anchorages, including through navigational aids*

1 *and expansion of reef-safe anchorages and mooring*
2 *buoy systems, to enhance recreational access while*
3 *preventing or minimizing the likelihood of vessel im-*
4 *pacts or other physical damage to coral reefs;*

5 *“(8) monitoring and responding to severe bleach-*
6 *ing or mortality events, disease outbreaks, invasive*
7 *species outbreaks, and significant maritime accidents,*
8 *including hazardous spill cleanup and the removal of*
9 *grounded vessels;*

10 *“(9) conducting scientific research that contrib-*
11 *utes to the understanding, sustainable use, and long-*
12 *term conservation of coral reefs;*

13 *“(10) enhancing public awareness, under-*
14 *standing, and appreciation of coral reefs and coral*
15 *reef ecosystems and their ecological and socioeconomic*
16 *value; and*

17 *“(11) centrally archiving, managing, and dis-*
18 *tributing on a public website data sets and coral reef*
19 *ecosystem assessments, including the data repositories*
20 *of the Coral Reef Conservation Program of the Na-*
21 *tional Oceanic and Atmospheric Administration.*

22 *“(c) FEDERAL AGENCIES SPECIFIED.—A Federal*
23 *agency specified in this subsection is one of the following:*

24 *“(1) The National Oceanic and Atmospheric Ad-*
25 *ministration.*

1 “(2) *The National Park Service.*

2 “(3) *The United States Fish and Wildlife Serv-*
3 *ice.*

4 “(4) *The Office of Insular Affairs.*

5 **“SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.**

6 “(a) *IN GENERAL.—The Administrator shall—*

7 “(1) *not later than 2 years after the date of the*
8 *enactment of the James M. Inhofe National Defense*
9 *Authorization Act for Fiscal Year 2023, develop a na-*
10 *tional coral reef resilience strategy; and*

11 “(2) *review and revise the strategy—*

12 “(A) *not less frequently than once every 15*
13 *years;*

14 “(B) *not less frequently than once every 5*
15 *years, in the case of guidance on best practices*
16 *under subsection (b)(4); and*

17 “(C) *as appropriate.*

18 “(b) *ELEMENTS.—The strategy required by subsection*
19 *(a) shall include the following:*

20 “(1) *A discussion addressing—*

21 “(A) *continuing and emerging threats to the*
22 *resilience of United States coral reef ecosystems;*

23 “(B) *remaining gaps in coral reef ecosystem*
24 *research, monitoring, and assessment;*

1 “(C) *the status of management cooperation*
2 *and integration among Federal reef managers*
3 *and covered reef managers;*

4 “(D) *the status of efforts to manage and*
5 *disseminate critical information, and enhance*
6 *interjurisdictional data sharing, related to re-*
7 *search, reports, data sets, and maps;*

8 “(E) *areas of special focus, which may in-*
9 *clude—*

10 “(i) *improving natural coral recruit-*
11 *ment;*

12 “(ii) *preventing avoidable losses of cor-*
13 *als and their habitat;*

14 “(iii) *enhancing the resilience of coral*
15 *populations;*

16 “(iv) *supporting a resilience-based*
17 *management approach;*

18 “(v) *developing, coordinating, and im-*
19 *plementing watershed management plans;*

20 “(vi) *building and sustaining water-*
21 *shed management capacity at the local level;*

22 “(vii) *providing data essential for*
23 *coral reef fisheries management;*

24 “(viii) *building capacity for coral reef*
25 *fisheries management;*

1 “(ix) increasing understanding of coral
2 reef ecosystem services;

3 “(x) educating the public on the im-
4 portance of coral reefs, threats and solu-
5 tions; and

6 “(xi) evaluating intervention efficacy;

7 “(F) the status of conservation efforts, in-
8 cluding the use of marine protected areas to serve
9 as replenishment zones developed consistent with
10 local practices and traditions and in cooperation
11 with, and with respect for the scientific, tech-
12 nical, and management expertise and respon-
13 sibilities of, covered reef managers;

14 “(G) science-based adaptive management
15 and restoration efforts; and

16 “(H) management of coral reef emergencies
17 and disasters.

18 “(2) A statement of national goals and objectives
19 designed to guide—

20 “(A) future Federal coral reef management
21 and restoration activities authorized under sec-
22 tion 203;

23 “(B) conservation and restoration priorities
24 for grants awarded under section 211; and

1 “(C) research priorities for the reef research
2 coordination institutes designated under section
3 213(b)(1)(B).

4 “(3) A designation of priority areas for con-
5 servation, and priority areas for restoration, to sup-
6 port the review and approval of grants under section
7 211(e).

8 “(4) Technical assistance in the form of general
9 templates for use by covered reef managers and Fed-
10 eral reef managers to guide the development of coral
11 reef action plans under section 205, including guid-
12 ance on the best science-based practices to respond to
13 coral reef emergencies that can be included in coral
14 reef action plans.

15 “(c) CONSULTATIONS.—In developing all elements of
16 the strategy required by subsection (a), the Administrator
17 shall—

18 “(1) consult with the Secretary of the Interior,
19 the Task Force, covered States, and covered Native en-
20 tities;

21 “(2) consult with the Secretary of Defense, as ap-
22 propriate;

23 “(3) engage stakeholders, including covered
24 States, coral reef stewardship partnerships, reef re-
25 search institutes and research centers described in sec-

1 *tion 213, and recipients of grants under section 211;*
2 *and*

3 *“(4) solicit public review and comment regard-*
4 *ing scoping and the draft strategy.*

5 *“(d) SUBMISSION TO CONGRESS; PUBLICATION.—The*
6 *Administrator shall—*

7 *“(1) submit the strategy required by subsection*
8 *(a) and any revisions to the strategy to the appro-*
9 *priate congressional committees; and*

10 *“(2) publish the strategy and any such revisions*
11 *on public websites of—*

12 *“(A) the Coral Reef Conservation Program*
13 *of the National Oceanic and Atmospheric Ad-*
14 *ministration; and*

15 *“(B) the Task Force.*

16 **“SEC. 205. CORAL REEF ACTION PLANS.**

17 *“(a) PLANS PREPARED BY FEDERAL REEF MAN-*
18 *AGERS.—*

19 *“(1) IN GENERAL.—Not later than 3 years after*
20 *the date of the enactment of the James M. Inhofe Na-*
21 *tional Defense Authorization Act for Fiscal Year 2023*
22 *and 2 years after the date of publication of each Na-*
23 *tional Coral Reef Resilience Strategy, each Federal*
24 *reef manager shall—*

1 “(A) prepare a coral reef action plan to
2 guide management and restoration activities to
3 be undertaken within the responsibilities and ju-
4 risdiction of the manager; or

5 “(B) in the case of a reef under the jurisdic-
6 tion of a Federal reef manager for which there
7 is an action plan in effect as of such date of en-
8 actment, update that plan to comply with the re-
9 quirements of this subsection.

10 “(2) *ELEMENTS*.—A plan prepared under para-
11 graph (1) by a Federal reef manager shall include a
12 discussion of the following:

13 “(A) Short- and medium-term coral reef
14 conservation and restoration objectives within
15 the jurisdiction of the manager.

16 “(B) A current adaptive management
17 framework to inform research, monitoring, and
18 assessment needs.

19 “(C) Tools, strategies, and partnerships nec-
20 essary to identify, monitor, and address pollu-
21 tion, water quality, and other negative impacts
22 to coral reef ecosystems within the jurisdiction of
23 the manager.

24 “(D) The status of efforts to improve coral
25 reef ecosystem management cooperation and inte-

1 *gration between Federal reef managers and cov-*
2 *ered reef managers, including the identification*
3 *of existing research and monitoring activities*
4 *that can be leveraged for coral reef status and*
5 *trends assessments within the jurisdiction of the*
6 *manager.*

7 *“(E) Estimated budgetary and resource con-*
8 *siderations necessary to carry out the plan.*

9 *“(F) Contingencies for response to and re-*
10 *covery from emergencies and disasters.*

11 *“(G) In the case of an updated plan, an-*
12 *annual records of significant management and res-*
13 *toration actions taken under the previous plan,*
14 *cash and noncash resources used to undertake the*
15 *actions, and the source of such resources.*

16 *“(H) Documentation by the Federal reef*
17 *manager that the plan is consistent with the Na-*
18 *tional Coral Reef Resilience Strategy.*

19 *“(I) A data management plan to ensure*
20 *data, assessments, and accompanying informa-*
21 *tion are appropriately preserved, curated, pub-*
22 *licly accessible, and broadly reusable.*

23 *“(3) SUBMISSION TO TASK FORCE.—Each Fed-*
24 *eral reef manager shall submit a plan prepared under*
25 *paragraph (1) to the Task Force.*

1 “(4) *APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.*—Each plan prepared under paragraph
2 (1) shall be subject to the requirements of subchapter
3 II of chapter 5, and chapter 7, of title 5, United
4 States Code (commonly known as the ‘Administrative
5 Procedure Act’).
6

7 “(b) *PLANS PREPARED BY COVERED REEF MAN-*
8 *AGERS.*—

9 “(1) *IN GENERAL.*—A covered reef manager may
10 elect to prepare, submit to the Task Force, and main-
11 tain a coral reef action plan to guide management
12 and restoration activities to be undertaken within the
13 responsibilities and jurisdiction of the manager.

14 “(2) *EFFECTIVE PERIOD.*—A plan prepared
15 under this subsection shall remain in effect for 5
16 years, or until an updated plan is submitted to the
17 Task Force, whichever occurs first.

18 “(3) *ELEMENTS.*—A plan prepared under para-
19 graph (1) by a covered reef manager—

20 “(A) shall contain a discussion of—

21 “(i) short- and medium-term coral reef
22 conservation and restoration objectives with-
23 in the jurisdiction of the manager;

1 “(ii) *estimated budgetary and resource*
2 *considerations necessary to carry out the*
3 *plan;*

4 “(iii) *in the case of an updated plan,*
5 *annual records of significant management*
6 *and restoration actions taken under the pre-*
7 *vious plan, cash and noncash resources used*
8 *to undertake the actions, and the source of*
9 *such resources; and*

10 “(iv) *contingencies for response to and*
11 *recovery from emergencies and disasters;*
12 *and*

13 “(B) *may contain a discussion of—*

14 “(i) *the status of efforts to improve*
15 *coral reef ecosystem management coopera-*
16 *tion and integration between Federal reef*
17 *managers and covered reef managers, in-*
18 *cluding the identification of existing re-*
19 *search and monitoring activities that can be*
20 *leveraged for coral reef status and trends as-*
21 *sessments within the jurisdiction of the*
22 *manager;*

23 “(ii) *a current adaptive management*
24 *framework to inform research, monitoring,*
25 *and assessment needs;*

1 “(iii) tools, strategies, and partner-
2 ships necessary to identify, monitor, and
3 address pollution and water quality im-
4 pacts to coral reef ecosystems within the ju-
5 risdiction of the manager; and

6 “(iv) a data management plan to en-
7 sure data, assessments, and accompanying
8 information are appropriately preserved,
9 curated, publicly accessible, and broadly re-
10 usable.

11 “(c) *TECHNICAL ASSISTANCE.*—*The Administrator*
12 *and the Task Force shall make reasonable efforts to provide*
13 *technical assistance upon request by a Federal reef manager*
14 *or covered reef manager developing a coral reef action plan*
15 *under this section.*

16 “(d) *PUBLICATION.*—*The Administrator shall publish*
17 *each coral reef action plan prepared and submitted to the*
18 *Task Force under this section on the public website of the*
19 *Coral Reef Conservation Program of the National Oceanic*
20 *and Atmospheric Administration.*

21 “**SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.**

22 “(a) *IN GENERAL.*—*To further community-based stew-*
23 *ardship of coral reefs, coral reef stewardship partnerships*
24 *for Federal and non-Federal coral reefs may be established*
25 *in accordance with this section.*

1 “(b) *STANDARDS AND PROCEDURES.*—*The Adminis-*
2 *trator shall develop and adopt—*

3 “(1) *standards for identifying individual coral*
4 *reefs and ecologically significant units of coral reefs;*
5 *and*

6 “(2) *processes for adjudicating multiple appli-*
7 *cants for stewardship of the same coral reef or eco-*
8 *logically significant unit of a reef to ensure no geo-*
9 *graphic overlap in representation among stewardship*
10 *partnerships authorized by this section.*

11 “(c) *MEMBERSHIP FOR FEDERAL CORAL REEFS.*—*A*
12 *coral reef stewardship partnership that has identified, as*
13 *the subject of its stewardship activities, a coral reef or eco-*
14 *logically significant unit of a coral reef that is fully or par-*
15 *tially under the management jurisdiction of any Federal*
16 *agency specified in section 203(c) shall, at a minimum, in-*
17 *clude the following:*

18 “(1) *That Federal agency, a representative of*
19 *which shall serve as chairperson of the coral reef stew-*
20 *ardship partnership.*

21 “(2) *A State or county’s resource management*
22 *agency to the extent that such partnership covers a*
23 *reef within such States or county’s jurisdiction.*

24 “(3) *A coral reef research center designated*
25 *under section 212(b).*

1 “(4) *A nongovernmental organization.*

2 “(5) *A covered Native entity culturally affiliated*
3 *with the subject reef or ecologically significant unit,*
4 *if any.*

5 “(6) *Such other members as the partnership con-*
6 *siders appropriate, such as interested stakeholder*
7 *groups and covered Native entities.*

8 “(d) *MEMBERSHIP FOR NON-FEDERAL CORAL*
9 *REEFS.—*

10 “(1) *IN GENERAL.—A coral reef stewardship*
11 *partnership that has identified, as the subject of its*
12 *stewardship activities, a coral reef or ecologically sig-*
13 *nificant component of a coral reef that is not under*
14 *the management jurisdiction of any Federal agency*
15 *specified in section 203(c) shall, at a minimum, in-*
16 *clude the following:*

17 “(A) *A State or county’s resource manage-*
18 *ment agency or a covered Native entity, a rep-*
19 *resentative of which shall serve as the chair-*
20 *person of the coral reef stewardship partnership.*

21 “(B) *A coral reef research center designated*
22 *under section 212(b).*

23 “(C) *A nongovernmental organization.*

1 “(D) *Such other members as the partner-*
2 *ship considers appropriate, such as interested*
3 *stakeholder groups.*

4 “(2) *ADDITIONAL MEMBERS.—*

5 “(A) *IN GENERAL.—Subject to subpara-*
6 *graph (B), a coral reef stewardship partnership*
7 *described in paragraph (1) may also include*
8 *representatives of one or more Federal agencies.*

9 “(B) *REQUESTS; APPROVAL.—A representa-*
10 *tive of a Federal agency described in subpara-*
11 *graph (A) may become a member of a coral reef*
12 *stewardship partnership described in paragraph*
13 *(1) if—*

14 “(i) *the representative submits a re-*
15 *quest to become a member to the chair-*
16 *person of the partnership referred to in*
17 *paragraph (1)(A); and*

18 “(ii) *the chairperson consents to the re-*
19 *quest.*

20 “(e) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
21 *MITTEE ACT.—The Federal Advisory Committee Act (5*
22 *U.S.C. App.) shall not apply to coral reef stewardship part-*
23 *nerships under this section.*

1 **“SEC. 207. BLOCK GRANTS.**

2 “(a) *IN GENERAL.*—*In each fiscal year beginning in*
3 *fiscal year 2023 and subject to the availability of appro-*
4 *priations, the Administrator shall provide block grants of*
5 *financial assistance of not less than \$500,000 to each cov-*
6 *ered State to support management and restoration activi-*
7 *ties and further the implementation of coral reef action*
8 *plans in effect under section 205 by covered States and non-*
9 *Federal coral reef stewardship partnerships in accordance*
10 *with this section. The Administrator shall review each cov-*
11 *ered State’s application for block grant funding to ensure*
12 *that applications are consistent with applicable action*
13 *plans and the National Coral Reef Resilience Strategy.*

14 “(b) *RESPONSIBILITIES OF THE ADMINISTRATOR.*—
15 *The Administrator is responsible for—*

16 “(1) *providing guidance on the proper docu-*
17 *mentation of expenditures authorized under this Act;*

18 “(2) *issuing annual solicitations to covered*
19 *States for awards under this section; and*

20 “(3) *determining the appropriate allocation of*
21 *additional amounts among covered States in accord-*
22 *ance with this section.*

23 “(c) *RESPONSIBILITIES OF COVERED STATES.*—*Each*
24 *covered State is responsible for documenting and report-*
25 *ing—*

1 “(1) *such State’s use of Federal funds received*
2 *under this Act; and*

3 “(2) *such expenditures of non-Federal funds*
4 *made in furtherance of coral reef management and*
5 *restoration as the Administrator determines appro-*
6 *priate.*

7 “(d) *COOPERATIVE AGREEMENTS.—Subject to the*
8 *availability of appropriations, the Administrator may seek*
9 *to enter into a cooperative agreement with a covered State*
10 *to fund coral reef conservation and restoration activities in*
11 *waters managed under the jurisdiction of such covered State*
12 *that are consistent with the National Coral Reef Resilience*
13 *Strategy and any applicable action plan under section 205.*

14 “(e) *ALL ISLANDS COMMITTEE.—The Administrator*
15 *may enter into a cooperative agreement with the All Islands*
16 *Committee of the Task Force to provide support for its ac-*
17 *tivities.*

18 **“SEC. 208. CORAL REEF STEWARDSHIP FUND.**

19 “(a) *AGREEMENT.—The Administrator shall seek to*
20 *enter into an agreement with the National Fish and Wild-*
21 *life Foundation (in this section referred to as the ‘Founda-*
22 *tion’), authorizing the Foundation to receive, hold, and ad-*
23 *minister funds received under this section.*

24 “(b) *FUND.—*

1 “(1) *IN GENERAL.*—*The Foundation shall estab-*
2 *lish an account, which shall—*

3 “(A) *be known as the ‘Coral Reef Steward-*
4 *ship Fund’ (in this section referred to as the*
5 *‘Fund’); and*

6 “(B) *serve as the successor to the account*
7 *known before the date of the enactment of the*
8 *James M. Inhofe National Defense Authorization*
9 *Act for Fiscal Year 2023 as the Coral Reef Con-*
10 *servation Fund and administered through a pub-*
11 *lic-private partnership with the Foundation.*

12 “(2) *DEPOSITS.*—*The Foundation shall deposit*
13 *funds received under this section into the Fund.*

14 “(3) *PURPOSES.*—*The Fund shall be available*
15 *solely to support coral reef stewardship activities*
16 *that—*

17 “(A) *further the purposes of this title; and*

18 “(B) *are consistent with—*

19 “(i) *the National Coral Reef Resilience*
20 *Strategy; and*

21 “(ii) *coral reef action plans in effect, if*
22 *any, under section 205 covering a coral reef*
23 *or ecologically significant component of a*
24 *coral reef to be impacted by such activities,*
25 *if applicable.*

1 “(4) *INVESTMENT OF AMOUNTS.*—

2 “(A) *INVESTMENT OF AMOUNTS.*—*The*
3 *Foundation shall invest such portion of the Fund*
4 *as is not required to meet current withdrawals*
5 *in interest-bearing obligations of the United*
6 *States or in obligations guaranteed as to both*
7 *principal and interest by the United States.*

8 “(B) *INTEREST AND PROCEEDS.*—*The inter-*
9 *est on, and the proceeds from the sale or redemp-*
10 *tion of, any obligations held in the Fund shall*
11 *be credited to and form a part of the Fund.*

12 “(5) *REVIEW OF PERFORMANCE.*—*The Adminis-*
13 *trator shall conduct a continuing review of all depos-*
14 *its into, and disbursements from, the Fund. Each re-*
15 *view shall include a written assessment concerning*
16 *the extent to which the Foundation has implemented*
17 *the goals and requirements of—*

18 “(A) *this section; and*

19 “(B) *the National Coral Reef Resilience*
20 *Strategy.*

21 “(c) *AUTHORIZATION TO SOLICIT DONATIONS.*—

22 “(1) *IN GENERAL.*—*Pursuant to an agreement*
23 *entered into under subsection (a), the Foundation*
24 *may accept, receive, solicit, hold, administer, and use*
25 *any gift (including, notwithstanding section 1342 of*

1 *title 31, United States Code, donations of services) to*
2 *further the purposes of this title.*

3 “(2) *DEPOSITS IN FUND.*—*Notwithstanding sec-*
4 *tion 3302 of title 31, United States Code, any funds*
5 *received as a gift shall be deposited and maintained*
6 *in the Fund.*

7 “(d) *ADMINISTRATION.*—*Under an agreement entered*
8 *into pursuant to subsection (a), and subject to the avail-*
9 *ability of appropriations, the Administrator may transfer*
10 *funds appropriated for such purposes to carry out this title*
11 *to the Foundation. Amounts received by the Foundation*
12 *under this subsection may be used for matching, in whole*
13 *or in part, contributions (whether in money, services, or*
14 *property) made to the Foundation by private persons, State*
15 *or local government agencies, or covered Native entities.*

16 **“SEC. 209. EMERGENCY ASSISTANCE.**

17 “(a) *IN GENERAL.*—*Notwithstanding any other provi-*
18 *sion of law, from funds appropriated pursuant to the au-*
19 *thorization of appropriations under section 215, the Ad-*
20 *ministrator may provide emergency assistance to any cov-*
21 *ered State or coral reef stewardship partnership to respond*
22 *to immediate harm to coral reefs or coral reef ecosystems*
23 *arising from any of the exigent circumstances described in*
24 *subsection (b).*

1 “(b) *CORAL REEF EXIGENT CIRCUMSTANCES.*—*The*
2 *Administrator shall develop a list of, and criteria for, cir-*
3 *cumstances that pose an exigent threat to coral reefs, includ-*
4 *ing—*

5 “(1) *new and ongoing outbreaks of disease;*

6 “(2) *new and ongoing outbreaks of invasive or*
7 *nuisance species;*

8 “(3) *new and ongoing coral bleaching events;*

9 “(4) *natural disasters;*

10 “(5) *industrial or mechanical incidents, such as*
11 *vessel groundings, hazardous spills, or coastal con-*
12 *struction accidents; and*

13 “(6) *such other circumstances as the Adminis-*
14 *trator determines appropriate.*

15 “(c) *ANNUAL REPORT ON EXIGENT CIR-*
16 *CUMSTANCES.*—*On February 1 of each year, the Adminis-*
17 *trator shall submit to the appropriate congressional com-*
18 *mittees, the Committee on Appropriations of the Senate,*
19 *and the Committee on Appropriations of the House of Rep-*
20 *resentatives a report that—*

21 “(1) *describes locations with exigent cir-*
22 *cumstances described in subsection (b) that were con-*
23 *sidered but declined for emergency assistance, and the*
24 *rationale for the decision; and*

1 “(2) *with respect to each instance in which emer-*
2 *gency assistance under this section was provided—*

3 “(A) *the location and a description of the*
4 *exigent circumstances that prompted the emer-*
5 *gency assistance, the entity that received the as-*
6 *stance, and the current and expected outcomes*
7 *from the assistance;*

8 “(B) *a description of activities of the Na-*
9 *tional Oceanic and Atmospheric Administration*
10 *that were curtailed as a result of providing the*
11 *emergency assistance; and*

12 “(C) *an assessment of whether further ac-*
13 *tion is needed to restore the affected coral reef,*
14 *recommendations for such restoration, and a cost*
15 *estimate to implement such recommendations.*

16 **“SEC. 210. CORAL REEF DISASTER FUND.**

17 “(a) *AGREEMENTS.—The Administrator shall seek to*
18 *enter into an agreement with the National Fish and Wild-*
19 *life Foundation (in this section referred to as the ‘Founda-*
20 *tion’), authorizing the Foundation to receive, hold, and ad-*
21 *minister funds received under this section.*

22 “(b) *FUND.—*

23 “(1) *IN GENERAL.—The Foundation shall estab-*
24 *lish an account, to be known as the ‘Coral Reef Dis-*
25 *aster Fund’ (in this section referred to as the ‘Fund’).*

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 the long-term recovery of coral reefs*
5 *from exigent circumstances described in section*
6 *209(b)—*

7 “(A) *in partnership with non-Federal stake-*
8 *holders; and*

9 “(B) *in a manner that is consistent with—*

10 “(i) *the National Coral Reef Resilience*
11 *Strategy; and*

12 “(ii) *coral reef action plans in effect, if*
13 *any, under section 205.*

14 “(4) *INVESTMENT OF AMOUNTS.*—

15 “(A) *INVESTMENT OF AMOUNTS.*—*The*
16 *Foundation shall invest such portion of the Fund*
17 *as is not required to meet current withdrawals*
18 *in interest-bearing obligations of the United*
19 *States or in obligations guaranteed as to both*
20 *principal and interest by the United States.*

21 “(B) *INTEREST AND PROCEEDS.*—*The inter-*
22 *est on, and the proceeds from, the sale or re-*
23 *demption of, any obligations held in the Fund*
24 *shall be credited to and form a part of the Fund.*

1 “(5) *REVIEW OF PERFORMANCE.*—*The Administrator shall conduct continuing reviews of all deposits*
2 *into, and disbursements from, the Fund. Each such*
3 *review shall include a written assessment concerning*
4 *the extent to which the Foundation has implemented*
5 *the goals and requirements of this section.*

7 “(c) *AUTHORIZATION TO SOLICIT DONATIONS.*—

8 “(1) *IN GENERAL.*—*Pursuant to an agreement*
9 *entered into under subsection (a), the Foundation*
10 *may accept, receive, solicit, hold, administer, and use*
11 *any gift (including, notwithstanding section 1342 of*
12 *title 31, United States Code, donations of services) to*
13 *further the purposes of this title.*

14 “(2) *DEPOSITS IN FUND.*—*Notwithstanding sec-*
15 *tion 3302 of title 31, United States Code, any funds*
16 *received as a gift shall be deposited and maintained*
17 *in the Fund.*

18 **“SEC. 211. RUTH D. GATES CORAL REEF CONSERVATION**
19 **GRANT PROGRAM.**

20 “(a) *IN GENERAL.*—*Subject to the availability of ap-*
21 *propriations, the Administrator shall establish a program*
22 *(to be known as the ‘Ruth D. Gates Coral Reef Conservation*
23 *Grant Program’)* *to provide grants for projects for the con-*
24 *servation and restoration of coral reef ecosystems (in this*
25 *section referred to as ‘coral reef projects’) pursuant to pro-*

1 *posals approved by the Administrator in accordance with*
2 *this section.*

3 “(b) *MATCHING REQUIREMENTS FOR GRANTS.*—

4 “(1) *IN GENERAL.*—*Except as provided in para-*
5 *graph (3), Federal funds for any coral reef project for*
6 *which a grant is provided under subsection (a) may*
7 *not exceed 50 percent of the total cost of the project.*

8 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
9 *share of the cost of a coral reef project may be pro-*
10 *vided by in-kind contributions and other noncash*
11 *support.*

12 “(3) *WAIVER.*—*The Administrator may waive*
13 *all or part of the matching requirement under para-*
14 *graph (1) if the Administrator determines that no*
15 *reasonable means are available through which an ap-*
16 *plicant can meet the matching requirement with re-*
17 *spect to a coral reef project and the probable benefit*
18 *of the project outweighs the public interest in the*
19 *matching requirement.*

20 “(c) *ELIGIBILITY.*—

21 “(1) *IN GENERAL.*—*An entity described in para-*
22 *graph (2) may submit to the Administrator a pro-*
23 *posal for a coral reef project.*

24 “(2) *ENTITIES DESCRIBED.*—*An entity described*
25 *in this paragraph is—*

1 “(A) a covered reef manager or a covered
2 Native entity;

3 “(B) a regional fishery management council
4 established under the Magnuson-Stevens Fishery
5 Conservation and Management Act (16 U.S.C.
6 1801 et seq.);

7 “(C) a coral reef stewardship partnership
8 seeking to implement a coral reef action plan in
9 effect under section 205;

10 “(D) a coral reef research center designated
11 under section 212(b); or

12 “(E) a nongovernmental organization or re-
13 search institution with demonstrated expertise in
14 the conservation or restoration of coral reefs in
15 practice or through significant contributions to
16 the body of existing scientific research on coral
17 reefs.

18 “(d) *PROJECT PROPOSALS*.—Each proposal for a
19 grant under this section for a coral reef project shall include
20 the following:

21 “(1) The name of the individual or entity re-
22 sponsible for conducting the project.

23 “(2) A description of the qualifications of the in-
24 dividual or entity.

1 “(3) *A succinct statement of the purposes of the*
2 *project.*

3 “(4) *An estimate of the funds and time required*
4 *to complete the project.*

5 “(5) *Evidence of support for the project by ap-*
6 *propriate representatives of States or other govern-*
7 *ment jurisdictions in which the project will be con-*
8 *ducted.*

9 “(6) *Information regarding the source and*
10 *amount of matching funding available to the appli-*
11 *cant.*

12 “(7) *A description of how the project meets one*
13 *or more of the criteria under subsection (e)(2).*

14 “(8) *In the case of a proposal submitted by a*
15 *coral reef stewardship partnership, a description of*
16 *how the project aligns with the applicable coral reef*
17 *action plan in effect under section 205.*

18 “(9) *Any other information the Administrator*
19 *considers to be necessary for evaluating the eligibility*
20 *of the project for a grant under this subsection.*

21 “(e) *PROJECT REVIEW AND APPROVAL.—*

22 “(1) *IN GENERAL.—The Administrator shall re-*
23 *view each coral reef project proposal submitted under*
24 *this section to determine if the project meets the cri-*
25 *teria 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 sub-*
6 *section (f)(2) that are proposed to be conducted*
7 *within priority areas identified for coral reef*
8 *conservation by the Administrator under the Na-*
9 *tional Coral Reef Resilience Strategy; and*

10 “(B) *subparagraphs (E) through (L) of sub-*
11 *section (f)(2) that are proposed to be conducted*
12 *within priority areas identified for coral reef*
13 *restoration by the Administrator under the Na-*
14 *tional Coral Reef Resilience Strategy.*

15 “(3) *REVIEW; APPROVAL OR DISAPPROVAL.—Not*
16 *later than 180 days after receiving a proposal for a*
17 *coral reef project under this section, the Adminis-*
18 *trator shall—*

19 “(A) *request and consider written comments*
20 *on the proposal from each Federal agency, State*
21 *government, covered Native entity, or other gov-*
22 *ernment jurisdiction, including the relevant re-*
23 *gional fishery management councils established*
24 *under the Magnuson-Stevens Fishery Conserva-*
25 *tion and Management Act (16 U.S.C. 1801 et*

1 *seq.), or any National Marine Sanctuary or Ma-*
2 *rine National Monument, with jurisdiction or*
3 *management authority over coral reef ecosystems*
4 *in the area where the project is to be conducted,*
5 *including the extent to which the project is con-*
6 *sistent with locally established priorities, unless*
7 *such entities were directly involved in the devel-*
8 *opment of the project proposal;*

9 “(B) *provide for the merit-based peer review*
10 *of the proposal and require standardized docu-*
11 *mentation of that peer review;*

12 “(C) *after considering any written com-*
13 *ments and recommendations based on the reviews*
14 *under subparagraphs (A) and (B), approve or*
15 *disapprove the proposal; and*

16 “(D) *provide written notification of that*
17 *approval or disapproval, with summaries of all*
18 *written comments, recommendations, and peer*
19 *reviews, to the entity that submitted the pro-*
20 *posal, and each of those States, covered Native*
21 *entity, and other government jurisdictions that*
22 *provided comments under subparagraph (A).*

23 “(f) *CRITERIA FOR APPROVAL.—The Administrator*
24 *may not approve a proposal for a coral reef project under*
25 *this section unless the project—*

1 “(1) is consistent with—

2 “(A) the National Coral Reef Resilience
3 Strategy; and

4 “(B) any Federal or non-Federal coral reef
5 action plans in effect under section 205 covering
6 a coral reef or ecologically significant unit of a
7 coral reef to be affected by the project; and

8 “(2) will enhance the conservation and restora-
9 tion of coral reefs by—

10 “(A) addressing conflicts arising from the
11 use of environments near coral reefs or from the
12 use of corals, species associated with coral reefs,
13 and coral products, including supporting con-
14 sensus-driven and community-based planning
15 and management initiatives for the protection of
16 coral reef ecosystems;

17 “(B) improving compliance with laws that
18 prohibit or regulate the taking of coral products
19 or species associated with coral reefs or regulate
20 the use and management of coral reef ecosystems;

21 “(C) designing and implementing networks
22 of real-time water quality monitoring along
23 coral reefs, including data collection related to
24 turbidity, nutrient availability, harmful algal
25 blooms, and plankton assemblages, with an em-

1 *phasis on coral reefs impacted by agriculture*
2 *and urban development;*

3 *“(D) promoting ecologically sound naviga-*
4 *tion and anchorages, including mooring buoy*
5 *systems to promote enhanced recreational access,*
6 *near coral reefs;*

7 *“(E) furthering the goals and objectives of*
8 *coral reef action plans in effect under section*
9 *205;*

10 *“(F) mapping the location and distribution*
11 *of coral reefs and potential coral reef habitat;*

12 *“(G) stimulating innovation to advance the*
13 *ability of the United States to understand, re-*
14 *search, or monitor coral reef ecosystems, or to de-*
15 *velop management or adaptation options to con-*
16 *serve and restore coral reef ecosystems;*

17 *“(H) implementing research to ensure the*
18 *population viability of coral species in United*
19 *States waters listed as threatened or endangered*
20 *under the Endangered Species Act of 1973 as de-*
21 *tailed in the population-based recovery criteria*
22 *included in species-specific recovery plans estab-*
23 *lished under such Act;*

24 *“(I) developing and implementing cost-effec-*
25 *tive methods to restore degraded coral reef eco-*

1 *systems or to create geographically appropriate*
2 *coral reef ecosystems in suitable waters, includ-*
3 *ing by improving habitat or promoting success of*
4 *keystone species, with an emphasis on novel res-*
5 *toration strategies and techniques to advance*
6 *coral reef recovery and growth near population*
7 *centers threatened by rising sea levels and storm*
8 *surge;*

9 *“(J) translating and applying coral genet-*
10 *ics research to coral reef ecosystem restoration,*
11 *including research related to traits that promote*
12 *resilience to increasing ocean temperatures,*
13 *changing ocean chemistry, coral bleaching, coral*
14 *diseases, and invasive species;*

15 *“(K) developing and maintaining in situ*
16 *native coral propagation sites; or*

17 *“(L) developing and maintaining ex situ*
18 *coral propagation nurseries and land-based coral*
19 *gene banks to—*

20 *“(i) conserve or augment genetic diver-*
21 *sity of native coral populations;*

22 *“(ii) support captive breeding of rare*
23 *coral species; or*

24 *“(iii) enhance resilience of native coral*
25 *populations to increasing ocean tempera-*

1 *tures, changing ocean chemistry, coral*
2 *bleaching, and coral diseases through selec-*
3 *tive breeding, conditioning, or other ap-*
4 *proaches that target genes, gene expression,*
5 *phenotypic traits, or phenotypic plasticity.*

6 “(g) *FUNDING REQUIREMENTS.*—*To the extent prac-*
7 *ticable based upon proposals for coral reef projects sub-*
8 *mitted to the Administrator, the Administrator shall ensure*
9 *that funding for grants awarded under this section during*
10 *a fiscal year is distributed as follows:*

11 “(1) *Not less than 40 percent of funds available*
12 *shall be awarded for projects in areas of the Pacific*
13 *Ocean subject to the jurisdiction or control of the*
14 *United States.*

15 “(2) *Not less than 40 percent of the funds avail-*
16 *able shall be awarded for projects in areas of the At-*
17 *lantic Ocean, the Gulf of Mexico, or the Caribbean*
18 *Sea subject to the jurisdiction or control of the United*
19 *States.*

20 “(3) *To the extent there are viable applications*
21 *made by eligible coral reef stewardship partners, not*
22 *more than 67 percent of funds distributed in each re-*
23 *gion in accordance with paragraphs (1) and (2) may*
24 *be made exclusively available to projects that are—*

1 “(A) submitted by a coral reef stewardship
2 partnership; and

3 “(B) consistent with the coral reef action
4 plan in effect under section 205 by such a part-
5 nership.

6 “(4) Of the funds distributed to support projects
7 in accordance with paragraph (3), not less than 20
8 percent and not more than 33 percent shall be award-
9 ed for projects submitted by a Federal coral reef stew-
10 ardship partnership, to the extent there are viable ap-
11 plications made by eligible Federal coral reef steward-
12 ship partnerships.

13 “(h) *TASK FORCE*.—The Administrator may consult
14 with the Secretary of the Interior and the Task Force to
15 obtain guidance in establishing priorities and evaluating
16 proposals for coral reef projects under this section.

17 “**SEC. 212. CORAL REEF RESEARCH.**

18 “(a) *REEF RESEARCH COORDINATION INSTITUTES*.—

19 “(1) *ESTABLISHMENT*.—The Administrator shall
20 designate 2 reef research coordination institutes for
21 the purpose of advancing and sustaining essential ca-
22 pabilities in coral reef research, one each in the At-
23 lantic and Pacific basins, to be known as the ‘Atlan-
24 tic Reef Research Coordination Institute’ and the ‘Pa-

1 *cific Reef Research Coordination Institute’, respec-*
2 *tively.*

3 “(2) *MEMBERSHIP.*—*Each institute designated*
4 *under paragraph (1) shall be housed within a single*
5 *coral reef research center designated by the Adminis-*
6 *trator under subsection (b).*

7 “(3) *FUNCTIONS.*—*The institutes designated*
8 *under paragraph (1) shall—*

9 “(A) *conduct federally directed research to*
10 *fill national and regional coral reef ecosystem re-*
11 *search gaps and improve understanding of, and*
12 *responses to, continuing and emerging threats to*
13 *the resilience of United States coral reef eco-*
14 *systems consistent with the National Coral Reef*
15 *Resilience Strategy;*

16 “(B) *support ecological research and moni-*
17 *toring to study the effects of conservation and*
18 *restoration activities funded by this title on pro-*
19 *moting more effective coral reef management and*
20 *restoration; and*

21 “(C) *through agreements—*

22 “(i) *collaborate directly with States,*
23 *covered Native entities, covered coral reef*
24 *managers, nonprofit organizations, and*

1 *other coral reef research centers designated*
2 *under subsection (b);*

3 *“(ii) assist in the development and im-*
4 *plementation of—*

5 *“(I) the National Coral Reef Re-*
6 *silience Strategy; and*

7 *“(II) coral reef action plans under*
8 *section 205;*

9 *“(iii) build capacity within non-Fed-*
10 *eral governmental resource management*
11 *agencies to establish research priorities and*
12 *translate and apply research findings to*
13 *management and restoration practices; and*

14 *“(iv) conduct public education and*
15 *awareness programs for policymakers, re-*
16 *source managers, and the general public*
17 *on—*

18 *“(I) coral reefs and coral reef eco-*
19 *systems;*

20 *“(II) best practices for coral reef*
21 *ecosystem management and restora-*
22 *tion;*

23 *“(III) the value of coral reefs; and*

24 *“(IV) the threats to the sustain-*
25 *ability of coral reef ecosystems.*

1 “(b) *CORAL REEF RESEARCH CENTERS.*—

2 “(1) *IN GENERAL.*—*The Administrator shall—*

3 “(A) *periodically solicit applications for*
4 *designation of qualifying institutions in covered*
5 *States as coral reef research centers; and*

6 “(B) *designate all qualifying institutions in*
7 *covered States as coral reef research centers.*

8 “(2) *QUALIFYING INSTITUTIONS.*—*For purposes*
9 *of paragraph (1), an institution is a qualifying insti-*
10 *tution if the Administrator determines that the insti-*
11 *tution—*

12 “(A) *is operated by an institution of higher*
13 *education or nonprofit marine research organi-*
14 *zation;*

15 “(B) *has established management-driven*
16 *national or regional coral reef research or res-*
17 *toration programs;*

18 “(C) *has demonstrated abilities to coordi-*
19 *nate closely with appropriate Federal and State*
20 *agencies, and other academic and nonprofit or-*
21 *ganizations; and*

22 “(D) *maintains significant local commu-*
23 *nity engagement and outreach programs related*
24 *to coral reef ecosystems.*

1 **“SEC. 213. CORAL REEF PRIZE COMPETITIONS.**

2 “(a) *IN GENERAL.*—Subject to the availability of ap-
3 propriations, the head of any Federal agency with a rep-
4 resentative serving on the United States Coral Reef Task
5 Force established by section 10011 of the James M. Inhofe
6 National Defense Authorization Act for Fiscal Year 2023,
7 may, individually or in cooperation with one or more agen-
8 cies, carry out a program to award prizes competitively
9 under section 24 of the Stevenson-Wydler Technology Inno-
10 vation Act of 1980 (15 U.S.C. 3719).

11 “(b) *PURPOSES.*—Any program carried out under this
12 section shall be for the purpose of stimulating innovation
13 to advance the ability of the United States to understand,
14 research, or monitor coral reef ecosystems, or to develop
15 management or adaptation options to preserve, sustain,
16 and restore coral reef ecosystems.

17 “(c) *PRIORITY PROGRAMS.*—Priority shall be given to
18 establishing programs under this section that address com-
19 munities, environments, or industries that are in distress
20 as a result of the decline or degradation of coral reef eco-
21 systems, including—

22 “(1) *scientific research and monitoring that fur-*
23 *thers the understanding of causes behind coral reef de-*
24 *cline and degradation and the generally slow recovery*
25 *following disturbances, including changing ocean*

1 *chemistry, temperature-related bleaching, disease, and*
2 *their associated impacts on coral physiology;*

3 *“(2) the development of monitoring or manage-*
4 *ment options for communities or industries that are*
5 *experiencing significant financial hardship;*

6 *“(3) the development of adaptation options to al-*
7 *leviate economic harm and job loss caused by damage*
8 *to coral reef ecosystems;*

9 *“(4) the development of measures to help vulner-*
10 *able communities or industries, with an emphasis on*
11 *rural communities and businesses; and*

12 *“(5) the development of adaptation and manage-*
13 *ment options for impacted tourism industries.*

14 **“SEC. 214. REPORTS ON ADMINISTRATION.**

15 *“(a) IN GENERAL.—Not later than 2 years after the*
16 *date of the enactment of the James M. Inhofe National De-*
17 *fense Authorization Act for Fiscal Year 2023, and every 2*
18 *years thereafter, the Administrator shall submit to the com-*
19 *mittees specified in subsection (b) a report on the adminis-*
20 *tration of this title during the 2-year period preceding sub-*
21 *mission of the report, including—*

22 *“(1) a description of all activities undertaken to*
23 *implement the National Coral Reef Resilience Strat-*
24 *egy;*

1 “(2) a statement of all funds obligated under the
2 authorities of this title; and

3 “(3) a summary, disaggregated by State, of Fed-
4 eral and non-Federal contributions toward the costs of
5 each project or activity funded, in full or in part,
6 under this title.

7 “(b) *COMMITTEES SPECIFIED.*—The committees speci-
8 fied in this subsection are—

9 “(1) the Committee on Commerce, Science, and
10 Transportation, Committee on Environment and
11 Public Works, Committee on Energy and Natural Re-
12 sources, and the Committee on Appropriations of the
13 Senate; and

14 “(2) the Committee on Natural Resources and
15 the Committee on Appropriations of the House of
16 Representatives.

17 **“SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

18 “(a) *IN GENERAL.*—There is authorized to be appro-
19 priated to the Administrator \$45,000,000 for each of fiscal
20 years 2023 through 2027 to carry out this title which shall
21 remain available until expended. Of such amounts, there
22 is authorized to be appropriated for each such fiscal year—

23 “(1) \$12,000,000 to carry out section 207;

24 “(2) \$3,500,000 for activities authorized under
25 section 211; and

1 “(3) \$4,500,000 to be provided to the cooperative
2 institutes designated under section 212(a) to carry
3 out the functions described in such section.

4 “(b) *ADMINISTRATION*.—Not more than 10 percent of
5 the amounts appropriated under subsection (a) may be used
6 for program administration or overhead costs incurred by
7 the National Oceanic and Atmospheric Administration or
8 the Department of Commerce.

9 **“SEC. 216. DEFINITIONS.**

10 *“In this title:*

11 “(1) *ADMINISTRATOR*.—The term ‘Adminis-
12 trator’ means the Administrator of the National Oce-
13 anic and Atmospheric Administration.

14 “(2) *ALASKA NATIVE CORPORATION*.—The term
15 ‘Alaska Native Corporation’ has the meaning given
16 the term ‘Native Corporation’ in section 3 of the Alas-
17 ka Native Claims Settlement Act (43 U.S.C. 1602).

18 “(3) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES*.—The term ‘appropriate congressional commit-
20 tees’ means the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Natural Resources of the House of Representatives.

23 “(4) *CONSERVATION*.—The term ‘conservation’
24 means the use of methods and procedures necessary to
25 preserve or sustain native corals and associated spe-

1 *cies as diverse, viable, and self-perpetuating coral reef*
2 *ecosystems with minimal impacts from invasive spe-*
3 *cies, including—*

4 *“(A) all activities associated with resource*
5 *management, such as monitoring, assessment,*
6 *protection, restoration, sustainable use, manage-*
7 *ment of habitat, and maintenance or augmenta-*
8 *tion of genetic diversity;*

9 *“(B) mapping;*

10 *“(C) scientific expertise and technical as-*
11 *sistance in the development and implementation*
12 *of management strategies for marine protected*
13 *areas and marine resources required by Federal*
14 *law;*

15 *“(D) law enforcement;*

16 *“(E) conflict resolution initiatives;*

17 *“(F) community outreach and education;*

18 *and*

19 *“(G) promotion of safe and ecologically*
20 *sound navigation and anchoring.*

21 *“(5) CORAL.—The term ‘coral’ means species of*
22 *the phylum Cnidaria, including—*

23 *“(A) all species of the orders Antipatharia*
24 *(black corals), Scleractinia (stony corals),*
25 *Alcyonacea (soft corals, organ pipe corals,*

1 *gorgonians), and Helioporacea (blue coral), of*
2 *the class Anthozoa; and*

3 “(B) *all species of the order Anthoathecata*
4 *(fire corals and other hydrocorals) of the class*
5 *Hydrozoa.*

6 “(6) *CORAL PRODUCTS.*—*The term ‘coral prod-*
7 *ucts’ means any living or dead specimens, parts, or*
8 *derivatives, or any product containing specimens,*
9 *parts, or derivatives, of any species of coral.*

10 “(7) *CORAL REEF.*—*The term ‘coral reef’ means*
11 *calcium carbonate structures in the form of a reef or*
12 *shoal, composed in whole or in part by living coral,*
13 *skeletal remains of coral, crustose coralline algae, and*
14 *other associated sessile marine plants and animals.*

15 “(8) *CORAL REEF ECOSYSTEM.*—*The term ‘coral*
16 *reef ecosystem’ means—*

17 “(A) *corals and other geographically and*
18 *ecologically associated marine communities of*
19 *other reef organisms (including reef plants and*
20 *animals) associated with coral reef habitat; and*

21 “(B) *the biotic and abiotic factors and proc-*
22 *esses that control or significantly affect coral cal-*
23 *cification rates, tissue growth, reproduction, re-*
24 *ruitment, abundance, coral-algal symbiosis, and*
25 *biodiversity in such habitat.*

1 “(9) *CORAL REEF ECOSYSTEM SERVICES*.—*The*
2 *term ‘coral reef ecosystem services’ means the at-*
3 *tributes and benefits provided by coral reef ecosystems*
4 *including—*

5 “(A) *protection of coastal beaches, struc-*
6 *tures, and infrastructure;*

7 “(B) *habitat for organisms of economic, eco-*
8 *logical, biomedical, medicinal, and cultural*
9 *value;*

10 “(C) *servicing as centers for the promulga-*
11 *tion, performance, and training of cultural prac-*
12 *tices representative of traditional ecological*
13 *knowledge; and*

14 “(D) *aesthetic value.*

15 “(10) *COVERED NATIVE ENTITY*.—*The term ‘cov-*
16 *ered Native entity’ means a Native entity with inter-*
17 *ests in a coral reef ecosystem.*

18 “(11) *COVERED REEF MANAGER*.—*The term ‘cov-*
19 *ered reef manager’ means—*

20 “(A) *a management unit of a covered State*
21 *with jurisdiction over a coral reef ecosystem;*

22 “(B) *a covered State; or*

23 “(C) *a coral reef stewardship partnership*
24 *under section 206.*

1 “(12) *COVERED STATE*.—*The term ‘covered*
2 *State’ means Florida, Hawaii, and the territories of*
3 *American Samoa, the Commonwealth of the Northern*
4 *Mariana Islands, Guam, Puerto Rico, and the United*
5 *States Virgin Islands.*

6 “(13) *FEDERAL REEF MANAGER*.—

7 “(A) *IN GENERAL*.—*The term ‘Federal reef*
8 *manager’ means—*

9 “(i) *a management unit of a Federal*
10 *agency specified in subparagraph (B) with*
11 *lead management jurisdiction over a coral*
12 *reef ecosystem; or*

13 “(ii) *a coral reef stewardship partner-*
14 *ship under section 206(c).*

15 “(B) *FEDERAL AGENCIES SPECIFIED*.—*A*
16 *Federal agency specified in this subparagraph is*
17 *one of the following:*

18 “(i) *The National Oceanic and Atmos-*
19 *pheric Administration.*

20 “(ii) *The National Park Service.*

21 “(iii) *The United States Fish and*
22 *Wildlife Service.*

23 “(iv) *The Office of Insular Affairs.*

24 “(14) *INSTITUTION OF HIGHER EDUCATION*.—
25 *The term ‘institution of higher education’ has the*

1 *meaning given that term in section 101 of the Higher*
2 *Education Act of 1965 (20 U.S.C. 1001).*

3 “(15) *INTERESTED STAKEHOLDER GROUPS.—*
4 *The term ‘interested stakeholder groups’ means any of*
5 *the following with interest in an applicable coral reef*
6 *or ecologically significant unit of a coral reef:*

7 “(A) *A business.*

8 “(B) *A commercial or recreational fisher-*
9 *man.*

10 “(C) *A recreationalist.*

11 “(D) *A Federal, State, Tribal, or local gov-*
12 *ernment unit with related jurisdiction.*

13 “(E) *An institution of higher education (as*
14 *such term is defined in section 101(a) of the*
15 *Higher Education Act of 1965 (20 U.S.C.*
16 *1001(a)).*

17 “(F) *A nongovernmental organization.*

18 “(16) *NATIONAL CORAL REEF RESILIENCE*
19 *STRATEGY.—The term ‘National Coral Reef Resilience*
20 *Strategy’ means the National Coral Reef Resilience*
21 *Strategy in effect under section 204.*

22 “(17) *NATIVE ENTITY.—The term ‘Native entity’*
23 *means any of the following:*

1 “(A) *An Indian Tribe (as defined in section*
2 *4 of the Indian Self-Determination and Edu-*
3 *cation Assistance Act (25 U.S.C. 5304)).*

4 “(B) *An Alaska Native Corporation.*

5 “(C) *The Department of Hawaiian Home*
6 *Lands.*

7 “(D) *The Office of Hawaiian Affairs.*

8 “(E) *A Native Hawaiian organization (as*
9 *defined in section 6207 of the Elementary and*
10 *Secondary Education Act of 1965 (20 U.S.C.*
11 *7517)).*

12 “(18) *NONPROFIT ORGANIZATION.—The term*
13 *‘nonprofit organization’ means any corporation,*
14 *trust, association, cooperative, or other organization,*
15 *not including an institution of higher education,*
16 *that—*

17 “(A) *is operated primarily for scientific,*
18 *educational, service, charitable, or similar pur-*
19 *poses in the public interest;*

20 “(B) *is not organized primarily for profit;*
21 *and*

22 “(C) *uses net proceeds to maintain, im-*
23 *prove, or expand the operations of the organiza-*
24 *tion.*

1 “(19) *RESTORATION.*—*The term ‘restoration’*
2 *means the use of methods and procedures necessary to*
3 *enhance, rehabilitate, recreate, or create a functioning*
4 *coral reef or coral reef ecosystem, in whole or in part,*
5 *within suitable waters of the historical geographic*
6 *range of such ecosystems, to provide ecological, eco-*
7 *nomical, cultural, or coastal resiliency services associ-*
8 *ated with healthy coral reefs and benefit native popu-*
9 *lations of coral reef organisms.*

10 “(20) *RESILIENCE.*—*The term ‘resilience’ means*
11 *the capacity for corals within their native range,*
12 *coral reefs, or coral reef ecosystems to resist and re-*
13 *cover from natural and human disturbances, and*
14 *maintain structure and function to provide coral reef*
15 *ecosystem services, as determined by clearly identifi-*
16 *able, measurable, and science-based standards.*

17 “(21) *SECRETARY.*—*The term ‘Secretary’ means*
18 *the Secretary of Commerce.*

19 “(22) *STATE.*—*The term ‘State’ means—*

20 “(A) *any State of the United States that*
21 *contains a coral reef ecosystem within its sea-*
22 *ward boundaries;*

23 “(B) *American Samoa, the Commonwealth*
24 *of the Northern Mariana Islands, Guam, Puerto*
25 *Rico, or the United States Virgin Islands; or*

1 “(C) any other territory or possession of the
2 United States or separate sovereign in free asso-
3 ciation with the United States that contains a
4 coral reef ecosystem within its seaward bound-
5 aries.

6 “(23) STEWARDSHIP.—The term ‘stewardship’,
7 with respect to a coral reef, includes conservation, res-
8 toration, and public outreach and education.

9 “(24) TASK FORCE.—The term ‘Task Force’
10 means the United States Coral Reef Task Force estab-
11 lished under section 10011 of the James M. Inhofe
12 National Defense Authorization Act for Fiscal Year
13 2023.”.

14 (b) CONFORMING AMENDMENT TO NATIONAL OCEANS
15 AND COASTAL SECURITY ACT.—Section 905(a) of the Na-
16 tional Oceans and Coastal Security Act (16 U.S.C.
17 7504(a)) is amended by striking “and coastal infrastruc-
18 ture” and inserting “, coastal infrastructure, and ecosystem
19 services provided by natural systems such as coral reefs”.

20 (c) COMPTROLLER GENERAL REVIEW OF CORAL REEF
21 CONSERVATION PROGRAMS AT THE NATIONAL OCEANIC
22 AND ATMOSPHERIC ADMINISTRATION.—The Comptroller
23 General of the United States shall, not later than 1 year
24 after the date of the enactment of this Act, submit to Con-

1 *gress and the National Oceanic and Atmospheric Adminis-*
2 *tration a report that—*

3 (1) *examines the budget and accounting prac-*
4 *tices of the coral reef conservation programs of such*
5 *Administration, including expenditure tracking*
6 *across line and program offices;*

7 (2) *examines the process for determining appro-*
8 *priate project goals and funding priorities; and*

9 (3) *includes recommendations on policies or best*
10 *practices that may improve the transparency and ac-*
11 *countability of coral reef conservation programs.*

12 (d) *SAVINGS CLAUSE.—None of the amendments made*
13 *by or provisions of this title may be construed to enlarge*
14 *the management authority of a Federal agency or coral reef*
15 *stewardship partnership to coral reefs and coral reef eco-*
16 *systems outside the boundaries of such agency’s or partner-*
17 *ship’s jurisdiction.*

18 ***Subtitle B—United States Coral***
19 ***Reef Task Force***

20 ***SEC. 10011. ESTABLISHMENT.***

21 *There is established a task force to lead, coordinate,*
22 *and strengthen Federal Government actions to better pre-*
23 *serve, conserve, and restore coral reef ecosystems, to be*
24 *known as the “United States Coral Reef Task Force” (in*
25 *this subtitle referred to as the “Task Force”).*

1 **SEC. 10012. DUTIES.**

2 *The duties of the Task Force shall be—*

3 *(1) to coordinate, in cooperation with covered*
4 *States, covered Native entities, Federal reef managers,*
5 *covered reef managers, coral reef research centers des-*
6 *ignated under section 212(b) of the Coral Reef Con-*
7 *servation Act of 2000 (as added by this division), and*
8 *other nongovernmental and academic partners as ap-*
9 *propriate, activities regarding the mapping, moni-*
10 *toring, research, conservation, mitigation, and res-*
11 *toration of coral reefs and coral reef ecosystems;*

12 *(2) to monitor and advise regarding implemen-*
13 *tation of the policy and Federal agency responsibil-*
14 *ities set forth in—*

15 *(A) Executive Order 13089 (63 Fed. Reg.*
16 *32701; relating to coral reef protection); and*

17 *(B) the National Coral Reef Resilience*
18 *Strategy;*

19 *(3) to work in coordination with the other mem-*
20 *bers of the Task Force—*

21 *(A) to assess the United States role in inter-*
22 *national trade and protection of coral species;*

23 *(B) to encourage implementation of appro-*
24 *priate strategies and actions to promote con-*
25 *servation and sustainable use of coral reef re-*
26 *sources worldwide; and*

1 (C) to collaborate with international com-
2 munities successful in managing coral reefs;

3 (4) to provide technical assistance for the devel-
4 opment and implementation, as appropriate, of—

5 (A) the National Coral Reef Resilience
6 Strategy; and

7 (B) coral reef action plans under section
8 205 of that Act; and

9 (5) to produce a report each year, for submission
10 to the appropriate congressional committees and pub-
11 lication on the public website of the Task Force, high-
12 lighting the status of the coral reef resources of a cov-
13 ered State on a rotating basis, including—

14 (A) a summary of recent coral reef manage-
15 ment and restoration activities undertaken in
16 that State; and

17 (B) updated estimates of the direct and in-
18 direct economic activity supported by, and other
19 benefits associated with, those coral reef re-
20 sources.

21 **SEC. 10013. MEMBERSHIP.**

22 (a) **VOTING MEMBERSHIP.**—The voting members of the
23 Task Force shall be—

1 (1) *the Under Secretary of Commerce for Oceans*
2 *and Atmosphere and the Secretary of Interior, who*
3 *shall be co-chairpersons of the Task Force;*

4 (2) *such representatives from other Federal agen-*
5 *cies as the President, in consultation with the Under*
6 *Secretary, determines appropriate; and*

7 (3) *the Governor, or a representative of the Gov-*
8 *ernor, of each covered State.*

9 (b) *NONVOTING MEMBERS.—The Task Force shall have*
10 *the following nonvoting members:*

11 (1) *A member of the South Atlantic Fishery*
12 *Management Council who is designated by the Gov-*
13 *ernor of Florida under section 302(b)(1) of the Mag-*
14 *nuson-Stevens Fishery Conservation and Management*
15 *Act (16 U.S.C. 1852(b)(1)).*

16 (2) *A member of the Gulf of Mexico Fishery*
17 *Management Council who is designated by the Gov-*
18 *ernor of Florida under such section.*

19 (3) *A member of the Western Pacific Fishery*
20 *Management Council who is designated under such*
21 *section and selected as follows:*

22 (A) *For the period beginning on the date of*
23 *the enactment of this Act and ending on Decem-*
24 *ber 31 of the calendar year during which such*
25 *date of enactment occurs, the member shall be se-*

1 lected jointly by the Governors of Hawaii, Amer-
2 ican Samoa, Guam, and the Commonwealth of
3 the Northern Mariana Islands.

4 (B) For each calendar year thereafter, the
5 Governors of Hawaii, American Samoa, Guam,
6 and the Commonwealth of the Northern Mariana
7 Islands shall, on a rotating basis, take turns se-
8 lecting the member.

9 (4) A member of the Caribbean Fishery Manage-
10 ment Council who is designated under such section
11 and selected as follows:

12 (A) For the period beginning on the date of
13 the enactment of this Act and ending on Decem-
14 ber 31 of the calendar year during which such
15 date of enactment occurs, the member shall be se-
16 lected jointly by the Governors of Puerto Rico
17 and the United States Virgin Islands.

18 (B) For each calendar year thereafter, the
19 Governors of Puerto Rico and the United States
20 Virgin Islands shall, on an alternating basis,
21 take turns selecting the member.

22 (5) A member appointed by the President of the
23 Federated States of Micronesia.

24 (6) A member appointed by the President of the
25 Republic of the Marshall Islands.

1 (7) *A member appointed by the President of the*
2 *Republic of Palau.*

3 **SEC. 10014. RESPONSIBILITIES OF FEDERAL AGENCY MEM-**
4 **BERS.**

5 (a) *IN GENERAL.*—*A member of the Task Force de-*
6 *scribed in section 10013(a) shall—*

7 (1) *identify the actions of the agency that mem-*
8 *ber represents that may affect coral reef ecosystems;*

9 (2) *use the programs and authorities of that*
10 *agency to protect and enhance the conditions of such*
11 *ecosystems, including through the promotion of basic*
12 *and applied scientific research;*

13 (3) *collaborate with the Task Force to appro-*
14 *priately reflect budgetary needs for coral reef con-*
15 *servation and restoration activities in all agency*
16 *budget planning and justification documents and*
17 *processes; and*

18 (4) *engage in any other coordinated efforts ap-*
19 *proved by the Task Force.*

20 (b) *CO-CHAIRPERSONS.*—*In addition to their respon-*
21 *sibilities under subsection (a), the co-chairpersons of the*
22 *Task Force shall perform the administrative functions of*
23 *the Task Force and facilitate the coordination of the mem-*
24 *bers of the Task Force described in section 10013(a).*

1 (c) *BRIEFING.*—Not less than 30 days before each meet-
2 ing of the Task Force, the program offices of the National
3 Oceanic and Atmospheric Administration responsible for
4 implementing this title shall provide a briefing to the rel-
5 evant congressional committees on efforts and spending as-
6 sociated with such implementation.

7 **SEC. 10015. WORKING GROUPS.**

8 (a) *IN GENERAL.*—The co-chairpersons of the Task
9 Force may establish working groups as necessary to meet
10 the goals and carry out the duties of the Task Force.

11 (b) *REQUESTS FROM MEMBERS.*—The members of the
12 Task Force may request that the co-chairpersons establish
13 a working group under subsection (a).

14 (c) *PARTICIPATION BY NONGOVERNMENTAL ORGANIZA-*
15 *TIONS.*—The co-chairpersons may allow nongovernmental
16 organizations as appropriate, including academic institu-
17 tions, conservation groups, and commercial and rec-
18 reational fishing associations, to participate in a working
19 group established under subsection (a).

20 (d) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
21 *MITTEE ACT.*—The Federal Advisory Committee Act (5
22 U.S.C. App.) shall not apply to working groups established
23 under this section.

24 **SEC. 10016. DEFINITIONS.**

25 *In this subtitle:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate;*

6 (B) *the Committee on Environment and*
7 *Public Works of the Senate;*

8 (C) *the Committee on Energy and Natural*
9 *Resources of the Senate; and*

10 (D) *the Committee on Natural Resources of*
11 *the House of Representatives.*

12 (2) *CONSERVATION, CORAL, CORAL REEF, ETC.*—
13 *The terms “conservation”, “coral”, “coral reef”,*
14 *“coral reef ecosystem”, “covered reef manager”, “cov-*
15 *ered State”, “Federal reef manager”, “National Coral*
16 *Reef Resilience Strategy”, “restoration”, “resilience”,*
17 *and “State” have the meanings given those terms in*
18 *section 216 of the Coral Reef Conservation Act of*
19 *2000, as added by this division.*

20 ***Subtitle C—Department of the***
21 ***Interior Coral Reef Authorities***

22 ***SEC. 10021. CORAL REEF CONSERVATION AND RESTORA-***
23 ***TION ASSISTANCE.***

24 (a) *IN GENERAL.*—*The Secretary of the Interior may*
25 *provide scientific expertise and technical assistance, and*

1 *subject to the availability of appropriations, financial as-*
2 *sistance for the conservation and restoration of coral reefs*
3 *consistent with all applicable laws governing resource man-*
4 *agement in Federal, State, and Tribal waters, including—*

5 (1) *the National Coral Reef Resilience Strategy;*
6 *and*

7 (2) *coral reef action plans in effect under section*
8 *205 of the Coral Reef Conservation Act of 2000, as*
9 *added by this division, as applicable.*

10 (b) *CORAL REEF INITIATIVE.—The Secretary may es-*
11 *tablish a Coral Reef Initiative Program—*

12 (1) *to provide grant funding to support local*
13 *management, conservation, and protection of coral*
14 *reef ecosystems in—*

15 (A) *coastal areas of covered States; and*

16 (B) *Freely Associated States;*

17 (2) *to enhance resource availability of National*
18 *Park Service and National Wildlife Refuge System*
19 *management units to implement coral reef conserva-*
20 *tion and restoration activities;*

21 (3) *to complement the other conservation and as-*
22 *sistance activities conducted under this Act or the*
23 *Coral Reef Conservation Act of 2000, as amended by*
24 *section 10001; and*

1 (4) *to provide other technical, scientific, and fi-*
2 *nancial assistance and conduct conservation and res-*
3 *toration activities that advance the purposes of this*
4 *title and the Coral Reef Conservation Act of 2000, as*
5 *amended by this division.*

6 (c) *CONSULTATION WITH THE DEPARTMENT OF COM-*
7 *MERCE.—*

8 (1) *CORAL REEF CONSERVATION AND RESTORA-*
9 *TION ACTIVITIES.—The Secretary of the Interior may*
10 *consult with the Secretary of Commerce regarding the*
11 *conduct of any activities to conserve and restore coral*
12 *reefs and coral reef ecosystems in waters managed*
13 *under the jurisdiction of the Federal agencies speci-*
14 *fied in paragraphs (2) and (3) of section 203(c) of the*
15 *Coral Reef Conservation Act of 2000, as added by this*
16 *division.*

17 (2) *AWARD OF CORAL REEF MANAGEMENT FEL-*
18 *LOWSHIP.—The Secretary of the Interior shall consult*
19 *with the Secretary of Commerce to award the Susan*
20 *L. Williams Coral Reef Management Fellowship*
21 *under subtitle D.*

22 (d) *COOPERATIVE AGREEMENTS.—Subject to the*
23 *availability of appropriations, the Secretary of the Interior*
24 *may enter into cooperative agreements with covered reef*
25 *managers to fund coral reef conservation and restoration*

1 *activities in waters managed under the jurisdiction of such*
2 *managers that—*

3 *(1) are consistent with the National Coral Reef*
4 *Resilience Strategy; and*

5 *(2) support and enhance the success of coral reef*
6 *action plans in effect under section 205 of the Coral*
7 *Reef Conservation Act of 2000, as added by this divi-*
8 *sion.*

9 *(e) DEFINITIONS.—In this section:*

10 *(1) CONSERVATION, CORAL, CORAL REEF, ETC.—*
11 *The terms “conservation”, “coral reef”, “covered reef*
12 *manager”, “covered State”, “National Coral Reef Re-*
13 *silience Strategy”, “restoration”, and “State” have*
14 *the meanings given those terms in section 216 of the*
15 *Coral Reef Conservation Act of 2000, as added by this*
16 *division.*

17 *(2) TRIBE; TRIBAL.—The terms “Tribe” and*
18 *“Tribal” refer to Indian Tribes (as defined in section*
19 *102 of the Federally Recognized Indian Tribe List Act*
20 *of 1994 (25 U.S.C. 5130)).*

1 ***Subtitle D—Susan L. Williams Na-***
2 ***tional Coral Reef Management***
3 ***Fellowship***

4 **SEC. 10031. SUSAN L. WILLIAMS NATIONAL CORAL REEF**
5 **MANAGEMENT FELLOWSHIP.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *ALASKA NATIVE CORPORATION.—The term*
8 *“Alaska Native Corporation” has the meaning given*
9 *the term “Native Corporation” in section 3 of the*
10 *Alaska Native Claims Settlement Act (43 U.S.C.*
11 *1602).*

12 (2) *FELLOW.—The term “fellow” means a Na-*
13 *tional Coral Reef Management Fellow.*

14 (3) *FELLOWSHIP.—The term “fellowship” means*
15 *the National Coral Reef Management Fellowship es-*
16 *tablished in subsection (c).*

17 (4) *COVERED NATIVE ENTITY.—The term “cov-*
18 *ered Native entity” has the meaning given the term*
19 *in section 216 of the Coral Reef Conservation Act of*
20 *2000, as added by this division.*

21 (5) *COVERED STATE.—The term “covered State”*
22 *has the meaning given the term in section 216 of the*
23 *Coral Reef Conservation Act of 2000, as added by this*
24 *division.*

1 (6) *NATIVE ENTITY.*—*The term “Native entity”*
2 *has the meaning given the term in section 216 of the*
3 *Coral Reef Conservation Act of 2000, as added by this*
4 *division.*

5 (7) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Commerce.*

7 (b) *ESTABLISHMENT OF FELLOWSHIP PROGRAM.*—

8 (1) *IN GENERAL.*—*There is established a Na-*
9 *tional Coral Reef Management Fellowship Program.*

10 (2) *PURPOSES.*—*The purposes of the fellowship*
11 *are—*

12 (A) *to encourage future leaders of the*
13 *United States to develop additional coral reef*
14 *management capacity in States and local com-*
15 *munities with coral reefs;*

16 (B) *to provide management agencies of cov-*
17 *ered States and covered Native entities with*
18 *highly qualified candidates whose education and*
19 *work experience meet the specific needs of each*
20 *covered State or covered Native entity; and*

21 (C) *to provide fellows with professional ex-*
22 *perience in management of coastal and coral reef*
23 *resources.*

24 (c) *FELLOWSHIP AWARDS.*—

1 (1) *IN GENERAL.*—*The Secretary, in consultation*
2 *with the Secretary of the Interior, shall award a fel-*
3 *lowship in accordance with this subsection.*

4 (2) *TERM OF FELLOWSHIP.*—*A fellowship*
5 *awarded under this subsection shall be for a term of*
6 *not more than 2 years.*

7 (3) *QUALIFICATIONS.*—*The Secretary, in con-*
8 *sultation with the Secretary of the Interior, shall*
9 *award a fellowship to individuals who have dem-*
10 *onstrated—*

11 (A) *an intent to pursue a career in marine*
12 *services and outstanding potential for such a ca-*
13 *reer;*

14 (B) *leadership potential, actual leadership*
15 *experience, or both;*

16 (C) *possession of a college or graduate de-*
17 *gree in biological science, a college or graduate*
18 *degree in resource management with experience*
19 *that correlates with aptitude and interest for*
20 *marine management, or both;*

21 (D) *proficient writing and speaking skills;*
22 *and*

23 (E) *such other attributes as the Secretary,*
24 *in consultation with the Secretary of the Inte-*
25 *rior, considers appropriate.*

1 (d) *MATCHING REQUIREMENT.*—

2 (1) *IN GENERAL.*—*Except as provided in para-*
3 *graph (2), the non-Federal share of the costs of a fel-*
4 *lowship under this section shall be 25 percent of such*
5 *costs.*

6 (2) *WAIVER OF MATCHING REQUIREMENT.*—*The*
7 *Secretary may waive the application of paragraph*
8 *(1) to a fellowship if the Secretary finds that such*
9 *waiver is necessary to support a project that the Sec-*
10 *retary has identified as a high priority.*

11 ***TITLE CI—BOLSTERING LONG-***
12 ***TERM UNDERSTANDING AND***
13 ***EXPLORATION OF THE GREAT***
14 ***LAKES, OCEANS, BAYS, AND***
15 ***ESTUARIES***

16 ***SEC. 10101. PURPOSE.***

17 *The purpose of this title is to promote and support—*

18 (1) *the monitoring, understanding, and explo-*
19 *ration of the Great Lakes, oceans, bays, estuaries, and*
20 *coasts; and*

21 (2) *the collection, analysis, synthesis, and shar-*
22 *ing of data related to the Great Lakes, oceans, bays,*
23 *estuaries, and coasts to facilitate scientific research*
24 *and operational decisionmaking.*

1 **SEC. 10102. DEFINITIONS.**

2 *In this title:*

3 (1) *ADMINISTRATION.*—*The term “Administration” means the National Oceanic and Atmospheric*
4 *Administration.*

6 (2) *ADMINISTRATOR.*—*The term “Administrator” means the Under Secretary of Commerce for*
7 *Oceans and Atmosphere in the capacity as Adminis-*
8 *trator of the National Oceanic and Atmospheric Ad-*
9 *ministration.*

11 (3) *INDIAN TRIBE.*—*The term “Indian Tribe”*
12 *has the meaning given the term in section 4 of the In-*
13 *dian Self-Determination and Education Assistance*
14 *Act (25 U.S.C. 5304).*

15 **SEC. 10103. WORKFORCE STUDY.**

16 (a) *IN GENERAL.*—*Section 303(a) of the America*
17 *COMPETES Reauthorization Act of 2010 (33 U.S.C.*
18 *893c(a)) is amended—*

19 (1) *by striking “Secretary of Commerce” and in-*
20 *serting “Under Secretary of Commerce for Oceans*
21 *and Atmosphere”;*

22 (2) *in paragraph (2), by inserting “, skillsets, or*
23 *credentials” after “degrees”;*

24 (3) *in paragraph (3), by inserting “or highly*
25 *qualified technical professionals and tradespeople”*
26 *after “atmospheric scientists”;*

1 (4) in paragraph (4), by inserting “, skillsets, or
2 credentials” after “degrees”;

3 (5) in paragraph (5)—

4 (A) by striking “scientist”; and

5 (B) by striking “; and” and inserting “, ob-
6 servations, and monitoring;”

7 (6) in paragraph (6), by striking “into Federal”
8 and all that follows and inserting “, technical profes-
9 sionals, and tradespeople into Federal career posi-
10 tions;”

11 (7) by redesignating paragraphs (2) through (6)
12 as paragraphs (3) through (7), respectively;

13 (8) by inserting after paragraph (1) the fol-
14 lowing:

15 “(2) whether there is a shortage in the number
16 of individuals with technical or trade-based degrees,
17 skillsets, or credentials suited to a career in oceanic
18 and atmospheric data collection, processing, satellite
19 production, or satellite operations;”; and

20 (9) by adding at the end the following:

21 “(8) workforce diversity and actions the Federal
22 Government can take to increase diversity in the sci-
23 entific workforce; and

24 “(9) actions the Federal Government can take to
25 shorten the hiring backlog for such workforce.”.

1 (b) *COORDINATION*.—Section 303(b) of such Act (33
2 U.S.C. 893c(b)) is amended by striking “Secretary of Com-
3 merce” and inserting “Under Secretary of Commerce for
4 Oceans and Atmosphere”.

5 (c) *REPORT*.—Section 303(c) of such Act (33 U.S.C.
6 893c(c)) is amended—

7 (1) by striking “the date of enactment of this
8 Act” and inserting “the date of the enactment of the
9 James M. Inhofe National Defense Authorization Act
10 for Fiscal Year 2023”;

11 (2) by striking “Secretary of Commerce” and in-
12 sserting “Under Secretary of Commerce for Oceans
13 and Atmosphere”; and

14 (3) by striking “to each committee” and all that
15 follows through “section 302 of this Act” and insert-
16 ing “to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Natural Resources and the Committee on Science,
19 Space, and Technology of the House of Representa-
20 tives”.

21 (d) *PROGRAM AND PLAN*.—Section 303(d) of such Act
22 (33 U.S.C. 893c(d)) is amended—

23 (1) by striking “Administrator of the National
24 Oceanic and Atmospheric Administration” and in-

1 serting “Under Secretary of Commerce for Oceans
2 and Atmosphere”; and

3 (2) by striking “academic partners” and all that
4 follows and inserting “academic partners.”.

5 **SEC. 10104. ACCELERATING INNOVATION AT COOPERATIVE**
6 **INSTITUTES.**

7 (a) *FOCUS ON EMERGING TECHNOLOGIES.*—The Ad-
8 ministrators shall consider evaluating the goals of 1 or more
9 Cooperative Institutes of the Administration to include fo-
10 cusing on advancing or applying emerging technologies,
11 which may include—

12 (1) applied uses and development of real-time
13 and other advanced genetic technologies and applica-
14 tions, including such technologies and applications
15 that derive genetic material directly from environ-
16 mental samples without any obvious signs of biologi-
17 cal source material;

18 (2) deployment of, and improvements to the du-
19 rability, maintenance, and other lifecycle concerns of,
20 advanced unmanned vehicles, regional small research
21 vessels, and other research vessels that support and
22 launch unmanned vehicles and sensors; and

23 (3) supercomputing and big data management,
24 including data collected through model outputs, elec-
25 tronic monitoring, and remote sensing.

1 **(b) COORDINATION WITH OTHER PROGRAMS.**—*The*
2 *Cooperative Institutes shall work with the Interagency*
3 *Ocean Observation Committee, the regional associations of*
4 *the Integrated Ocean Observing System, and other ocean*
5 *observing programs to coordinate technology needs and the*
6 *transition of new technologies from research to operations.*

7 **SEC. 10105. BLUE ECONOMY VALUATION.**

8 **(a) MEASUREMENT OF INDUSTRIES.**—*The Adminis-*
9 *trator, in consultation with the heads of other relevant Fed-*
10 *eral agencies and subject to the availability of appropri-*
11 *ations, shall establish a program to improve the collection,*
12 *aggregation, and analysis of data to measure the value and*
13 *impact of industries related to the Great Lakes, oceans,*
14 *bays, estuaries, and coasts on the economy of the United*
15 *States, including military uses, living resources, marine*
16 *construction, marine transportation, offshore energy devel-*
17 *opment and siting including for renewable energy, offshore*
18 *mineral production, ship and boat building, tourism, recre-*
19 *ation, subsistence, commercial, recreational, and charter*
20 *fishing, seafood processing, and other fishery-related busi-*
21 *nesses, aquaculture such as kelp and shellfish, and other in-*
22 *dustries the Administrator determines appropriate.*

23 **(b) COLLABORATION.**—*In carrying out subsection (a),*
24 *the Administrator shall—*

1 (1) *work with the Director of the Bureau of Eco-*
2 *nomic Analysis and the heads of other relevant Fed-*
3 *eral agencies to develop a Coastal and Ocean Econ-*
4 *omy Satellite Account that includes national, Tribal,*
5 *and State-level statistics to measure the contribution*
6 *of the Great Lakes, oceans, bays, estuaries, and coasts*
7 *to the overall economy of the United States; and*

8 (2) *collaborate with national and international*
9 *organizations and governments to promote consist-*
10 *ency of methods, measurements, and definitions to en-*
11 *sure comparability of results between countries.*

12 (c) *REPORT.*—*Not later than 2 years after the date of*
13 *the enactment of this section, and not less frequently than*
14 *every 2 years thereafter until the date that is 20 years after*
15 *the date of the enactment of this section, the Administrator,*
16 *in consultation with the heads of other relevant Federal*
17 *agencies, shall publish a report that—*

18 (1) *defines the Blue Economy in consultation*
19 *with Indian Tribes and with input from academia,*
20 *the private sector, nongovernmental organizations,*
21 *and other relevant experts;*

22 (2) *makes recommendations for updating North*
23 *American Industry Classification System reporting*
24 *codes to reflect the Blue Economy; and*

1 (3) provides a comprehensive estimate of the
2 value and impact of the Blue Economy with respect
3 to each State and territory of the United States, in-
4 cluding—

5 (A) the value and impact of—

6 (i) economic activities that are depend-
7 ent upon the resources of the Great Lakes,
8 oceans, bays, estuaries, and coasts;

9 (ii) the population and demographic
10 characteristics of the population along the
11 coasts;

12 (iii) port and shoreline infrastructure;

13 (iv) the volume and value of cargo
14 shipped by sea or across the Great Lakes;

15 (v) data collected from the Great
16 Lakes, oceans, bays, estuaries, and coasts,
17 including such data collected by businesses
18 that purchase and commodify the data, in-
19 cluding weather prediction and seasonal ag-
20 ricultural forecasting; and

21 (vi) military uses; and

22 (B) to the extent possible, the qualified
23 value and impact of the natural capital of the
24 Great Lakes, oceans, bays, estuaries, and coasts
25 with respect to tourism, recreation, natural re-

1 *sources, and cultural heritage, including other*
2 *indirect values.*

3 (d) *CENTRALIZED WEBSITE FOR RESILIENCY*
4 *GRANTS.—*

5 (1) *IN GENERAL.—Not later than 180 days after*
6 *the date of the enactment of this section, the Adminis-*
7 *trator, in coordination with the heads of other rel-*
8 *evant Federal agencies, shall create and regularly up-*
9 *date a public website to improve education, outreach,*
10 *and public information regarding grants and other*
11 *public funding opportunities of the Administration*
12 *related to resiliency.*

13 (2) *CONTENTS OF WEBSITE.—The website cre-*
14 *ated under paragraph (1) shall include the following:*

15 (A) *Hyperlinks, descriptions, deadlines, and*
16 *resources to support applicants including tech-*
17 *nical assistance and other information as the*
18 *Administrator determines appropriate relating*
19 *to resilience grants administered by—*

20 (i) *the Administration;*

21 (ii) *other relevant Federal agencies; or*

22 (iii) *foundations in coordination with*
23 *the Administration.*

24 (B) *Information described in subparagraph*

25 (A) *that is specific to supporting Tribal Govern-*

1 *ments and Tribal Colleges and Universities, and,*
2 *with respect to each such grant described in*
3 *paragraph (1), the contact information for an*
4 *individual of the Administration who can assist*
5 *Tribal Governments and Tribal Colleges and*
6 *Universities in applying for such grants.*

7 *(C) Information described in subparagraph*
8 *(A) that is specific to supporting Historically*
9 *Black Colleges and Universities, and, with re-*
10 *spect to each such grant described in paragraph*
11 *(1), the contact information for an individual of*
12 *the Administration who can assist Historically*
13 *Black Colleges and Universities in applying for*
14 *such grants.*

15 *(3) OUTREACH.—The Administrator shall con-*
16 *duct outreach activities to inform State, Tribal, and*
17 *local governments of resiliency, adaptation, and miti-*
18 *gation grants that are available to such governments.*

19 *(4) DEFINITIONS.—In this section:*

20 *(A) HISTORICALLY BLACK COLLEGES AND*
21 *UNIVERSITIES.—The term “Historically Black*
22 *Colleges and Universities” has the meaning given*
23 *the term “part B institution” in section 322 of*
24 *the Higher Education Act of 1965 (20 U.S.C.*
25 *1061).*

1 (B) *TRIBAL COLLEGE OR UNIVERSITY.*—The
2 term “Tribal College or University” has the
3 meaning given the term in section 316 of the
4 Higher Education Act of 1965 (20 U.S.C.
5 1059c).

6 **SEC. 10106. NO ADDITIONAL FUNDS AUTHORIZED.**

7 *Funds to carry out this title may, as provided in ad-*
8 *vance in appropriations Acts, only come from within*
9 *amounts authorized to be appropriated to the National Oce-*
10 *anic and Atmospheric Administration.*

11 **TITLE CII—REGIONAL OCEAN**
12 **PARTNERSHIPS**

13 **SEC. 10201. FINDINGS; PURPOSES.**

14 (a) *FINDINGS.*—Congress makes the following findings:

15 (1) *The ocean and coastal waters and the Great*
16 *Lakes of the United States are foundational to the*
17 *economy, security, global competitiveness, and well-*
18 *being of the United States and continuously serve the*
19 *people of the United States and other countries as an*
20 *important source of food, energy, economic produc-*
21 *tivity, recreation, beauty, and enjoyment.*

22 (2) *Over many years, the resource productivity*
23 *and water quality of the ocean, coastal, and Great*
24 *Lakes areas of the United States have been dimin-*
25 *ished by pollution, increasing population demands,*

1 *economic development, and natural and man-made*
2 *hazard events, both acute and chronic.*

3 *(3) The ocean, coastal, and Great Lakes areas of*
4 *the United States are managed by State and Federal*
5 *resource agencies and Indian Tribes and regulated on*
6 *an interstate and regional scale by various overlap-*
7 *ping Federal authorities, thereby creating a signifi-*
8 *cant need for interstate coordination to enhance re-*
9 *gional priorities, including the ecological and eco-*
10 *nomi health of those areas.*

11 *(4) Indian Tribes have unique expertise and*
12 *knowledge important for the stewardship of the ocean*
13 *and coastal waters and the Great Lakes of the United*
14 *States.*

15 *(b) PURPOSES.—The purposes of this title are as fol-*
16 *lows:*

17 *(1) To complement and expand cooperative vol-*
18 *untary efforts intended to manage, conserve, and re-*
19 *store ocean, coastal, and Great Lakes areas spanning*
20 *across multiple State and Indian Tribe jurisdictions.*

21 *(2) To expand Federal support for monitoring,*
22 *data management, restoration, research, and con-*
23 *servation activities in ocean, coastal, and Great Lakes*
24 *areas.*

1 (3) *To commit the United States to a com-*
2 *prehensive cooperative program to achieve improved*
3 *water quality in, and improvements in the produc-*
4 *tivity of living resources of, oceans, coastal, and Great*
5 *Lakes ecosystems.*

6 (4) *To authorize Regional Ocean Partnerships as*
7 *intergovernmental coordinators for shared regional*
8 *priorities among States and Indian Tribes relating to*
9 *the collaborative management of the large marine eco-*
10 *systems, thereby reducing duplication of efforts and*
11 *maximizing opportunities to leverage support in the*
12 *ocean and coastal regions.*

13 (5) *To empower States to take a lead role in*
14 *managing oceans, coastal, and Great Lakes areas.*

15 (6) *To incorporate rights of Indian Tribes in the*
16 *management of oceans, coasts, and Great Lakes re-*
17 *sources and provide resources to support Indian Tribe*
18 *participation in and engagement with Regional*
19 *Ocean Partnerships.*

20 (7) *To enable Regional Ocean Partnerships, or*
21 *designated fiscal management entities of such part-*
22 *nerships, to receive Federal funding to conduct the*
23 *scientific research, conservation, and restoration ac-*
24 *tivities, and priority coordination on shared regional*

1 *priorities necessary to achieve the purposes described*
2 *in paragraphs (1) through (6).*

3 **SEC. 10202. REGIONAL OCEAN PARTNERSHIPS.**

4 *(a) DEFINITIONS.—In this section:*

5 *(1) ADMINISTRATOR.—The term “Adminis-*
6 *trator” means the Administrator of the National Oce-*
7 *anic and Atmospheric Administration.*

8 *(2) COASTAL STATE.—The term “coastal State”*
9 *has the meaning given the term “Coastal state” in*
10 *section 304 of the Coastal Zone Management Act of*
11 *1972 (16 U.S.C. 1453).*

12 *(3) INDIAN TRIBE.—The term “Indian Tribe”*
13 *has the meaning given that term in section 4 of the*
14 *Indian Self-Determination and Education Assistance*
15 *Act (25 U.S.C. 5304).*

16 *(4) REGIONAL OCEAN PARTNERSHIP.—The term*
17 *“Regional Ocean Partnership” means a Regional*
18 *Ocean Partnership designated under subsection (b).*

19 *(b) REGIONAL OCEAN PARTNERSHIPS.—*

20 *(1) IN GENERAL.—A coastal State or Indian*
21 *Tribe may form a partnership with—*

22 *(A) a coastal State that shares a common*
23 *ocean or coastal area with the coastal State,*
24 *without regard to whether the coastal States are*
25 *contiguous; and*

1 (B) *States*—

2 (i) *that share a common ocean, coastal*
3 *area, or watershed with the coastal State,*
4 *without regard to whether the coastal States*
5 *are contiguous; or*

6 (ii) *that would contribute to the prior-*
7 *ities of the partnership; and*

8 (C) *Indian Tribes.*

9 (2) *REQUIREMENTS.*—*A partnership formed*
10 *under paragraph (1) may apply for designation as a*
11 *Regional Ocean Partnership in such time and man-*
12 *ner as determined appropriate by the Secretary if the*
13 *partnership—*

14 (A) *is established to coordinate the manage-*
15 *ment of ocean, coastal, and Great Lakes re-*
16 *sources among the members of the partnership;*

17 (B) *focuses on the environmental issues af-*
18 *fecting the ocean, coastal, and Great Lakes areas*
19 *of the members participating in the partnership;*

20 (C) *complements existing coastal and ocean*
21 *management efforts of States and Indian Tribes*
22 *on an interstate scale, focusing on shared re-*
23 *gional priorities;*

24 (D) *does not have a regulatory function;*
25 *and*

1 (E) is not duplicative of an existing Re-
2 gional Ocean Partnership designated under
3 paragraph (3), as determined by the Secretary.

4 (3) DESIGNATION OF CERTAIN ENTITIES AS RE-
5 GIONAL OCEAN PARTNERSHIPS.—The following enti-
6 ties are designated as Regional Ocean Partnerships:

7 (A) The Gulf of Mexico Alliance, comprised
8 of the States of Alabama, Florida, Louisiana,
9 Mississippi, and Texas.

10 (B) The Northeast Regional Ocean Council,
11 comprised of the States of Maine, Vermont, New
12 Hampshire, Massachusetts, Connecticut, and
13 Rhode Island.

14 (C) The Mid-Atlantic Regional Council on
15 the Ocean, comprised of the States of New York,
16 New Jersey, Delaware, Maryland, and Virginia.

17 (D) The West Coast Ocean Alliance, com-
18 prised of the States of California, Oregon, and
19 Washington and the coastal Indian Tribes there-
20 in.

21 (4) GREAT LAKES.—A partnership established
22 under this section for the purposes described in sub-
23 section (d) with respect to a Great Lake may be
24 known as a “Regional Coastal Partnership” or a
25 “Regional Great Lakes Partnership”.

1 (c) *GOVERNING BODIES OF REGIONAL OCEAN PART-*
2 *NERSHIPS.*—*A Regional Ocean Partnership shall have a*
3 *governing body that—*

4 (1) *shall be comprised, at a minimum, of voting*
5 *members from each coastal state participating in the*
6 *Regional Ocean Partnership, designated by the Gov-*
7 *ernor of the coastal state; and*

8 (2) *may include such other members as the part-*
9 *nership considers appropriate.*

10 (d) *FUNCTIONS.*—*A Regional Ocean Partnership may*
11 *perform the following functions:*

12 (1) *Promote coordination of the actions of the*
13 *agencies of governments participating in the partner-*
14 *ship with the actions of the appropriate officials of*
15 *Federal agencies, State governments, and Indian*
16 *Tribes in developing strategies—*

17 (A) *to conserve living resources, increase*
18 *valuable habitats, enhance coastal resilience and*
19 *ocean management, promote ecological and eco-*
20 *nomie health, and address such other issues re-*
21 *lated to the shared ocean, coastal, or Great Lakes*
22 *areas as are determined to be a shared, regional*
23 *priority by those states; and*

1 (B) to manage regional data portals and
2 develop associated data products for purposes
3 that support the priorities of the partnership.

4 (2) In cooperation with appropriate Federal and
5 State agencies, Indian Tribes, and local authorities,
6 develop and implement specific action plans to carry
7 out coordination goals.

8 (3) Coordinate and implement priority plans
9 and projects, and facilitate science, research, mod-
10 eling, monitoring, data collection, and other activities
11 that support the goals of the partnership through the
12 provision of grants and contracts under subsection (f).

13 (4) Engage, coordinate, and collaborate with rel-
14 evant governmental entities and stakeholders to ad-
15 dress ocean and coastal related matters that require
16 interagency or intergovernmental solutions.

17 (5) Implement outreach programs for public in-
18 formation, education, and participation to foster
19 stewardship of the resources of the ocean, coastal, and
20 Great Lakes areas, as relevant.

21 (6) Develop and make available, through publi-
22 cations, technical assistance, and other appropriate
23 means, information pertaining to cross-jurisdictional
24 issues being addressed through the coordinated activi-
25 ties of the partnership.

1 (7) *Serve as a liaison with, and provide infor-*
2 *mation to, international counterparts, as appropriate*
3 *on priority issues for the partnership.*

4 (e) *COORDINATION, CONSULTATION, AND ENGAGE-*
5 *MENT.—*

6 (1) *IN GENERAL.—A Regional Ocean Partner-*
7 *ship shall maintain mechanisms for coordination,*
8 *consultation, and engagement with the following:*

9 (A) *The Federal Government.*

10 (B) *Indian Tribes.*

11 (C) *Nongovernmental entities, including*
12 *academic organizations, nonprofit organizations,*
13 *and private sector entities.*

14 (D) *Other federally mandated regional enti-*
15 *ties, including the Regional Fishery Management*
16 *Councils, the regional associations of the Na-*
17 *tional Integrated Coastal and Ocean Observation*
18 *System, and relevant Marine Fisheries Commis-*
19 *sions.*

20 (2) *RULE OF CONSTRUCTION.—Nothing in para-*
21 *graph (1)(B) may be construed as affecting any re-*
22 *quirement to consult with Indian Tribes under Exec-*
23 *utive Order 13175 (25 U.S.C. 5301 note; relating to*
24 *consultation and coordination with Indian Tribal*
25 *Governments) or any other applicable law or policy.*

1 (f) *GRANTS AND CONTRACTS.*—

2 (1) *IN GENERAL.*—*A Regional Ocean Partner-*
3 *ship may, in coordination with existing Federal,*
4 *State, and Tribal management programs, from*
5 *amounts made available to the partnership by the Ad-*
6 *ministrator or the head of another Federal agency,*
7 *subject to appropriations for such purpose, provide*
8 *grants and enter into contracts for the purposes de-*
9 *scribed in paragraph (2).*

10 (2) *PURPOSES.*—*The purposes described in this*
11 *paragraph include any of the following:*

12 (A) *Monitoring the water quality and living*
13 *resources of multistate ocean and coastal eco-*
14 *systems and coastal communities.*

15 (B) *Researching and addressing the effects*
16 *of natural and human-induced environmental*
17 *changes on—*

18 (i) *ocean and coastal ecosystems; and*

19 (ii) *coastal communities.*

20 (C) *Developing and executing cooperative*
21 *strategies that—*

22 (i) *address regional data issues identi-*
23 *fied by the partnership; and*

1 (ii) will result in more effective man-
2 agement of common ocean and coastal
3 areas.

4 (g) *REPORT REQUIRED.*—

5 (1) *IN GENERAL.*—Not later than 5 years after
6 the date of the enactment of this Act, the Adminis-
7 trator, in coordination with the Regional Ocean Part-
8 nerships, shall submit to Congress a report on the
9 partnerships.

10 (2) *REPORT REQUIREMENTS.*—The report re-
11 quired by paragraph (1) shall include the following:

12 (A) An assessment of the overall status of
13 the work of the Regional Ocean Partnerships.

14 (B) An assessment of the effectiveness of the
15 partnerships in supporting regional priorities
16 relating to the management of common ocean,
17 coastal, and Great Lakes areas.

18 (C) An assessment of the effectiveness of the
19 strategies that the partnerships are supporting
20 or implementing and the extent to which the pri-
21 ority needs of the regions covered by the partner-
22 ships are being met through such strategies.

23 (D) An assessment of how the efforts of the
24 partnerships support or enhance Federal and

1 *State efforts consistent with the purposes of this*
2 *title.*

3 *(E) Such recommendations as the Adminis-*
4 *trator may have for improving—*

5 *(i) efforts of the partnerships to sup-*
6 *port the purposes of this title; and*

7 *(ii) collective strategies that support*
8 *the purposes of this title in coordination*
9 *with all relevant Federal and State entities*
10 *and Indian Tribes.*

11 *(F) The distribution of funds from each*
12 *partnership for each fiscal year covered by the*
13 *report.*

14 *(h) AVAILABILITY OF FEDERAL FUNDS.—In addition*
15 *to amounts made available to the Regional Ocean Partner-*
16 *ships by the Administrator under this section, the head of*
17 *any other Federal agency may provide grants to, enter into*
18 *contracts with, or otherwise provide funding to such part-*
19 *nerships, subject to availability of appropriations for such*
20 *purposes.*

21 *(i) AUTHORITIES.—Nothing in this section establishes*
22 *any new legal or regulatory authority of the National Oce-*
23 *anic and Atmospheric Administration or of the Regional*
24 *Ocean Partnerships, other than—*

1 (1) *the authority of the Administrator to provide*
2 *amounts to the partnerships; and*

3 (2) *the authority of the partnerships to provide*
4 *grants and enter into contracts under subsection (f).*

5 (j) *AUTHORIZATIONS.—*

6 (1) *REGIONAL OCEAN PARTNERSHIPS.—There*
7 *are authorized to be appropriated to the Adminis-*
8 *trator the following amounts to be made available to*
9 *the Regional Ocean Partnerships or designated fiscal*
10 *management entities of such partnerships to carry out*
11 *activities of such partnerships under this title:*

12 (A) *\$10,100,000 for fiscal year 2023.*

13 (B) *\$10,202,000 for fiscal year 2024.*

14 (C) *\$10,306,040 for fiscal year 2025.*

15 (D) *\$10,412,160 for fiscal year 2026.*

16 (E) *\$10,520,404 for fiscal year 2027.*

17 (2) *DISTRIBUTION OF AMOUNTS.—Amounts*
18 *made available under this subsection shall be divided*
19 *evenly among the Regional Ocean Partnerships.*

20 (3) *TRIBAL GOVERNMENT PARTICIPATION.—*
21 *There is authorized to be appropriated to the Admin-*
22 *istrator \$1,000,000 for each of fiscal years 2023*
23 *through 2027 to be distributed to Indian Tribes for*
24 *purposes of participation in or engagement with the*
25 *Regional Ocean Partnerships.*

1 **TITLE CIII—NATIONAL OCEAN**
2 **EXPLORATION**

3 **SEC. 10301. FINDINGS.**

4 *Congress makes the following findings:*

5 (1) *The health and resilience of the ocean are*
6 *vital to the security and economy of the United States*
7 *and to the lives of the people of the United States.*

8 (2) *The United States depends on the ocean to*
9 *regulate weather and climate, to sustain and protect*
10 *the diversity of life, for maritime shipping, for na-*
11 *tional defense, and for food, energy, medicine, recre-*
12 *ation, and other services essential to the people of the*
13 *United States and all humankind.*

14 (3) *The prosperity, security, and well-being of*
15 *the United States depend on successful understanding*
16 *and stewardship of the ocean.*

17 (4) *Interdisciplinary cooperation and engage-*
18 *ment among government agencies, research institu-*
19 *tions, nongovernmental organizations, States, Indian*
20 *Tribes, and the private sector are essential for success-*
21 *ful stewardship of ocean and coastal environments,*
22 *national economic growth, national security, and de-*
23 *velopment of agile strategies that develop, promote,*
24 *and use new technologies.*

1 (5) *Ocean exploration can help the people of the*
2 *United States understand how to be effective stewards*
3 *of the ocean and serve as catalysts and enablers for*
4 *other sectors of the economy.*

5 (6) *Mapping, exploration, and characterization*
6 *of the ocean provides basic, essential information to*
7 *protect and restore the marine environment, stimulate*
8 *economic activity, and provide security for the United*
9 *States.*

10 (7) *A robust national ocean exploration program*
11 *engaging multiple Federal agencies, Indian Tribes,*
12 *the private sector, nongovernmental organizations,*
13 *and academia is—*

14 (A) *essential to the interests of the United*
15 *States and vital to its security and economy and*
16 *the health and well-being of all people of the*
17 *United States; and*

18 (B) *critical to reestablish the United States*
19 *at the forefront of global ocean exploration and*
20 *stewardship.*

21 **SEC. 10302. DEFINITIONS.**

22 *In this title:*

23 (1) *CHARACTERIZATION.—The term “character-*
24 *ization” means activities that provide comprehensive*
25 *data and interpretations for a specific area of interest*

1 *of the sea floor, sub-bottom, water column, or hydro-*
2 *logic features, including water masses and currents,*
3 *in direct support of specific research, environmental*
4 *protection, resource management, policymaking, or*
5 *applied mission objectives.*

6 (2) *EXPLORATION.*—*The term “exploration”*
7 *means activities that provide—*

8 (A) *a multidisciplinary view of an un-*
9 *known or poorly understood area of the seafloor,*
10 *sub-bottom, or water column; and*

11 (B) *an initial assessment of the physical,*
12 *chemical, geological, biological, archeological, or*
13 *other characteristics of such an area.*

14 (3) *INDIAN TRIBE.*—*The term “Indian Tribe”*
15 *has the meaning given that term in section 4 of the*
16 *Indian Self-Determination and Education Assistance*
17 *Act (25 U.S.C. 5304).*

18 (4) *MAPPING.*—*The term “mapping” means ac-*
19 *tivities that provide comprehensive data and informa-*
20 *tion needed to understand seafloor characteristics,*
21 *such as depth, topography, bottom type, sediment*
22 *composition and distribution, underlying geologic*
23 *structure, and benthic flora and fauna.*

1 **SEC. 10303. OCEAN POLICY COMMITTEE.**

2 (a) *SUBCOMMITTEES.*—Section 8932(c) of title 10,
3 *United States Code*, is amended to read as follows:

4 “(c) *SUBCOMMITTEES.*—(1) *The Committee shall in-*
5 *clude—*

6 “(A) *a subcommittee to be known as the ‘Ocean*
7 *Science and Technology Subcommittee’; and*

8 “(B) *a subcommittee to be known as the ‘Ocean*
9 *Resource Management Subcommittee’.*

10 “(2) *In discharging its responsibilities in support of*
11 *agreed-upon scientific needs, and to assist in the execution*
12 *of the responsibilities described in subsection (b), the Com-*
13 *mittee may delegate responsibilities to the Ocean Science*
14 *and Technology Subcommittee, the Ocean Resource Man-*
15 *agement Subcommittee, or another subcommittee of the*
16 *Committee, as the Committee determines appropriate.”.*

17 (b) *INCREASED ACCESS TO GEOSPATIAL DATA FOR*
18 *MORE EFFICIENT AND INFORMED DECISIONMAKING.*—

19 (1) *ESTABLISHMENT OF DOCUMENT SYSTEM.*—
20 *Section 8932(b) of title 10, United States Code, is*
21 *amended—*

22 (A) *in paragraph (3), by striking “and” at*
23 *the end;*

24 (B) *in paragraph (4)(F), by striking the pe-*
25 *riod at the end and inserting “; and”; and*

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

3 “(5) for projects under the purview of the Com-
4 mittee, establish or designate one or more systems for
5 ocean-related and ocean-mapping-related documents
6 prepared under the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.), in accordance
8 with subsection (h).”.

9 (2) *ELEMENTS*.—Section 8932 of such title is
10 amended—

11 (A) by redesignating subsection (h) as sub-
12 section (i); and

13 (B) by inserting after subsection (g) the fol-
14 lowing new subsection (h):

15 “(h) *ELEMENTS OF DOCUMENT SYSTEM*.—The systems
16 established or designated under subsection (b)(5) may in-
17 clude the following:

18 “(1) A publicly accessible, centralized digital ar-
19 chive of documents described in subsection (b)(5) that
20 are finalized after the date of the enactment of the
21 James M. Inhofe National Defense Authorization Act
22 for Fiscal Year 2023, including—

23 “(A) environmental impact statements;

24 “(B) environmental assessments;

25 “(C) records of decision; and

1 “(D) other relevant documents as deter-
2 mined by the lead agency on a project.

3 “(2) Geospatially referenced data, if any, con-
4 tained in the documents under paragraph (1).

5 “(3) A mechanism to retrieve information
6 through geo-information tools that can map and inte-
7 grate relevant geospatial information, such as—

8 “(A) Ocean Report Tools;

9 “(B) the Environmental Studies Program
10 Information System;

11 “(C) Regional Ocean Partnerships; and

12 “(D) the Integrated Ocean Observing Sys-
13 tem.

14 “(4) Appropriate safeguards on the public acces-
15 sibility of data to protect national security equities.”.

16 **SEC. 10304. NATIONAL OCEAN MAPPING, EXPLORATION,**
17 **AND CHARACTERIZATION COUNCIL.**

18 (a) *ESTABLISHMENT.*—The President shall establish a
19 council, to be known as the “National Ocean Mapping, Ex-
20 ploration, and Characterization Council” (in this section
21 referred to as the “Council”).

22 (b) *PURPOSE.*—The Council shall—

23 (1) update national priorities for ocean map-
24 ping, exploration, and characterization; and

1 (2) *coordinate and facilitate activities to ad-*
2 *vance those priorities.*

3 (c) *REPORTING.*—*The Council shall report to the*
4 *Ocean Science and Technology Subcommittee of the Ocean*
5 *Policy Committee established under section 8932(c) of title*
6 *10, United States Code.*

7 (d) *MEMBERSHIP.*—*The Council shall be composed of*
8 *senior-level representatives from the appropriate Federal*
9 *agencies.*

10 (e) *CO-CHAIRS.*—*The Council shall be co-chaired by—*

11 (1) *two senior-level representatives from the Na-*
12 *tional Oceanic and Atmospheric Administration; and*

13 (2) *one senior-level representative from the De-*
14 *partment of the Interior.*

15 (f) *DUTIES.*—*The Council shall—*

16 (1) *set national ocean mapping, exploration, and*
17 *characterization priorities and strategies;*

18 (2) *cultivate and facilitate transparent and sus-*
19 *tained partnerships among Federal and State agen-*
20 *cies, Indian Tribes, private industry, academia, and*
21 *nongovernmental organizations to conduct ocean*
22 *mapping, exploration, and characterization activities*
23 *and related technology development;*

24 (3) *coordinate improved processes for data com-*
25 *piletion, management, access, synthesis, and visual-*

1 *ization with respect to ocean mapping, exploration,*
2 *and characterization, with a focus on building on ex-*
3 *isting ocean data management systems and with ap-*
4 *propriate safeguards on the public accessibility of*
5 *data to protect national security equities, as appro-*
6 *priate;*

7 *(4) encourage education, workforce training, and*
8 *public engagement activities that—*

9 *(A) advance interdisciplinary principles*
10 *that contribute to ocean mapping, exploration,*
11 *research, and characterization;*

12 *(B) improve public engagement with and*
13 *understanding of ocean science; and*

14 *(C) provide opportunities for underserved*
15 *populations;*

16 *(5) coordinate activities as appropriate with do-*
17 *mestic and international ocean mapping, exploration,*
18 *and characterization initiatives or programs; and*

19 *(6) establish and monitor metrics to track*
20 *progress in achieving the priorities set under para-*
21 *graph (1).*

22 *(g) INTERAGENCY WORKING GROUP ON OCEAN EXPLO-*
23 *RATION AND CHARACTERIZATION.—*

24 *(1) ESTABLISHMENT.—The President shall estab-*
25 *lish a new interagency working group to be known as*

1 *the “Interagency Working Group on Ocean Explor-*
2 *ation and Characterization”.*

3 (2) *MEMBERSHIP.*—*The Interagency Working*
4 *Group on Ocean Exploration and Characterization*
5 *shall be comprised of senior representatives from Fed-*
6 *eral agencies with ocean exploration and character-*
7 *ization responsibilities.*

8 (3) *FUNCTIONS.*—*The Interagency Working*
9 *Group on Ocean Exploration and Characterization*
10 *shall support the Council and the Ocean Science and*
11 *Technology Subcommittee of the Ocean Policy Com-*
12 *mittee established under section 8932(c) of title 10,*
13 *United States Code, on ocean exploration and charac-*
14 *terization activities and associated technology devel-*
15 *opment across the Federal Government, State govern-*
16 *ments, Indian Tribes, private industry, nongovern-*
17 *mental organizations, and academia.*

18 (i) *OVERSIGHT.*—*The Council shall oversee—*

19 (1) *the Interagency Working Group on Ocean*
20 *Exploration and Characterization established under*
21 *subsection (g)(1); and*

22 (2) *the Interagency Working Group on Ocean*
23 *and Coastal Mapping under section 12203 of the*
24 *Ocean and Coastal Mapping Integration Act (33*
25 *U.S.C. 3502).*

1 (i) *PLAN*.—

2 (1) *IN GENERAL*.—Not later than 1 year after
3 the date of the enactment of this Act, the Council shall
4 develop or update and submit to the appropriate com-
5 mittees of Congress a plan for an integrated cross-sec-
6 toral ocean mapping, exploration, and characteriza-
7 tion initiative.

8 (2) *ELEMENTS*.—The plan required by para-
9 graph (1) shall—

10 (A) discuss the utility and benefits of ocean
11 exploration and characterization;

12 (B) identify and describe national ocean
13 mapping, exploration, and characterization pri-
14 orities;

15 (C) identify and describe Federal and feder-
16 ally funded ocean mapping, exploration, and
17 characterization programs;

18 (D) facilitate and incorporate non-Federal
19 input into national ocean mapping, exploration,
20 and characterization priorities;

21 (E) ensure effective coordination of ocean
22 mapping, exploration, and characterization ac-
23 tivities among programs described in subpara-
24 graph (C);

1 (F) identify opportunities for combining
2 overlapping or complementary needs, activities,
3 and resources of Federal agencies and non-Fed-
4 eral organizations relating to ocean mapping,
5 exploration, and characterization while not re-
6 ducing benefits from existing mapping, explo-
7 rations, and characterization activities;

8 (G) promote new and existing partnerships
9 among Federal and State agencies, Indian
10 Tribes, private industry, academia, and non-
11 governmental organizations to conduct or sup-
12 port ocean mapping, exploration, and character-
13 ization activities and technology development
14 needs, including through coordination under sec-
15 tion 3 of the Commercial Engagement Through
16 Ocean Technology Act of 2018 (33 U.S.C. 4102)
17 and the National Oceanographic Partnership
18 Program under section 8931 of title 10, United
19 States Code;

20 (H) develop a transparent and sustained
21 mechanism for non-Federal partnerships and
22 stakeholder engagement in strategic planning
23 and mission execution to be implemented not
24 later than December 31, 2023, for coordinating
25 such activities with—

1 (i) *institutions of higher education (as*
2 *such term is defined in section 101(a) of the*
3 *Higher Education Act of 1965 (20 U.S.C.*
4 *1001(a)), the private sector, philanthropic*
5 *organizations, and nonprofits; and*

6 (ii) *international partners for activi-*
7 *ties relating to maritime areas (including*
8 *the sea floor) beyond the jurisdiction of the*
9 *Federal Government;*

10 (I) *establish standardized collection and*
11 *data management protocols, including with re-*
12 *spect to metadata, for ocean mapping, explo-*
13 *ration, and characterization which—*

14 (i) *are publicly accessible and locatable*
15 *via appropriate Federal repositories;*

16 (ii) *can facilitate the integration of*
17 *ocean data into products and use innova-*
18 *tions from non-Federal partners; and*

19 (iii) *have appropriate safeguards on*
20 *the public accessibility of data to protect*
21 *national security;*

22 (J) *encourage the development, testing, dem-*
23 *onstration, and adoption of innovative ocean*
24 *mapping, exploration, and characterization tech-*
25 *nologies and applications;*

1 (K) *promote protocols for accepting data,*
2 *equipment, approaches, or other resources that*
3 *support national ocean mapping, exploration,*
4 *and characterization priorities;*

5 (L) *identify best practices for the protection*
6 *of marine life during mapping, exploration, and*
7 *characterization activities;*

8 (M) *identify training, technology, and other*
9 *resource requirements for enabling the National*
10 *Oceanic and Atmospheric Administration and*
11 *other appropriate Federal agencies to support a*
12 *coordinated national ocean mapping, explo-*
13 *ration, and characterization effort;*

14 (N) *identify and facilitate a centralized*
15 *mechanism or office for coordinating data collec-*
16 *tion, compilation, processing, archiving, and dis-*
17 *semination activities relating to ocean mapping,*
18 *exploration, and characterization that meets*
19 *Federal mandates for data accuracy and accessi-*
20 *bility;*

21 (O) *designate repositories responsible for*
22 *archiving and managing ocean mapping, explo-*
23 *ration, and characterization data;*

24 (P) *set forth a timetable and estimated costs*
25 *for implementation and completion of the plan;*

1 (Q) to the extent practicable, align ocean ex-
2 ploration and characterization efforts with exist-
3 ing programs and identify key gaps; and

4 (R) identify criteria for determining the op-
5 timal frequency of observations; and

6 (S) provide recommendations, developed in
7 coordination with the private sector, to improve
8 incentives, access, and processes for the private
9 sector to share ocean-related data with the public
10 and Federal Government.

11 (j) *BRIEFINGS*.—Not later than 1 year after the date
12 of the enactment of this Act, and not less frequently than
13 once every 2 years thereafter, the Council shall brief the ap-
14 propriate committees of Congress on—

15 (1) progress made toward meeting the national
16 priorities described in subsection (i)(2)(B); and

17 (2) recommendations for meeting such priorities,
18 such as additional authorities that may be needed to
19 develop a mechanism for non-Federal partnerships
20 and stakeholder engagement described in subsection
21 (i)(2)(H).

22 (k) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
23 *FINED*.—In this section, the term “appropriate committees
24 of Congress” means—

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

4 (2) *the Committee on Natural Resources, the*
5 *Committee on Science, Space, and Technology, and*
6 *the Committee on Armed Services of the House of*
7 *Representatives.*

8 **SEC. 10305. MODIFICATIONS TO THE OCEAN EXPLORATION**
9 **PROGRAM OF THE NATIONAL OCEANIC AND**
10 **ATMOSPHERIC ADMINISTRATION.**

11 (a) *PURPOSE.*—*Section 12001 of the Omnibus Public*
12 *Land Management Act of 2009 (33 U.S.C. 3401) is amend-*
13 *ed by striking “and the national undersea research pro-*
14 *gram”.*

15 (b) *PROGRAM ESTABLISHED.*—*Section 12002 of such*
16 *Act (33 U.S.C. 3402) is amended—*

17 (1) *in the first sentence, by striking “and under-*
18 *sea”;* *and*

19 (2) *in the second sentence, by striking “and un-*
20 *dersea research and exploration” and inserting “re-*
21 *search and ocean exploration and characterization ef-*
22 *forts”.*

23 (c) *POWERS AND DUTIES OF THE ADMINISTRATOR.*—

24 (1) *IN GENERAL.*—*Section 12003(a) of such Act*
25 *(33 U.S.C. 3403(a)) is amended—*

1 (A) in the matter preceding paragraph (1),
2 by inserting “, in consultation with the Ocean
3 Policy Committee established under section 8932
4 of title 10, United States Code,” after “Adminis-
5 tration”;

6 (B) in paragraph (1)—

7 (i) by striking “voyages” and inserting
8 “expeditions”;

9 (ii) by striking “Federal agencies” and
10 all that follows through “and survey” and
11 inserting “Federal and State agencies, Trib-
12 al Governments, private industry, academia
13 (including secondary schools, community
14 colleges, and universities), and nongovern-
15 mental organizations, to map, explore, and
16 characterize”; and

17 (iii) by inserting “characterize,” after
18 “observe,”;

19 (C) in paragraph (2), by inserting “of the
20 exclusive economic zone” after “deep ocean re-
21 gions”;

22 (D) in paragraph (3), by striking “voyages”
23 and inserting “expeditions”;

1 (E) in paragraph (4), by striking “, in con-
2 sultation with the National Science Founda-
3 tion,”;

4 (F) by amending paragraph (5) to read as
5 follows:

6 “(5) support technological innovation of the
7 United States marine science community by pro-
8 moting the development and use of new and emerging
9 technologies for research, communication, navigation,
10 and data collection, such as sensors and autonomous
11 vehicles;”;

12 (G) in paragraph (6), by inserting “, in
13 consultation with the National Ocean Mapping,
14 Exploration, and Characterization Council es-
15 tablished under section 5405 of the James M.
16 Inhofe National Defense Authorization Act for
17 Fiscal Year 2023,” after “forum”;

18 (H) by adding at the end the following:

19 “(7) provide guidance, in consultation with the
20 National Ocean Mapping, Exploration, and Charac-
21 terization Council, to Federal and State agencies,
22 Tribal Governments, private industry, academia (in-
23 cluding secondary schools, community colleges, and
24 universities), and nongovernmental organizations on
25 data standards, protocols for accepting data, and co-

1 *ordination of data collection, compilation, processing,*
2 *archiving, and dissemination for data relating to*
3 *ocean exploration and characterization; and*

4 *“(8) coordinate with applicable ocean mapping,*
5 *ocean monitoring, and ocean observation programs to*
6 *maximize coordination and collaboration opportuni-*
7 *ties, prevent duplication of such activities and iden-*
8 *tify gaps in data.”.*

9 *(2) DONATIONS.—Section 12003(b) of such Act*
10 *(33 U.S.C. 3403(b)) is amended to read as follows:*

11 *“(b) DONATIONS.—For the purpose of mapping, ex-*
12 *ploring, and characterizing the oceans or increasing the*
13 *knowledge of the oceans, the Administrator may—*

14 *“(1) accept monetary donations, which shall be*
15 *credited as discretionary offsetting collections to the*
16 *currently applicable appropriation, account, or fund*
17 *of the National Oceanic and Atmospheric Administra-*
18 *tion and shall be made available for such purposes*
19 *only to the extent and in the amounts provided in ad-*
20 *vance in appropriations Acts;*

21 *“(2) accept donations of property, data, and*
22 *equipment; and*

23 *“(3) pay all necessary expenses in connection*
24 *with the conveyance or transfer of a gift, devise, or*
25 *bequest.”.*

1 (3) *DEFINITION OF EXCLUSIVE ECONOMIC*
2 *ZONE.—Section 12003 of such Act (33 U.S.C. 3403)*
3 *is amended by adding at the end the following:*

4 “(c) *DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—*
5 *In this section, the term ‘exclusive economic zone’ means*
6 *the zone established by Presidential Proclamation Number*
7 *5030, dated March 10, 1983 (16 U.S.C. 1453 note).”.*

8 (d) *REPEAL OF OCEAN EXPLORATION AND UNDERSEA*
9 *RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK*
10 *FORCE.—Section 12004 of such Act (33 U.S.C. 3404) is re-*
11 *pealed.*

12 (e) *EDUCATION, WORKFORCE TRAINING, AND OUT-*
13 *REACH.—*

14 (1) *IN GENERAL.—Such Act is further amended*
15 *by inserting after section 12003 the following new sec-*
16 *tion 12004:*

17 “**SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND OUT-**
18 **REACH.**”

19 “(a) *IN GENERAL.—The Administrator of the National*
20 *Oceanic and Atmospheric Administration shall—*

21 “(1) *conduct education and outreach efforts in*
22 *order to broadly disseminate information to the pub-*
23 *lic on the discoveries made by the program under sec-*
24 *tion 12002;*

1 “(2) to the extent possible, coordinate the efforts
2 described in paragraph (1) with the outreach strate-
3 gies of other domestic or international ocean map-
4 ping, exploration, and characterization initiatives;
5 and

6 “(3) establish a fellowship program at the Na-
7 tional Oceanic and Atmospheric Administration to
8 provide year-long fellowships to undergraduate stu-
9 dents from institutions described in section 371(a) of
10 the Higher Education Act of 1965.

11 “(b) *EDUCATION AND OUTREACH EFFORTS.*—Efforts
12 described in subsection (a)(1) may include—

13 “(1) education of the general public, teachers,
14 students, and ocean and coastal resource managers;
15 and

16 “(2) workforce training, reskilling, and opportu-
17 nities to encourage development of ocean-related
18 science, technology, engineering, and mathematics
19 technical training programs involving secondary
20 schools, community colleges, and universities, includ-
21 ing institutions described in section 371(a) of the
22 Higher Education Act of 1965.

23 “(c) *OUTREACH STRATEGY.*—Not later than 180 days
24 after the date of the enactment of the National Ocean Explo-
25 ration Act, the Administrator of the National Oceanic and

1 *Atmospheric Administration shall develop an outreach*
2 *strategy to broadly disseminate information on the discov-*
3 *eries made by the program under section 12002.”.*

4 (2) *CLERICAL AMENDMENT.—The table of con-*
5 *tents in section 1(b) of the Omnibus Public Land*
6 *Management Act of 2009 (Public Law 111–11; 123*
7 *Stat. 991) is amended by striking the item relating*
8 *to section 12004 and inserting the following:*

“Sec. 12004. Education, workforce training, and outreach.”.

9 (f) *OCEAN EXPLORATION ADVISORY BOARD.—*

10 (1) *ESTABLISHMENT.—Section 12005(a) of such*
11 *Act (33 U.S.C. 3505(a)) is amended—*

12 (A) *by inserting “, including representatives*
13 *from academic, commercial, nonprofit, philan-*
14 *thropic, policy, and Tribal entities” after “rel-*
15 *evant fields”;*

16 (B) *by amending paragraph (1) to read as*
17 *follows:*

18 *“(1) to advise the Administrator on priority*
19 *areas for survey, discovery, and opportunities for ex-*
20 *tramural collaboration and partnerships;”;*

21 (C) *by redesignating paragraph (4) as*
22 *paragraph (6); and*

23 (D) *by inserting after paragraph (3) the fol-*
24 *lowing:*

1 “(4) to identify market barriers to development
2 or commercialization of novel ocean mapping, explo-
3 ration, and characterization products, processes, and
4 tools;

5 “(5) to identify best practices to improve data
6 management, processing, storage, and archiving
7 standards; and”.

8 (2) *TECHNICAL AMENDMENT.*—Section 12005(c)
9 of such Act (33 U.S.C. 3505(c)) is amended by insert-
10 ing “this” before “part”.

11 (g) *AUTHORIZATION OF APPROPRIATIONS.*—Section
12 12006 of such Act (33 U.S.C. 3406) is amended by striking
13 “this part” and all that follows and inserting “this part
14 \$60,000,000 for each of fiscal years 2023 through 2028”.

15 (h) *DEFINITIONS.*—Such Act is further amended by in-
16 serting after section 12006 the following:

17 “**SEC. 12007. DEFINITIONS.**

18 “*In this part:*

19 “(1) *CHARACTERIZATION.*—The terms ‘character-
20 ization’, ‘characterize’, and ‘characterizing’ mean ac-
21 tivities that provide comprehensive data and interpre-
22 tations for a specific area of interest of the sea floor,
23 sub-bottom, water column, or hydrologic features, such
24 as water masses and currents, in direct support of
25 specific research, environmental protection, resource

1 *management, policymaking, or applied mission objec-*
2 *tives.*

3 “(2) *EXPLORATION.*—*The term ‘exploration’, ‘ex-*
4 *plore’, and ‘exploring’ means activities that provide—*

5 “(A) *a multidisciplinary view of an un-*
6 *known or poorly understood area of the sea floor,*
7 *sub-bottom, or water column; and*

8 “(B) *an initial assessment of the physical,*
9 *chemical, geological, biological, archaeological, or*
10 *other characteristics of such an area.*

11 “(3) *MAPPING.*—*The terms ‘map’ and ‘mapping’*
12 *mean activities that provide comprehensive data and*
13 *information needed to understand sea floor character-*
14 *istics, including depth, topography, bottom type, sedi-*
15 *ment composition and distribution, underlying geo-*
16 *logic structure, and benthic flora and fauna.”.*

17 (i) *CLERICAL AMENDMENT.*—*The table of contents in*
18 *section 1(b) of the Omnibus Public Land Management Act*
19 *of 2009 (Public Law 111–11; 123 Stat. 991) is amended*
20 *by inserting after the item relating to section 12006 the fol-*
21 *lowing:*

 “*Sec. 12007. Definitions.*”.

22 **SEC. 10306. REPEAL.**

23 (a) *IN GENERAL.*—*The NOAA Undersea Research Pro-*
24 *gram Act of 2009 (part II of subtitle A of title XII of Public*
25 *Law 111–11; 33 U.S.C. 3421 et seq.) is repealed.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of the Omnibus Public Land Management Act*
3 *of 2009 (Public Law 111–11; 123 Stat. 991) is amended*
4 *by striking the items relating to part II of subtitle A of*
5 *title XII of such Act.*

6 **SEC. 10307. MODIFICATIONS TO OCEAN AND COASTAL MAP-**
7 **PING PROGRAM OF THE NATIONAL OCEANIC**
8 **AND ATMOSPHERIC ADMINISTRATION.**

9 (a) *ESTABLISHMENT OF PROGRAM.*—

10 (1) *IN GENERAL.*—*Section 12202(a) of the Ocean*
11 *and Coastal Mapping Integration Act (33 U.S.C.*
12 *3501(a)) is amended—*

13 (A) *by striking “establish a program to de-*
14 *velop a coordinated and” and inserting “estab-*
15 *lish and maintain a program to coordinate”;*

16 (B) *by striking “plan” and inserting “ef-*
17 *forts”;* and

18 (C) *by striking “that enhances” and all that*
19 *follows and inserting “that—*

20 *“(1) enhances ecosystem approaches in decision-*
21 *making for natural resource and habitat management*
22 *restoration and conservation, emergency response, and*
23 *coastal resilience and adaptation;*

24 *“(2) establishes research and mapping priorities;*

1 “(3) supports the siting of research and other
2 platforms; and

3 “(4) advances ocean and coastal science.”.

4 (2) *MEMBERSHIP*.—Section 12202 of such Act
5 (33 U.S.C. 3501) is amended by striking subsection
6 (b) and redesignating subsection (c) as subsection (b).

7 (3) *PROGRAM PARAMETERS*.—Subsection (b) of
8 section 12202 of such Act (33 U.S.C. 3501), as rededesignated
9 by paragraph (2), is amended—

10 (A) in the matter preceding paragraph (1),
11 by striking “developing” and inserting “main-
12 taining”;

13 (B) in paragraph (2), by inserting “and for
14 leveraging existing Federal geospatial services
15 capacities and contract vehicles for efficiencies”
16 after “coastal mapping”;

17 (C) in paragraph (7), by striking “with
18 coastal state and local government programs”
19 and inserting “with mapping programs, in con-
20 junction with Federal and State agencies, Tribal
21 governments, private industry, academia, and
22 nongovernmental organizations”;

23 (D) in paragraph (8), by striking “of real-
24 time tide data and the development” and insert-

1 ing “of tide data and water-level data and the
2 development and dissemination”;

3 (E) in paragraph (9), by striking “; and”
4 and inserting a semicolon;

5 (F) in paragraph (10), by striking the pe-
6 riod at the end and inserting “; and”; and

7 (G) by adding at the end the following:

8 “(11) support—

9 “(A) the Ocean Science and Technology
10 Subcommittee of the Ocean Policy Committee es-
11 tablished under section 8932(c) of title 10,
12 United States Code; and

13 “(B) the National Ocean Mapping, Explo-
14 ration, and Characterization Council established
15 under section 5405 of the National Ocean Explo-
16 ration Act.”.

17 (b) *INTERAGENCY WORKING GROUP ON OCEAN AND*
18 *COASTAL MAPPING.*—

19 (1) *NAME CHANGE.*—*The Ocean and Coastal*
20 *Mapping Integration Act (33 U.S.C. 3501 et seq.) is*
21 *amended—*

22 (A) in section 12202 (33 U.S.C. 3501)—

23 (i) in subsection (a), by striking
24 “Interagency Committee on Ocean and
25 Coastal Mapping” and inserting “Inter-

1 agency Working Group on Ocean and
2 Coastal Mapping under section 12203”; and

3 (ii) in subsection (b), as redesignated
4 by subsection (a)(2), by striking “Com-
5 mittee” and inserting “Working Group”;

6 (B) in section 12203 (33 U.S.C. 3502)—

7 (i) in the section heading, by striking
8 “**COMMITTEE**” and inserting “**WORKING**
9 **GROUP**”;

10 (ii) in subsection (b), in the first sen-
11 tence, by striking “committee” and insert-
12 ing “Working Group”;

13 (iii) in subsection (e), by striking
14 “committee” and inserting “Working
15 Group”; and

16 (iv) in subsection (f), by striking “com-
17 mittee” and inserting “Working Group”;
18 and

19 (C) in section 12208 (33 U.S.C. 3507), by
20 amending paragraph (3) to read as follows:

21 “(3) **WORKING GROUP**.—The term ‘Working
22 Group’ means the Interagency Working Group on
23 Ocean and Coastal Mapping under section 12203.”.

24 (2) **IN GENERAL**.—Section 12203(a) of such Act
25 (33 U.S.C. 3502(a)) is amended by striking “within

1 *30 days” and all that follows and inserting “not later*
2 *than 30 days after the date of the enactment of the*
3 *National Ocean Exploration Act, shall use the Inter-*
4 *agency Working Group on Ocean and Coastal Map-*
5 *ping in existence as of the date of the enactment of*
6 *such Act to implement section 12202.”.*

7 (3) *MEMBERSHIP.*—*Section 12203(b) of such Act*
8 *(33 U.S.C. 3502(b)) is amended—*

9 (A) *by striking “senior” both places it ap-*
10 *pears and inserting “senior-level”;*

11 (B) *by striking the second sentence;*

12 (C) *by striking “the Minerals Management*
13 *Service” and inserting “the Bureau of Ocean*
14 *Energy Management of the Department of the*
15 *Interior, the Office of the Assistant Secretary,*
16 *Fish and Wildlife and Parks of the Department*
17 *of the Interior”;* and

18 (D) *by striking “the Chief of Naval Oper-*
19 *ations” and inserting “the Department of the*
20 *Navy”.*

21 (4) *CO-CHAIRS.*—*Section 12203(c) of such Act*
22 *(33 U.S.C. 3502(c)) is amended to read as follows:*

23 “(c) *CO-CHAIRS.*—*The Working Group shall be co-*
24 *chaired by one representative from each of the following:*

1 “(1) *The National Oceanic and Atmospheric Ad-*
2 *ministration.*”

3 “(2) *The Department of the Interior.*”.

4 (5) *SUBORDINATE GROUPS.—Section 12203(d) of*
5 *such Act (33 U.S.C. 3502(d)) is amended to read as*
6 *follows:*

7 “(d) *SUBORDINATE GROUPS.—The co-chairs may es-*
8 *tablish such permanent or temporary subordinate groups*
9 *as determined appropriate by the Working Group.*”.

10 (6) *MEETINGS.—Section 12203(e) of such Act*
11 *(33 U.S.C. 3502(e)) is amended by striking “each*
12 *subcommittee and each working group” and inserting*
13 *“each subordinate group”.*

14 (7) *COORDINATION.—Section 12203(f) of such*
15 *Act (33 U.S.C. 3502(f)) is amended by striking para-*
16 *graphs (1) through (5) and inserting the following:*

17 “(1) *other Federal efforts;*

18 “(2) *international mapping activities;*

19 “(3) *coastal States;*

20 “(4) *coastal Indian Tribes;*

21 “(5) *data acquisition and user groups through*
22 *workshops, partnerships, and other appropriate mech-*
23 *anisms; and*

24 “(6) *representatives of nongovernmental enti-*
25 *ties.*”.

1 (8) *ADVISORY PANEL*.—Section 12203 of such
2 *Act (33 U.S.C. 3502) is amended by striking sub-*
3 *section (g).*

4 (9) *FUNCTIONS*.—Section 12203 of such *Act (33*
5 *U.S.C. 3502), as amended by paragraph (8), is fur-*
6 *ther amended by adding at the end the following:*

7 “(g) *SUPPORT FUNCTIONS*.—*The Working Group shall*
8 *support the National Ocean Mapping, Exploration, and*
9 *Characterization Council established under section 5405 of*
10 *the National Ocean Exploration Act and the Ocean Science*
11 *and Technology Subcommittee of the Ocean Policy Com-*
12 *mittee established under section 8932(c) of title 10, United*
13 *States Code, on ocean mapping activities and associated*
14 *technology development across the Federal Government,*
15 *State governments, coastal Indian Tribes, private industry,*
16 *nongovernmental organizations, and academia.”.*

17 (10) *CLERICAL AMENDMENT*.—*The table of con-*
18 *tents in section 1(b) of the Omnibus Public Land*
19 *Management Act of 2009 (Public Law 111–11; 123*
20 *Stat. 991) is amended by striking the item relating*
21 *to section 12203 and inserting the following:*

 “*Sec. 12203. Interagency working group on ocean and coastal mapping.*”.

22 (c) *BIENNIAL REPORTS*.—Section 12204 of the *Ocean*
23 *and Coastal Mapping Integration Act (33 U.S.C. 3503) is*
24 *amended—*

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “No later” and all that follows through*
3 *“House of Representatives” and inserting “Not later*
4 *than 18 months after the date of the enactment of the*
5 *National Ocean Exploration Act, and biennially*
6 *thereafter until 2040, the co-chairs of the Working*
7 *Group, in coordination with the National Ocean*
8 *Mapping, Exploration, and Characterization Council*
9 *established under section 5405 of such Act, shall sub-*
10 *mit to the Committee on Commerce, Science, and*
11 *Transportation and the Committee on Energy and*
12 *Natural Resources of the Senate, and the Committee*
13 *on Natural Resources and the Committee on Science,*
14 *Space, and Technology of the House of Representa-*
15 *tives,”;*

16 (2) *in paragraph (1), by inserting “, including*
17 *the data maintained by the National Centers for En-*
18 *vironmental Information of the National Oceanic and*
19 *Atmospheric Administration,” after “mapping data”;*

20 (3) *in paragraph (3), by inserting “, including*
21 *a plan to map the coasts of the United States on a*
22 *requirements-based cycle, with mapping agencies and*
23 *partners coordinating on a unified approach that fac-*
24 *tors in recent related studies, meets multiple user re-*

1 *quirements, and identifies gaps” after “accom-*
2 *plished”;*

3 *(4) by striking paragraph (10) and redesign-*
4 *ating paragraphs (11), (12), and (13) as paragraphs*
5 *(10), (11), and (12), respectively;*

6 *(5) in paragraph (10), as so redesignated, by*
7 *striking “with coastal State and local government*
8 *programs” and inserting “with international, coastal*
9 *State, and local government and nongovernmental*
10 *mapping programs”;*

11 *(6) in paragraph (11), as redesignated by para-*
12 *graph (4)—*

13 *(A) by striking “increase” and inserting*
14 *“streamline and expand”;*

15 *(B) by inserting “for the purpose of ful-*
16 *filling Federal mapping and charting respon-*
17 *sibilities, plans, and strategies” after “entities”;*
18 *and*

19 *(C) by striking “; and” and inserting a*
20 *semicolon;*

21 *(7) in paragraph (12), as redesignated by para-*
22 *graph (4), by striking the period at the end and in-*
23 *serting a semicolon; and*

24 *(8) by adding at the end the following:*

1 “(13) a progress report on the development of
2 new and innovative technologies and applications
3 through research and development, including coopera-
4 tive or other agreements with joint or cooperative re-
5 search institutes and centers and other nongovern-
6 mental entities;

7 “(14) a description of best practices in data
8 processing and distribution and leveraging opportuni-
9 ties among agencies represented on the Working
10 Group and with coastal States, coastal Indian Tribes,
11 and nongovernmental entities;

12 “(15) an identification of any training, tech-
13 nology, or other requirements for enabling Federal
14 mapping programs, vessels, and aircraft to support a
15 coordinated ocean and coastal mapping program; and

16 “(16) a timetable for implementation and com-
17 pletion of the plan described in paragraph (3), in-
18 cluding recommendations for integrating new ap-
19 proaches into the program.”.

20 (d) NOAA JOINT OCEAN AND COASTAL MAPPING CEN-
21 TERS.—

22 (1) CENTERS.—Section 12205(c) of such Act (33
23 U.S.C. 3504(c)) is amended—

24 (A) in the matter preceding paragraph (1),
25 by striking “3” and inserting “three”; and

1 (B) in paragraph (4), by inserting “and
2 uncrewed” after “sensing”.

3 (2) *PLAN*.—Section 12205 of such Act (33 U.S.C.
4 3504) is amended—

5 (A) in the section heading, by striking
6 “**PLAN**” and inserting “**NOAA JOINT OCEAN**
7 **AND COASTAL MAPPING CENTERS**”;

8 (B) by striking subsections (a), (b), and (d);
9 and

10 (C) in subsection (c), by striking “(c)
11 NOAA JOINT OCEAN AND COASTAL MAPPING
12 CENTERS.—”.

13 (3) *CLERICAL AMENDMENT*.—The table of con-
14 tents in section 1(b) of the Omnibus Public Land
15 Management Act of 2009 (Public Law 111–11; 123
16 Stat. 991) is amended by striking the item relating
17 to section 12205 and inserting the following:

“Sec. 12205. NOAA joint ocean and coastal mapping centers.”.

18 (e) *OCEAN AND COASTAL MAPPING FEDERAL FUNDING*
19 *OPPORTUNITY*.—The Ocean and Coastal Mapping Integra-
20 tion Act (33 U.S.C. 3501 et seq.) is amended—

21 (1) by redesignating sections 12206, 12207, and
22 12208 as sections 12208, 12209, and 12210, respec-
23 tively; and

24 (2) by inserting after section 12205 the fol-
25 lowing:

1 **“SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL**
2 **FUNDING OPPORTUNITY.**

3 “(a) *IN GENERAL.*—Not later than one year after the
4 date of the enactment of the National Ocean Exploration
5 Act, the Administrator shall develop an integrated ocean
6 and coastal mapping Federal funding match opportunity,
7 to be known as the ‘Brennan Ocean Mapping Fund’ in
8 memory of Rear Admiral Richard T. Brennan, within the
9 National Oceanic and Atmospheric Administration with
10 Federal, State, Tribal, local, nonprofit, private industry, or
11 academic partners in order to increase the coordinated ac-
12 quisition, processing, stewardship, and archival of new
13 ocean and coastal mapping data in United States waters.

14 “(b) *RULES.*—The Administrator shall develop admin-
15 istrative and procedural rules for the ocean and coastal
16 mapping Federal funding match opportunity developed
17 under subsection (a), to include—

18 “(1) *specific and detailed criteria that must be*
19 *addressed by an applicant, such as geographic overlap*
20 *with preestablished priorities, number and type of*
21 *project partners, benefit to the applicant, coordina-*
22 *tion with other funding opportunities, and benefit to*
23 *the public;*

24 “(2) *determination of the appropriate funding*
25 *match amounts and mechanisms to use, such as*
26 *grants, agreements, or contracts; and*

1 “(3) *other funding award criteria as are nec-*
2 *essary or appropriate to ensure that evaluations of*
3 *proposals and decisions to award funding under this*
4 *section are based on objective standards applied fairly*
5 *and equitably to those proposals.*

6 “(c) *GEOSPATIAL SERVICES AND CONTRACT VEHI-*
7 *CLES.—The ocean and coastal mapping Federal funding*
8 *match opportunity developed under subsection (a) shall le-*
9 *verage Federal expertise and capacities for geospatial serv-*
10 *ices and Federal geospatial contract vehicles using the pri-*
11 *vate sector for acquisition efficiencies.*

12 **“SEC. 12207. AGREEMENTS AND FINANCIAL ASSISTANCE.**

13 “(a) *AGREEMENTS.—Subject to the availability of ap-*
14 *propriations for such purpose, the head of a Federal agency*
15 *that is represented on the Interagency Committee on Ocean*
16 *and Coastal Mapping may enter into agreements with any*
17 *other agency that is so represented to provide, on a reim-*
18 *bursable or nonreimbursable basis, facilities, equipment,*
19 *services, personnel, and other support services to carry out*
20 *the purposes of this subtitle.*

21 “(b) *FINANCIAL ASSISTANCE.—The Administrator*
22 *may make financial assistance awards (grants of coopera-*
23 *tive agreements) to any State or subdivision thereof or any*
24 *public or private organization or individual to carry out*
25 *the purposes of this subtitle.”.*

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 12209 of such Act, as redesignated by subsection (e)(1), is
3 amended—

4 (1) in subsection (a), by striking “this subtitle”
5 and all that follows and inserting “this subtitle
6 \$45,000,000 for each of fiscal years 2023 through
7 2028.”;

8 (2) in subsection (b), by striking “this subtitle”
9 and all that follows and inserting “this subtitle
10 \$15,000,000 for each of fiscal years 2023 through
11 2028.”;

12 (3) by striking subsection (c); and

13 (4) by inserting after subsection (b) the fol-
14 lowing:

15 “(c) *OCEAN AND COASTAL MAPPING FEDERAL FUND-*
16 *ING OPPORTUNITY.*—Of amounts authorized pursuant to
17 subsection (a), \$20,000,000 is authorized to carry out sec-
18 tion 12206.”.

19 (g) *DEFINITIONS.*—

20 (1) *OCEAN AND COASTAL MAPPING.*—Paragraph
21 (5) of section 12210 of such Act, as redesignated by
22 subsection (e)(1), is amended by striking “processing,
23 and management” and inserting “processing, man-
24 agement, maintenance, interpretation, certification,
25 and dissemination”.

1 (2) *COASTAL INDIAN TRIBE.*—Section 12210 of
2 *such Act, as redesignated by subsection (e)(1), is*
3 *amended by adding at the end the following:*

4 “(9) *COASTAL INDIAN TRIBE.*—The term ‘coastal
5 *Indian Tribe’ means an ‘Indian Tribe’, as defined in*
6 *section 4 of the Indian Self-Determination and Edu-*
7 *cation Assistance Act (25 U.S.C. 5304), the land of*
8 *which is located in a coastal State.”.*

9 (h) *CLERICAL AMENDMENTS.*—The table of contents in
10 *section 1(b) of the Omnibus Public Land Management Act*
11 *of 2009 (Public Law 111–11; 123 Stat. 991) is amended*
12 *by striking the items relating to sections 12206 through*
13 *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.”.*

14 **SEC. 10308. MODIFICATIONS TO HYDROGRAPHIC SERVICES**
15 **IMPROVEMENT ACT OF 1998.**

16 (a) *DEFINITIONS.*—Section 302(4)(A) of the *Hydro-*
17 *graphic Services Improvement Act of 1998 (33 U.S.C.*
18 *892(4)(A)) is amended by inserting “hydrodynamic forecast*
19 *and datum transformation models,” after “nautical infor-*
20 *mation databases,”.*

21 (b) *FUNCTIONS OF THE ADMINISTRATOR.*—Section
22 *303(b) of such Act (33 U.S.C. 892a(b)) is amended—*

1 (1) *in the matter preceding paragraph (1), by*
2 *inserting “precision navigation,” after “promote”;*
3 *and*

4 (2) *in paragraph (2)—*

5 (A) *by inserting “and hydrodynamic fore-*
6 *cast models” after “monitoring systems”;*

7 (B) *by inserting “and provide foundational*
8 *information and services required to support*
9 *coastal resilience planning for coastal transpor-*
10 *tation and other infrastructure, coastal protec-*
11 *tion and restoration projects, and related activi-*
12 *ties” after “efficiency”; and*

13 (C) *by striking “; and” and inserting a*
14 *semicolon.*

15 (c) *QUALITY ASSURANCE PROGRAM.—Section 304(a)*
16 *of such Act (33 U.S.C. 892b(a)) is amended by striking*
17 *“product produced” and inserting “product or service pro-*
18 *duced or disseminated”.*

19 (d) *AUTHORIZATION OF APPROPRIATIONS.—Section*
20 *306(a) of such Act (33 U.S.C. 892d(a)) is amended—*

21 (1) *in paragraph (1), by striking “\$70,814,000*
22 *for each of fiscal years 2019 through 2023” and in-*
23 *serting “\$71,000,000 for each of fiscal years 2023*
24 *through 2028”;*

1 (2) in paragraph (2), by striking “\$25,000,000
2 for each of fiscal years 2019 through 2023” and in-
3 serting “\$34,000,000 for each of fiscal years 2023
4 through 2028”;

5 (3) in paragraph (3), by striking “\$29,932,000
6 for each of fiscal years 2019 through 2023” and in-
7 serting “\$38,000,000 for each of fiscal years 2023
8 through 2028”;

9 (4) in paragraph (4), by striking “\$26,800,000
10 for each of fiscal years 2019 through 2023” and in-
11 serting “\$45,000,000 for each of fiscal years 2023
12 through 2028”; and

13 (5) in paragraph (5), by striking “\$30,564,000
14 for each of fiscal years 2019 through 2023” and in-
15 serting “\$35,000,000 for each of fiscal years 2023
16 through 2028”.

17 **TITLE CIV—MARINE MAMMAL**
18 **RESEARCH AND RESPONSE**

19 **SEC. 10401. DATA COLLECTION AND DISSEMINATION.**

20 Section 402 of the Marine Mammal Protection Act of
21 1972 (16 U.S.C. 1421a) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)(A), by inserting “or
24 entangled” after “stranded”;

25 (B) in paragraph (3)—

1 (i) by striking “strandings,” and in-
2 serting “strandings and entanglements, in-
3 cluding unusual mortality events,”;

4 (ii) by inserting “stranding” before
5 “region”; and

6 (iii) by striking “marine mammals;
7 and” and inserting “marine mammals and
8 entangled marine mammals to allow com-
9 parison of the causes of illness and deaths
10 in stranded marine mammals and entan-
11 gled marine mammals with physical, chem-
12 ical, and biological environmental param-
13 eters; and”;

14 (C) in paragraph (4), by striking “analyses,
15 that would allow comparison of the causes of ill-
16 ness and deaths in stranded marine mammals
17 with physical, chemical, and biological environ-
18 mental parameters.” and inserting “analyses.”;
19 and

20 (2) by striking subsection (c) and inserting the
21 following:

22 “(c) *INFORMATION REQUIRED TO BE SUBMITTED AND*
23 *COLLECTED.*—

24 “(1) *IN GENERAL.*—After each response to a
25 stranding or entanglement event, the Secretary shall

1 *collect (including from any staff of the National Oce-*
2 *anic and Atmospheric Administration that respond*
3 *directly to such an event), and shall require each*
4 *stranding network participant who responds to that*
5 *stranding or entanglement to submit to the Adminis-*
6 *trator of the National Oceanic and Atmospheric Ad-*
7 *ministration or the Director of the United States Fish*
8 *and Wildlife Service—*

9 “(A) *data on the stranding event, including*
10 *NOAA Form 89–864 (OMB #0648–0178),*
11 *NOAA Form 89–878 (OMB #0648–0178), simi-*
12 *lar successor forms, or similar information in an*
13 *appropriate format required by the United*
14 *States Fish and Wildlife Service for species*
15 *under its management authority;*

16 “(B) *supplemental data to the data de-*
17 *scribed in subparagraph (A), which may include,*
18 *as available, relevant information about—*

19 “(i) *weather and tide conditions;*

20 “(ii) *offshore human, predator, or prey*
21 *activity;*

22 “(iii) *morphometrics;*

23 “(iv) *behavior;*

24 “(v) *health assessments;*

25 “(vi) *life history samples; or*

1 “(vii) stomach and intestinal contents;

2 and

3 “(C) data and results from laboratory anal-
4 ysis of tissues, which may include, as appro-
5 priate and available—

6 “(i) histopathology;

7 “(ii) toxicology;

8 “(iii) microbiology;

9 “(iv) virology; or

10 “(v) parasitology.

11 “(2) *TIMELINE.*—A stranding network partici-
12 pant shall submit—

13 “(A) the data described in paragraph (1)(A)
14 not later than 30 days after the date of a re-
15 sponse to a stranding or entanglement event;

16 “(B) the compiled data described in para-
17 graph (1)(B) not later than 30 days after the
18 date on which the data is available to the strand-
19 ing network participant; and

20 “(C) the compiled data described in para-
21 graph (1)(C) not later than 30 days after the
22 date on which the laboratory analysis has been
23 reported to the stranding network participant.

24 “(3) *ONLINE DATA INPUT SYSTEM.*—The Sec-
25 retary, acting through the Under Secretary of Com-

1 *merce for Oceans and Atmosphere, in consultation*
2 *with the stranding network and the Office of Evalua-*
3 *tion Sciences of the General Services Administration,*
4 *shall establish an online system for the purposes of ef-*
5 *ficent and timely submission of data described in*
6 *paragraph (1).*

7 “(d) *AVAILABILITY OF DATA.*—

8 “(1) *IN GENERAL.*—*The Secretary shall develop*
9 *a program to make information, including any data*
10 *and metadata collected under paragraph (3) or (4) of*
11 *subsection (b) or subsection (c), available to research-*
12 *ers, stranding network participants, and the public—*

13 “(A) *to improve real-time coordination of*
14 *response to stranding and entanglement events*
15 *across geographic areas and between stranding*
16 *coordinators;*

17 “(B) *to identify and quickly disseminate in-*
18 *formation on potential public health risks;*

19 “(C) *to facilitate integrated interdiscipli-*
20 *nary research;*

21 “(D) *to facilitate peer-reviewed publica-*
22 *tions;*

23 “(E) *to archive regional data into 1 na-*
24 *tional database for future analyses; and*

25 “(F) *for education and outreach activities.*

1 “(2) *ACCESS TO DATA.*—*The Secretary shall en-*
2 *sure that any data or metadata collected under sub-*
3 *section (c)—*

4 “(A) *by staff of the National Oceanic and*
5 *Atmospheric Administration or the United*
6 *States Fish and Wildlife Service that responded*
7 *directly to a stranding or entanglement event is*
8 *available to the public through the Health MAP*
9 *and the Observation System not later than 30*
10 *days after that data or metadata is collected by,*
11 *available to, or reported to the Secretary; and*

12 “(B) *by a stranding network participant*
13 *that responded directly to a stranding or entan-*
14 *glement event is made available to the public*
15 *through the Health MAP and the Observation*
16 *System 2 years after the date on which that data*
17 *are submitted to the Secretary under subsection*
18 *(c).*

19 “(3) *EXCEPTIONS.*—

20 “(A) *WRITTEN RELEASE.*—*Notwithstanding*
21 *paragraph (2)(B), the Secretary may make data*
22 *described in paragraph (2)(B) publicly available*
23 *earlier than 2 years after the date on which that*
24 *data are submitted to the Secretary under sub-*
25 *section (c), if the stranding network participant*

1 *has completed a written release stating that such*
2 *data may be made publicly available.*

3 “(B) *LAW ENFORCEMENT.*—*Notwith-*
4 *standing paragraph (2), the Secretary may with-*
5 *hold data for a longer period than the period of*
6 *time described in paragraph (2) in the event of*
7 *a law enforcement action or legal action that*
8 *may be related to that data.*

9 “(e) *STANDARDS.*—*The Secretary, in consultation*
10 *with the marine mammal stranding community, shall—*

11 “(1) *make publicly available guidance about*
12 *uniform data and metadata standards to ensure that*
13 *data collected in accordance with this section can be*
14 *archived in a form that is readily accessible and un-*
15 *derstandable to the public through the Health MAP*
16 *and the Observation System; and*

17 “(2) *periodically update such guidance.*

18 “(f) *MANAGEMENT POLICY.*—*In collaboration with the*
19 *regional stranding networks, the Secretary shall develop,*
20 *and periodically update, a data management and public*
21 *outreach collaboration policy for stranding or entanglement*
22 *events.*

23 “(g) *AUTHORSHIP AGREEMENTS AND ACKNOWLEDG-*
24 *MENT POLICY.*—*The Secretary, acting through the Under*
25 *Secretary of Commerce for Oceans and Atmosphere, shall*

1 *include authorship agreements or other acknowledgment*
2 *considerations for use of data by the public, as determined*
3 *by the Secretary.*

4 “(h) *SAVINGS CLAUSE.*—*The Secretary shall not re-*
5 *quire submission of research data that are not described in*
6 *subsection (c).”.*

7 **SEC. 10402. STRANDING OR ENTANGLEMENT RESPONSE**
8 **AGREEMENTS.**

9 (a) *IN GENERAL.*—*Section 403 of the Marine Mammal*
10 *Protection Act of 1972 (16 U.S.C. 1421b) is amended—*

11 (1) *in the section heading by inserting “OR EN-*
12 *TANGLEMENT” before “RESPONSE”;*

13 (2) *in subsection (a), by striking the period at*
14 *the end and inserting “or entanglement.”; and*

15 (3) *in subsection (b)—*

16 (A) *in paragraph (1), by striking “and”*
17 *after the semicolon;*

18 (B) *in paragraph (2), by striking the period*
19 *at the end and inserting “; and”; and*

20 (C) *by adding at the end the following:*

21 “(3) *include a description of the data manage-*
22 *ment and public outreach policy established under*
23 *section 402(f).”.*

24 (b) *TABLE OF CONTENTS AMENDMENT.*—*The table of*
25 *contents in the first section of the Marine Mammal Protec-*

1 *tion Act of 1972 (Public Law 92–522; 86 Stat. 1027) is*
2 *amended by striking the item related to section 403 and*
3 *inserting the following:*

“Sec. 403. Stranding or entanglement response agreements.”.

4 **SEC. 10403. UNUSUAL MORTALITY EVENT ACTIVITY FUND-**
5 **ING.**

6 *Section 405(b) the Marine Mammal Protection Act of*
7 *1972 (16 U.S.C. 1421d(b)) is amended to read as follows:*

8 *“(b) USES.—Amounts in the Fund shall be available*
9 *only for use by the Secretary, in consultation with the Sec-*
10 *retary of the Interior, and dispersed among claimants based*
11 *on budgets approved by the Secretary prior to expendi-*
12 *ture—*

13 *“(1) to make advance, partial, or progress pay-*
14 *ments under contracts or other funding mechanisms*
15 *for property, supplies, salaries, services, and travel*
16 *costs incurred in acting in accordance with the con-*
17 *tingency plan issued under section 404(b) or under*
18 *the direction of an Onsite Coordinator for an unusual*
19 *mortality event designated under section*
20 *404(a)(2)(B)(iii);*

21 *“(2) for reimbursing any stranding network par-*
22 *ticipant for costs incurred in the collection, prepara-*
23 *tion, analysis, and transportation of marine mammal*
24 *tissues and samples collected with respect to an un-*
25 *usual mortality event for the Tissue Bank; and*

1 “(3) for the care and maintenance of a marine
2 mammal seized under section 104(c)(2)(D); and”.

3 **SEC. 10404. LIABILITY.**

4 Section 406(a) of the Marine Mammal Protection Act
5 of 1972 (16 U.S.C. 1421e(a)) is amended, in the matter pre-
6 ceding paragraph (1)—

7 (1) by inserting “or entanglement” after “to a
8 stranding”; and

9 (2) by striking “government” and inserting
10 “Government”.

11 **SEC. 10405. NATIONAL MARINE MAMMAL TISSUE BANK AND**
12 **TISSUE ANALYSIS.**

13 Section 407 of the Marine Mammal Protection Act of
14 1972 (16 U.S.C. 1421f) is amended—

15 (1) in subsection (c)(2)(A), by striking “the
16 health of marine mammals and” and inserting “ma-
17 rine mammal health and mortality and the health
18 of”; and

19 (2) in subsection (d), in the matter preceding
20 paragraph (1), by inserting “public” before “access”.

21 **SEC. 10406. MARINE MAMMAL RESCUE AND RESPONSE**
22 **GRANT PROGRAM AND RAPID RESPONSE**
23 **FUND.**

24 (a) *IN GENERAL.*—Section 408 of the Marine Mammal
25 Protection Act of 1972 (16 U.S.C. 1421f-1) is amended—

1 (1) by striking the section heading and inserting
2 “**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 subsection
8 (f); and

9 (4) by inserting before subsection (f), as redesign-
10 ated 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 stranding*
17 *event or entanglement event that—*

18 “(I) *causes an immediate increase*
19 *in the cost of a response, recovery, or*
20 *rehabilitation that is greater than the*
21 *usual cost of a response, recovery, or*
22 *rehabilitation;*

23 “(II) *is cyclical or endemic; or*

1 “(III) *involves a marine mammal*
2 *that is out of the normal range for that*
3 *marine mammal; or*

4 “(ii) *financial assistance provided to*
5 *respond to, or that results from, a stranding*
6 *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 the*
17 *meaning given that term in section 3(12)(A).*

18 “(3) *STRANDING REGION.—The term ‘stranding*
19 *region’ means a geographic region designated by the*
20 *applicable Secretary for purposes of administration of*
21 *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 as*
3 *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 pro-*
7 *gram are to provide for—*

8 “(A) *the recovery, care, or treatment of sick,*
9 *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 from*
13 *living or dead stranded marine mammals for*
14 *scientific research or assessments regarding ma-*
15 *rine 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 *capacity, including training for emergency re-*
21 *sponse, where facilities do not exist or are sparse.*

22 “(3) *CONTRACT, GRANT, AND COOPERATIVE*
23 *AGREEMENT AUTHORITY.*—

24 “(A) *IN GENERAL.*—*The applicable Sec-*
25 *retary may enter into a contract, grant, or coop-*

1 *erative agreement with any eligible stranding*
2 *network participant or stranding network col-*
3 *laborator, as the Secretary determines to be ap-*
4 *propriate, for the purposes described in para-*
5 *graph (2).*

6 “(B) *EMERGENCY AWARD FLEXIBILITY.*—
7 *Following a request for emergency award flexi-*
8 *bility and analysis of the merits of and necessity*
9 *for such a request, the applicable Secretary*
10 *may—*

11 *“(i) amend any contract, grant, or co-*
12 *operative agreement entered into under this*
13 *paragraph, including provisions concerning*
14 *the period of performance; or*

15 *“(ii) waive the requirements under*
16 *subsection (f) for grant applications sub-*
17 *mitted during the provision of emergency*
18 *assistance.*

19 “(4) *EQUITABLE DISTRIBUTION OF FUNDS.*—

20 *“(A) IN GENERAL.*—*The Secretary shall en-*
21 *sure, to the extent practicable, that funds award-*
22 *ed under the grant program are distributed equi-*
23 *tably 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 any*
11 *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 ma-*
18 *rine mammal populations to the well-being*
19 *of indigenous communities; and*

20 “(vi) *the conservation of protected, de-*
21 *pleted, 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 partic-*
3 *ipant 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 report-*
8 *ing requirements under section 402(d) and any*
9 *applicable reporting requirements of the United*
10 *States Fish and Wildlife Service for species*
11 *under its management jurisdiction.*

12 “(6) *GRANT CRITERIA.*—*The Secretary shall, in*
13 *consultation with the Marine Mammal Commission, a*
14 *representative from each of the stranding regions, and*
15 *other individuals who represent public and private*
16 *organizations that are actively involved in rescue, re-*
17 *habilitation, release, scientific research, marine con-*
18 *servation, and forensic science with respect to strand-*
19 *ed marine mammals under that Department’s juris-*
20 *isdiction, develop criteria for awarding grants under*
21 *their respective grant programs.*

22 “(7) *MAXIMUM GRANT AMOUNT.*—*No grant made*
23 *under the grant program for a single award may ex-*
24 *ceed \$150,000 in any 12-month period.*

1 “(8) *ADMINISTRATIVE COSTS AND EXPENSES.*—
2 *The Secretary’s administrative costs and expenses re-*
3 *lated to reviewing and awarding grants under the*
4 *grant program, in any fiscal year may not exceed the*
5 *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 make*
11 *publicly available a list of grant proposals for the up-*
12 *coming fiscal year, funded grants, and requests for*
13 *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’ (referred*
20 *to in this section as the ‘Rapid Response Fund’).*

21 “(2) *USE OF FUNDS.*—*Amounts in the Rapid*
22 *Response Fund shall be available only for use by the*
23 *Secretary to provide emergency assistance.*

24 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

25 “(1) *IN GENERAL.*—

1 “(A) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated*
2 *to carry out the grant program \$7,000,000 for*
3 *each of fiscal years 2023 through 2028, to re-*
4 *main available until expended, of which for each*
5 *fiscal year—*

7 “(i) *\$6,000,000 shall be made available*
8 *to the Secretary of Commerce; and*

9 “(ii) *\$1,000,000 shall be made avail-*
10 *able to the Secretary of the Interior.*

11 “(B) *DERIVATION OF FUNDS.—Funds to*
12 *carry out the activities under this section shall*
13 *be derived from amounts authorized to be appro-*
14 *priated pursuant to subparagraph (A) that are*
15 *enacted after the date of enactment of the James*
16 *M. Inhofe National Defense Authorization Act for*
17 *Fiscal Year 2023.*

18 “(2) *JOSEPH R. GERACI MARINE MAMMAL RES-*
19 *CUE AND RAPID RESPONSE FUND.—There is author-*
20 *ized to be appropriated to the Rapid Response Fund*
21 *\$500,000 for each of fiscal years 2023 through 2028.*

22 “(e) *ACCEPTANCE OF DONATIONS.—*

23 “(1) *IN GENERAL.—For the purposes of carrying*
24 *out this section, the Secretary may solicit, accept, re-*
25 *ceive, hold, administer, and use gifts, devises, and be-*

1 *quests without any further approval or administra-*
2 *tive action.*

3 “(2) *MONETARY DONATIONS.*—*A monetary gift,*
4 *devise, or bequest accepted by the Secretary under*
5 *paragraph (1) shall be credited as discretionary off-*
6 *setting collections to the currently applicable appro-*
7 *propriation, account, or fund of the Department of Com-*
8 *merce and shall be made available for such purposes*
9 *only to the extent and in the amounts provided in ad-*
10 *vance in appropriations Acts.”.*

11 (b) *TECHNICAL EDITS.*—*Section 408 of the Marine*
12 *Mammal Protection Act of 1972 (16 U.S.C. 1421f–1), as*
13 *amended by subsection (a), is further amended in subsection*
14 *(f), as redesignated by subsection (a)(3)—*

15 (1) *in paragraph (1)—*

16 (A) *by striking “the costs of an activity con-*
17 *ducted with a grant under this section shall be”*
18 *and inserting “a project conducted with funds*
19 *awarded under the grant program under this*
20 *section shall be not less than”; and*

21 (B) *by striking “such costs” and inserting*
22 *“such project”; and*

23 (2) *in paragraph (2)—*

24 (A) *by striking “an activity” and inserting*
25 *“a project”; and*

1 (B) by striking “the activity” and inserting
2 “the project”.

3 (c) *TABLE OF CONTENTS AMENDMENT.*—The table of
4 contents in the first section of the Marine Mammal Protec-
5 tion Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as
6 amended by section 5503(b)) is amended by striking the
7 item related to section 408 and inserting the following:

“Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Re-
sponse Fund.”.

8 **SEC. 10407. HEALTH MAP.**

9 (a) *IN GENERAL.*—Title IV of the Marine Mammal
10 Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended
11 by inserting after section 408 the following:

12 **“SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND**
13 **ANALYSIS PLATFORM (HEALTH MAP).**

14 “(a) *IN GENERAL.*—Not later than 1 year after the
15 date of enactment of the James M. Inhofe National Defense
16 Authorization Act for Fiscal Year 2023, the Secretary, act-
17 ing through the Administrator of the National Oceanic and
18 Atmospheric Administration, in consultation with the Sec-
19 retary of the Interior and the Marine Mammal Commis-
20 sion, shall—

21 “(1) establish a marine mammal health moni-
22 toring and analysis platform (referred to in this Act
23 as the ‘Health MAP’);

1 “(2) *incorporate the Health MAP into the Obser-*
2 *vation System; and*

3 “(3) *make the Health MAP—*

4 “(A) *publicly accessible through the web*
5 *portal of the Observation System; and*

6 “(B) *interoperable with other national data*
7 *systems or other data systems for management or*
8 *research purposes, as practicable.*

9 “(b) *PURPOSES.—The purposes of the Health MAP*
10 *are—*

11 “(1) *to promote—*

12 “(A) *interdisciplinary research among indi-*
13 *viduals with knowledge and experience in ma-*
14 *rine mammal science, marine mammal veteri-*
15 *nary and husbandry practices, medical science,*
16 *and oceanography, and with other marine sci-*
17 *entists;*

18 “(B) *timely and sustained dissemination*
19 *and availability of marine mammal health,*
20 *stranding, entanglement, and mortality data;*

21 “(C) *identification of spatial and temporal*
22 *patterns of marine mammal mortality, disease,*
23 *and stranding;*

1 “(D) *evaluation of marine mammal health*
2 *in terms of mortality, as well as sublethal ma-*
3 *rine mammal health impacts;*

4 “(E) *improved collaboration and forecasting*
5 *of marine mammal and larger ecosystem health*
6 *events;*

7 “(F) *rapid communication and dissemina-*
8 *tion of information regarding marine mammal*
9 *strandings that may have implications for*
10 *human health, such as those caused by harmful*
11 *algal blooms; and*

12 “(G) *increased accessibility of data in a*
13 *user friendly visual interface for public edu-*
14 *cation and outreach; and*

15 “(2) *to contribute to an ocean health index that*
16 *incorporates marine mammal health data.*

17 “(c) *REQUIREMENTS.—The Health MAP shall—*

18 “(1) *integrate in situ, remote, and other marine*
19 *mammal health, stranding, and mortality data, in-*
20 *cluding visualizations and metadata, collected by ma-*
21 *rine mammal stranding networks, Federal, State,*
22 *local, and Tribal governments, private partners, and*
23 *academia; and*

24 “(2) *be designed—*

1 “(A) to enhance data and information
2 availability, including data sharing among
3 stranding network participants, scientists, and
4 the public within and across stranding network
5 regions;

6 “(B) to facilitate data and information ac-
7 cess across scientific disciplines, scientists, and
8 managers;

9 “(C) to facilitate public access to national
10 and regional marine mammal health, stranding,
11 entanglement, and mortality data, including vis-
12 ualizations and metadata, through the national
13 and regional data portals of the Observation
14 System; and

15 “(D) in collaboration with, and with input
16 from, States and stranding network partici-
17 pants.

18 “(d) *PROCEDURES AND GUIDELINES.*—The Secretary
19 shall establish and implement policies, protocols, and stand-
20 ards for—

21 “(1) reporting marine mammal health data col-
22 lected by stranding networks consistent with sub-
23 sections (c) and (d) of section 402;

1 “(2) promptly transmitting health data from the
2 stranding networks and other appropriate data pro-
3 viders to the Health MAP;

4 “(3) disseminating and making publicly avail-
5 able data on marine mammal health, stranding, en-
6 tanglement, and mortality data in a timely and sus-
7 tained manner; and

8 “(4) integrating additional marine mammal
9 health, stranding, or other relevant data as the Sec-
10 retary determines appropriate.

11 “(e) CONSULTATION.—The Administrator of the Na-
12 tional Oceanic and Atmospheric Administration shall
13 maintain and update the Health MAP in consultation with
14 the Secretary of the Interior and the Marine Mammal Com-
15 mission.

16 “(f) ACCEPTANCE OF DONATIONS.—

17 “(1) IN GENERAL.—For the purposes of carrying
18 out this section, the Secretary may solicit, accept, re-
19 ceive, hold, administer, and use gifts, devises, and be-
20 quests without any further approval or administra-
21 tive action.

22 “(2) MONETARY DONATIONS.—A monetary gift,
23 devise, or bequest accepted by the Secretary under
24 paragraph (1) shall be credited as discretionary off-
25 setting collections to the currently applicable appro-

1 *priation, account, or fund of the Department of Com-*
2 *merce and shall be made available for such purposes*
3 *only to the extent and in the amounts provided in ad-*
4 *vance in appropriations Acts.”.*

5 *(b) TABLE OF CONTENTS AMENDMENT.—The table of*
6 *contents in the first section of the Marine Mammal Protec-*
7 *tion Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as*
8 *amended by section 5507(b)) is amended by inserting after*
9 *the item related to section 408 the following:*

“Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health
 MAP).”.

10 **SEC. 10408. REPORTS TO CONGRESS.**

11 *(a) IN GENERAL.—Title IV of the Marine Mammal*
12 *Protection Act of 1972 (16 U.S.C. 1421 et seq.) (as amended*
13 *by section 5508(a)) is amended by inserting after section*
14 *408A the following:*

15 **“SEC. 408B. REPORTS TO CONGRESS.**

16 *“(a) DEFINITION OF APPROPRIATE COMMITTEES OF*
17 *CONGRESS.—In this section, the term ‘appropriate commit-*
18 *tees of Congress’ means—*

19 *“(1) the Committee on Commerce, Science, and*
20 *Transportation of the Senate;*

21 *“(2) the Committee on Environment and Public*
22 *Works of the Senate;*

23 *“(3) the Committee on Natural Resources of the*
24 *House of Representatives; and*

1 “(4) *the Committee on Science, Space, and Tech-*
2 *nology of the House of Representatives.*

3 “(b) *HEALTH MAP STATUS REPORT.—*

4 “(1) *IN GENERAL.—Not later than 2 years after*
5 *the date of enactment of the James M. Inhofe Na-*
6 *tional Defense Authorization Act for Fiscal Year*
7 *2023, the Administrator of the National Oceanic and*
8 *Atmospheric Administration, in consultation with the*
9 *Marine Mammal Commission, the Secretary of the*
10 *Interior, and the National Ocean Research Leader-*
11 *ship Council, shall submit to the appropriate commit-*
12 *tees of Congress a report describing the status of the*
13 *Health MAP.*

14 “(2) *REQUIREMENTS.—The report under para-*
15 *graph (1) shall include—*

16 “(A) *a detailed evaluation of the data made*
17 *publicly available through the Health MAP;*

18 “(B) *a detailed list of any gaps in data col-*
19 *lected pursuant to the Health MAP, a descrip-*
20 *tion of the reasons for those gaps, and rec-*
21 *ommended actions to close those gaps;*

22 “(C) *an analysis of the effectiveness of using*
23 *the website of the Observation System as the*
24 *platform to collect, organize, visualize, archive,*

1 *and disseminate marine mammal stranding and*
2 *health data;*

3 “(D) a list of publications, presentations, or
4 other relevant work product resulting from, or
5 produced in collaboration with, the Health MAP;

6 “(E) a description of emerging marine
7 mammal health concerns and the applicability of
8 those concerns to human health;

9 “(F) an analysis of the feasibility of the Ob-
10 servation System being used as an alert system
11 during stranding events, entanglement events,
12 and unusual mortality events for the stranding
13 network, Observation System partners, Health
14 MAP partners, Federal and State agencies, and
15 local and Tribal governments;

16 “(G) an evaluation of the use of Health
17 MAP data to predict broader ecosystem events
18 and changes that may impact marine mammal
19 or human health and specific examples of proven
20 or potential uses of Observation System data for
21 those purposes; and

22 “(H) recommendations for the Health MAP
23 with respect to—

24 “(i) filling any identified data gaps;

1 “(ii) standards that could be used to
2 improve data quality, accessibility, trans-
3 mission, interoperability, and sharing;

4 “(iii) any other strategies that would
5 contribute to the effectiveness and usefulness
6 of the Health MAP; and

7 “(iv) the funding levels needed to
8 maintain and improve the Health MAP.

9 “(c) DATA GAP ANALYSIS.—

10 “(1) IN GENERAL.—Not later than 5 years after
11 the date on which the report required under sub-
12 section (b)(1) is submitted, and every 10 years there-
13 after, the Administrator of the National Oceanic and
14 Atmospheric Administration, in consultation with the
15 Marine Mammal Commission and the Director of the
16 United States Fish and Wildlife Service, shall—

17 “(A) make publicly available a report on
18 the data gap analysis described in paragraph
19 (2); and

20 “(B) provide a briefing to the appropriate
21 committees of Congress concerning that data gap
22 analysis.

23 “(2) REQUIREMENTS.—The data gap analysis
24 under paragraph (1) shall include—

1 “(A) an overview of existing participants
2 within a marine mammal stranding network;

3 “(B) an identification of coverage needs and
4 participant gaps within a network;

5 “(C) an identification of data and reporting
6 gaps from members of a network; and

7 “(D) an analysis of how stranding and
8 health data are shared and made available to
9 scientists, academics, State, local, and Tribal
10 governments, and the public.

11 “(d) *MARINE MAMMAL RESPONSE CAPABILITIES IN*
12 *THE ARCTIC.*—

13 “(1) *IN GENERAL.*—Not later than 1 year after
14 the date of enactment of the James M. Inhofe Na-
15 tional Defense Authorization Act for Fiscal Year
16 2023, the Administrator of the National Oceanic and
17 Atmospheric Administration, the Director of the
18 United States Fish and Wildlife Service, and the Di-
19 rector of the United States Geologic Survey, in con-
20 sultation with the Marine Mammal Commission,
21 shall—

22 “(A) make publicly available a report de-
23 scribing the response capabilities for sick and in-
24 jured marine mammals in the Arctic regions of
25 the United States; and

1 “(B) provide a briefing to the appropriate
2 committees of Congress on that report.

3 “(2) *ARCTIC*.—The term ‘Arctic’ has the mean-
4 ing given the term in section 112 of the Arctic Re-
5 search and Policy Act of 1984 (15 U.S.C. 4111).

6 “(3) *REQUIREMENTS*.—The report under para-
7 graph (1) shall include—

8 “(A) a description, developed in consulta-
9 tion with the Fish and Wildlife Service of the
10 Department of the Interior, of all marine mam-
11 mal stranding agreements in place for the Arctic
12 region of the United States, including species
13 covered, response capabilities, facilities and
14 equipment, and data collection and analysis ca-
15 pabilities;

16 “(B) a list of State and local government
17 agencies that have personnel trained to respond
18 to marine mammal strandings in the Arctic re-
19 gion of the United States;

20 “(C) an assessment of potential response
21 and data collection partners and sources of local
22 information and knowledge, including Alaska
23 Native people and villages;

24 “(D) an analysis of spatial and temporal
25 trends in marine mammal strandings and un-

1 usual mortality events that are correlated with
2 changing environmental conditions in the Arctic
3 region of the United States;

4 “(E) a description of training and other re-
5 source needs to meet emerging response require-
6 ments in the Arctic region of the United States;

7 “(F) an analysis of oiled marine mammal
8 response and rehabilitation capabilities in the
9 Arctic region of the United States, including per-
10 sonnel, equipment, facilities, training, and hus-
11 bandry capabilities, and an assessment of factors
12 that affect response and rehabilitation success
13 rates; and

14 “(G) recommendations to address future
15 stranding response needs for marine mammals
16 in the Arctic region of the United States.”.

17 (b) *TABLE OF CONTENTS AMENDMENT.*—The table of
18 contents in the first section of the Marine Mammal Protec-
19 tion Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as
20 amended by section 5508(b)) is amended by inserting after
21 the item related to section 408A the following:

“Sec. 408B. Reports to Congress.”.

22 **SEC. 10409. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 409 of the Marine Mammal Protection Act of
24 1972 (16 U.S.C. 1421g) is amended—

1 (1) in paragraph (1), by striking “1993 and
2 1994;” and inserting “2023 through 2028;”;

3 (2) in paragraph (2), by striking “1993 and
4 1994;” and inserting “2023 through 2028;” and

5 (3) in paragraph (3), by striking “fiscal year
6 1993.” and inserting “for each of fiscal years 2023
7 through 2028.”.

8 **SEC. 10410. DEFINITIONS.**

9 Section 410 of the Marine Mammal Protection Act of
10 1972 (16 U.S.C. 1421h) is amended—

11 (1) by redesignating paragraphs (1) through (6)
12 as paragraphs (2), (5), (6), (7), (8), and (9), respec-
13 tively;

14 (2) by inserting before paragraph (2) (as so re-
15 designated) the following:

16 “(1) The term ‘entangle’ or ‘entanglement’ means
17 an event in the wild in which a living or dead ma-
18 rine mammal has gear, rope, line, net, or other mate-
19 rial wrapped around or attached to the marine mam-
20 mal and is—

21 “(A) on lands under the jurisdiction of the
22 United States, including beaches and shorelines;
23 or

24 “(B) in waters under the jurisdiction of the
25 United States, including any navigable waters.”;

1 (3) *in paragraph (2) (as so redesignated) by*
2 *striking “The term” and inserting “Except as used in*
3 *section 408, the term”;*

4 (4) *by inserting after paragraph (2) (as so redesi-*
5 *gnated) the following:*

6 “(3) *The term ‘Health MAP’ means the Marine*
7 *Mammal Health Monitoring and Analysis Platform*
8 *established under section 408A(a)(1).*

9 “(4) *The term ‘Observation System’ means the*
10 *National Integrated Coastal and Ocean Observation*
11 *System established under section 12304 of the Inte-*
12 *grated Coastal and Ocean Observation System Act of*
13 *2009 (33 U.S.C. 3603).”.*

14 **SEC. 10411. STUDY ON MARINE MAMMAL MORTALITY.**

15 (a) *IN GENERAL.*—*Not later than 12 months after the*
16 *date of enactment of this Act, the Undersecretary of Com-*
17 *merce for Oceans and Atmosphere shall, in consultation*
18 *with the Secretary of the Interior and the Marine Mammal*
19 *Commission, conduct a study evaluating the connections*
20 *among marine heat waves, frequency and intensity of*
21 *harmful algal blooms, prey availability, and habitat deg-*
22 *radation, and the impacts of these conditions on marine*
23 *mammal mortality.*

24 (b) *REPORT.*—*The Undersecretary of Commerce for*
25 *Oceans and Atmosphere, in consultation with the Secretary*

1 *of the Interior and the Marine Mammal Commission, shall*
2 *prepare, post to a publicly available website, and brief the*
3 *appropriate committees of Congress on, a report containing*
4 *the results of the study described in subsection (a). The re-*
5 *port shall identify priority research activities, opportuni-*
6 *ties for collaboration, and current gaps in effort and re-*
7 *source limitations related to advancing scientific under-*
8 *standing of how ocean heat waves, harmful algae blooms,*
9 *availability of prey, and habitat degradation impact ma-*
10 *rine mammal mortality. The report shall include rec-*
11 *ommendations for policies needed to mitigate and respond*
12 *to mortality events.*

13 ***TITLE CV—VOLCANIC ASH AND***
14 ***FUMES***

15 ***SEC. 10501. MODIFICATIONS TO NATIONAL VOLCANO EARLY***
16 ***WARNING AND MONITORING SYSTEM.***

17 *(a) DEFINITIONS.—Subsection (a) of section 5001 of*
18 *the John D. Dingell, Jr. Conservation, Management, and*
19 *Recreation Act (43 U.S.C. 31k) is amended—*

20 *(1) by redesignating paragraph (2) as para-*
21 *graph (3);*

22 *(2) by inserting after paragraph (1) the fol-*
23 *lowing:*

24 *“(2) SECRETARY OF COMMERCE.—The term ‘Sec-*
25 *retary of Commerce’ means the Secretary of Com-*

1 *merce, acting through the Under Secretary of Com-*
2 *merce for Oceans and Atmosphere.”; and*

3 *(3) by adding at the end the following:*

4 *“(4) VOLCANIC ASH ADVISORY CENTER.—The*
5 *term ‘Volcanic Ash Advisory Center’ means an entity*
6 *designated by the International Civil Aviation Orga-*
7 *nization that is responsible for informing aviation in-*
8 *terests about the presence of volcanic ash in the air-*
9 *space.”.*

10 *(b) PURPOSES.—Subsection (b)(1)(B) of such section*
11 *is amended—*

12 *(1) in clause (i), by striking “and” at the end;*

13 *(2) in clause (ii), by striking the period at the*
14 *end and inserting “; and”; and*

15 *(3) by adding at the end the following:*

16 *“(iii) to strengthen the warning and*
17 *monitoring systems of volcano observatories*
18 *in the United States by integrating relevant*
19 *capacities of the National Oceanic and At-*
20 *mospheric Administration, including with*
21 *the Volcanic Ash Advisory Centers located*
22 *in Anchorage, Alaska, and Washington,*
23 *D.C., to observe and model emissions of*
24 *gases, aerosols, and ash, atmospheric dy-*

1 *namics and chemistry, and ocean chemistry*
2 *resulting from volcanic eruptions.”.*

3 (c) *SYSTEM COMPONENTS.*—*Subsection (b)(2) of such*
4 *section is amended—*

5 (1) *in subparagraph (B)—*

6 (A) *by striking “and” before “spectrom-*
7 *etry”; and*

8 (B) *by inserting “, and unoccupied aerial*
9 *vehicles” after “emissions”; and*

10 (2) *by adding at the end the following:*

11 “(C) *MEMORANDUM OF UNDERSTANDING.*—

12 *The Secretary and the Secretary of Commerce*
13 *shall develop and execute a memorandum of un-*
14 *derstanding to establish cooperative support for*
15 *the activities of the System from the National*
16 *Oceanic and Atmospheric Administration, in-*
17 *cluding environmental observations, modeling,*
18 *and temporary duty assignments of personnel to*
19 *support emergency activities, as necessary or ap-*
20 *propriate.”.*

21 (d) *MANAGEMENT.*—*Subsection (b)(3) of such section*
22 *is amended—*

23 (1) *in subparagraph (A), by adding at the end*
24 *the following:*

25 “(iii) *UPDATE.*—

1 “(I) NATIONAL OCEANIC AND AT-
2 MOSPHERIC ADMINISTRATION COST ES-
3 TIMATES.—The Secretary of Commerce
4 shall submit to the Secretary annual
5 cost estimates for modernization activi-
6 ties and support of the System for the
7 National Oceanic and Atmospheric Ad-
8 ministration.

9 “(II) UPDATE OF MANAGEMENT
10 PLAN.—The Secretary shall update the
11 management plan submitted under
12 clause (i) to include the cost estimates
13 submitted under subclause (I).”; and

14 (2) by adding at the end the following:

15 “(E) COLLABORATION.—The Secretary of
16 Commerce shall collaborate with the Secretary to
17 implement activities carried out under this sec-
18 tion related to the expertise of the National Oce-
19 anic and Atmospheric Administration, including
20 observations and modeling of emissions of gases,
21 aerosols, and ash, atmospheric dynamics and
22 chemistry, and ocean chemistry resulting from
23 volcanic eruptions.”.

24 (e) FUNDING.—Subsection (c) of such section is
25 amended—

1 (1) in paragraph (1)—

2 (A) in the paragraph heading, by inserting
3 “, UNITED STATES GEOLOGICAL SURVEY” after
4 “APPROPRIATIONS”; and

5 (B) by inserting “to the United States Geo-
6 logical Survey” after “appropriated”;

7 (2) by redesignating paragraph (2) as para-
8 graph (3);

9 (3) by inserting after paragraph (1) the fol-
10 lowing:

11 “(2) AUTHORIZATION OF APPROPRIATIONS, NA-
12 TIONAL OCEANIC AND ATMOSPHERIC ADMINISTRA-
13 TION.—There is authorized to be appropriated to the
14 National Oceanic and Atmospheric Administration to
15 carry out this section such sums as may be necessary
16 for the period of fiscal years 2023 through 2024.”;
17 and

18 (4) in paragraph (3), as redesignated by para-
19 graph (2)—

20 (A) by striking “United States Geological
21 Survey”; and

22 (B) by inserting “of the United States Geo-
23 logical Survey and the National Oceanic and At-
24 mospheric Administration” after “programs”.

25 (f) IMPLEMENTATION PLAN.—

1 (1) *DEVELOPMENT OF PLAN.*—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary of Commerce, in consultation with the Sec-
4 retary of the Interior, shall develop a plan to imple-
5 ment the amendments made by this Act during the 5-
6 year period beginning on the date on which the plan
7 is developed.

8 (2) *ELEMENTS.*—The plan developed under
9 paragraph (1) shall include an estimate of the cost
10 and schedule required for the implementation de-
11 scribed in such paragraph.

12 (3) *PUBLIC AVAILABILITY.*—Upon completion of
13 the plan developed under paragraph (1), the Sec-
14 retary of Commerce shall make the plan publicly
15 available.

16 **TITLE CVI—LEARNING EXCEL-**
17 **LENCE AND GOOD EXAMPLES**
18 **FROM NEW DEVELOPERS**

19 **SEC. 10601. LEARNING EXCELLENCE AND GOOD EXAMPLES**
20 **FROM NEW DEVELOPERS.**

21 (a) *DEFINITIONS.*—In this section:

22 (1) *ADMINISTRATION.*—The term “Administra-
23 tion” means the National Oceanic and Atmospheric
24 Administration.

1 (2) *ADMINISTRATOR.*—*The term “Administrator” means the Under Secretary of Commerce for*
2 *Oceans and Atmosphere and Administrator of the Na-*
3 *tional Oceanic and Atmospheric Administration.*

5 (3) *EARTH PREDICTION INNOVATION CENTER.*—
6 *The term “Earth Prediction Innovation Center”*
7 *means the community global weather research mod-*
8 *eling system described in paragraph (5)(E) of section*
9 *102(b) of the Weather Research Forecasting and Inno-*
10 *vation Act of 2017 (15 U.S.C. 8512(b)), as redesign-*
11 *ated by this section.*

12 (4) *MODEL.*—*The term “model” means any vet-*
13 *ted numerical model and associated data assimilation*
14 *of the Earth’s system or its components—*

15 (A) *developed, in whole or in part, by sci-*
16 *entists and engineers employed by the Adminis-*
17 *tration; or*

18 (B) *otherwise developed, in whole or in*
19 *part, using Federal funds.*

20 (5) *OPEN LICENSE.*—*The term “open license”*
21 *has the same meaning given such term in section*
22 *3502(21) of title 44, United States Code.*

23 (6) *OPERATIONAL MODEL.*—*The term “oper-*
24 *ational model” means any model that has an output*
25 *used by the Administration for operational functions.*

1 (7) *SUITABLE MODEL.*—*The term “suitable*
2 *model” means a model that meets the requirements*
3 *described in paragraph (5)(E)(ii) of section 102(b) of*
4 *the Weather Research Forecasting and Innovation Act*
5 *of 2017 (15 U.S.C. 8512(b)), as redesignated by this*
6 *title, as determined by the Administrator.*

7 (b) *PURPOSES.*—*The purposes of this section are—*

8 (1) *to support innovation in modeling by allow-*
9 *ing interested stakeholders to have easy and complete*
10 *access to operational model codes and to other models,*
11 *as the Administrator determines appropriate; and*

12 (2) *to use vetted innovations arising from access*
13 *described in paragraph (1) to improve modeling by*
14 *the Administration.*

15 (c) *PLAN AND IMPLEMENTATION OF PLAN TO MAKE*
16 *CERTAIN MODELS AND DATA AVAILABLE TO THE PUB-*
17 *LIC.*—

18 (1) *IN GENERAL.*—*The Administrator shall de-*
19 *velop and implement a plan to make available to the*
20 *public, at no cost and with no restrictions on copy-*
21 *ing, publishing, distributing, citing, adapting, or oth-*
22 *erwise using under an open license, the following:*

23 (A) *Operational models developed by the*
24 *Administration.*

1 (B) *Models that are not operational models,*
2 *including experimental and developmental mod-*
3 *els, as the Administrator determines appropriate.*

4 (C) *Applicable information and documenta-*
5 *tion for models described in subparagraphs (A)*
6 *and (B), including a description of intended*
7 *model outputs.*

8 (D) *Subject to subsection (f), all data owned*
9 *by the Federal Government and data that the*
10 *Administrator has the legal right to redistribute*
11 *that are associated with models made available*
12 *to the public pursuant to the plan and used in*
13 *operational forecasting by the Administration,*
14 *including—*

15 (i) *relevant metadata; and*

16 (ii) *data used for operational models*
17 *used by the Administration as of the date of*
18 *the enactment of this Act.*

19 (2) *ACCOMMODATIONS.—In developing and im-*
20 *plementing the plan under paragraph (1), the Admin-*
21 *istrator may make such accommodations as the Ad-*
22 *ministrator considers appropriate to ensure that the*
23 *public release of any model, information, documenta-*
24 *tion, or data pursuant to the plan do not jeop-*
25 *ardize—*

1 (A) *national security;*

2 (B) *intellectual property or redistribution*
3 *rights, including under titles 17 and 35, United*
4 *States Code;*

5 (C) *any trade secret or commercial or fi-*
6 *nancial information subject to section 552(b)(4)*
7 *of title 5, United States Code;*

8 (D) *any models or data that are otherwise*
9 *restricted by contract or other written agreement;*
10 *or*

11 (E) *the mission of the Administration to*
12 *protect lives and property.*

13 (3) *PRIORITY.—In developing and implementing*
14 *the plan under paragraph (1), the Administrator*
15 *shall prioritize making available to the public the*
16 *models described in paragraph (1)(A).*

17 (4) *PROTECTIONS FOR PRIVACY AND STATISTICAL*
18 *INFORMATION.—In developing and implementing the*
19 *plan under subsection (a), the Administrator shall en-*
20 *sure that all requirements incorporated into any mod-*
21 *els described in paragraph (1)(A) ensure compliance*
22 *with statistical laws and other relevant data protec-*
23 *tion requirements, including the protection of any*
24 *personally identifiable information.*

1 (5) *EXCLUSION OF CERTAIN MODELS.*—*In devel-*
2 *oping and implementing the plan under paragraph*
3 *(1), the Administrator may exclude models that the*
4 *Administrator determines will be retired or super-*
5 *seded in fewer than 5 years after the date of the en-*
6 *actment of this Act.*

7 (6) *PLATFORMS.*—*In carrying out paragraphs*
8 *(1) and (2), the Administrator may use government*
9 *servers, contracts or agreements with a private ven-*
10 *dor, or any other platform consistent with the purpose*
11 *of this title.*

12 (7) *SUPPORT PROGRAM.*—*The Administrator*
13 *shall plan for and establish a program to support in-*
14 *frastructure, including telecommunications and tech-*
15 *nology infrastructure of the Administration and the*
16 *platforms described in paragraph (6), relevant to*
17 *making operational models and data available to the*
18 *public pursuant to the plan under subsection (a).*

19 (8) *TECHNICAL CORRECTION.*—*Section 102(b) of*
20 *the Weather Research Forecasting and Innovation Act*
21 *of 2017 (15 U.S.C. 8512(b)) is amended by redesign-*
22 *ating the second paragraph (4) (as added by section*
23 *4(a) of the National Integrated Drought Information*
24 *System Reauthorization Act of 2018 (Public Law*
25 *115–423; 132 Stat. 5456)) as paragraph (5).*

1 (d) *REQUIREMENT TO REVIEW MODELS AND LEVER-*
2 *AGE INNOVATIONS.—The Administrator shall—*

3 (1) *consistent with the mission of the Earth Pre-*
4 *dition Innovation Center, periodically review inno-*
5 *vations and improvements made by persons not em-*
6 *ployed by the Administration as Federal employees to*
7 *the operational models made available to the public*
8 *pursuant to the plan under subsection (c)(1) in order*
9 *to improve the accuracy and timeliness of forecasts of*
10 *the Administration; and*

11 (2) *if the Administrator identifies an innovation*
12 *for a suitable model, develop and implement a plan*
13 *to use the innovation to improve the model.*

14 (e) *REPORT ON IMPLEMENTATION.—*

15 (1) *IN GENERAL.—Not later than 2 years after*
16 *the date of the enactment of this Act, the Adminis-*
17 *trator shall submit to the appropriate congressional*
18 *committees a report on the implementation of this*
19 *section that includes a description of—*

20 (A) *the implementation of the plan required*
21 *by subsection (c);*

22 (B) *the process of the Administration under*
23 *subsection (d)—*

1 (i) for engaging with interested stake-
2 holders to learn what innovations those
3 stakeholders have found;

4 (ii) for reviewing those innovations;
5 and

6 (iii) for operationalizing innovations
7 to improve suitable models; and

8 (C) the use of any Federal financial assist-
9 ance, including under section 24 of the Steven-
10 son-Wylder Technology Innovation Act of 1990
11 (15 U.S.C. 3719) or the Crowdsourcing and Cit-
12 izen Science Act (15 U.S.C. 3724), in order to
13 facilitate and incentivize the sharing of exter-
14 nally developed improvements for testing, evalua-
15 tion, validation, and application to further im-
16 prove the mission of the Administration, and
17 any other Administration priorities.

18 (2) *APPROPRIATE CONGRESSIONAL COMMITTEES*
19 *DEFINED.*—*In this subsection, the term “appropriate*
20 *congressional committees” 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 Science, Space, and*
2 *Technology and the Committee on Appropria-*
3 *tions of the House of Representatives.*

4 (f) *PROTECTION OF NATIONAL SECURITY INTER-*
5 *ESTS.—*

6 (1) *IN GENERAL.—Notwithstanding any other*
7 *provision of this section, for models developed in*
8 *whole or in part with the Department of Defense, the*
9 *Administrator, in consultation with the Secretary of*
10 *Defense, as appropriate, shall withhold any model or*
11 *data if the Administrator or the Secretary of Defense*
12 *determines doing so to be necessary to protect the na-*
13 *tional security interests of the United States.*

14 (2) *RULE OF CONSTRUCTION.—Nothing in this*
15 *section shall be construed to supersede any other pro-*
16 *vision of law governing the protection of the national*
17 *security interests of the United States.*

18 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to carry out this section*
20 *\$2,000,000 for each of fiscal years 2023 through 2027.*

1 ***DIVISION K—DON YOUNG COAST***
 2 ***GUARD AUTHORIZATION ACT***
 3 ***OF 2022***

4 ***SEC. 11001. SHORT TITLE; TABLE OF CONTENTS.***

5 (a) *SHORT TITLE.*—*This division may be cited as the*
 6 *“Don Young Coast Guard Authorization Act of 2022”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *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 improve-
ment.

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 con-
dition-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. 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-to-*
12 *government consultation with Tribal governments; or*

13 (2) *to affect or modify any treaty or other right*
14 *of any Tribal government.*

15 (b) *TRIBAL GOVERNMENT DEFINED.*—*In this section,*
16 *the term “Tribal government” means the recognized gov-*
17 *erning body of any Indian or Alaska Native Tribe, band,*
18 *nation, pueblo, village, community, component band, or*

1 *component reservation, individually identified (including*
2 *parenthetically) in the list published most recently as of the*
3 *date of the enactment of this Act pursuant to section 104*
4 *of the Federally Recognized Indian Tribe List Act of 1994*
5 *(25 U.S.C. 5131).*

6 **TITLE CXI—AUTHORIZATIONS**

7 **SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.**

8 *Section 4902 of title 14, United States Code, is amend-*
9 *ed—*

10 *(1) in the matter preceding paragraph (1) by*
11 *striking “fiscal years 2020 and 2021” and inserting*
12 *“fiscal years 2022 and 2023”;*

13 *(2) in paragraph (1)—*

14 *(A) in subparagraph (A) by striking clauses*
15 *(i) and (ii) and inserting the following:*

16 *“(i) \$10,000,000,000 for fiscal year 2022;*
17 *and*

18 *“(ii) \$10,750,000,000 for fiscal year 2023.”;*

19 *(B) in subparagraph (B) by striking*
20 *“\$17,035,000” and inserting “\$23,456,000”; and*

21 *(C) in subparagraph (C) by striking “,*
22 *(A)(ii) \$17,376,000” and inserting “(A)(ii),*
23 *\$24,353,000”;*

24 *(3) in paragraph (2)—*

1 (A) in subparagraph (A) by striking clauses
2 (i) and (ii) and inserting the following:

3 “(i) \$3,312,114,000 for fiscal year 2022;
4 and

5 “(ii) \$3,477,600,000 for fiscal year 2023.”;
6 and

7 (B) in subparagraph (B) by striking clauses
8 (i) and (ii) and inserting the following:

9 “(i) \$20,400,000 for fiscal year 2022; and

10 “(ii) \$20,808,000 for fiscal year 2023.”;

11 (4) in paragraph (3) by striking subparagraphs
12 (A) and (B) and inserting the following:

13 “(A) \$7,476,000 for fiscal year 2022; and

14 “(B) \$14,681,084 for fiscal year 2023.”; and

15 (5) in paragraph (4) by striking subparagraphs
16 (A) and (B) and inserting the following:

17 “(A) \$240,577,000 for fiscal year 2022; and

18 “(B) \$252,887,000 for fiscal year 2023.”.

19 **SEC. 11102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
20 **AND TRAINING.**

21 Section 4904 of title 14, United States Code, is amend-
22 ed—

23 (1) in subsection (a) by striking “fiscal years
24 2020 and 2021” and inserting “fiscal years 2022 and
25 2023”; and

1 (2) *in subsection (b) by striking “fiscal years*
2 *2020 and 2021” and inserting “fiscal years 2022 and*
3 *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 are*
8 *authorized to the Commandant for each of fiscal years 2022*
9 *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 health*
16 *services in the Coast Guard under section 11412;*

17 (3) *\$3,000,000 for the Aqua Alert Notification*
18 *System pilot program established under section*
19 *11207; and*

20 (4) *\$1,000,000 to prepare the evaluation of re-*
21 *quirements for the Arctic Security Cutter.*

22 **SEC. 11104. AVAILABILITY OF AMOUNTS FOR ACQUISITION**
23 **OF ADDITIONAL VESSELS.**

24 (a) *IN GENERAL.—Of the amounts authorized to be*
25 *appropriated under section 4902(2)(A)(ii) of title 14,*

1 *United States Code, as amended by section 11101, for fiscal*
2 *year 2023—*

3 (1) *\$300,000,000 shall be authorized for the ac-*
4 *quisition of a twelfth National Security Cutter;*

5 (2) *\$420,000,000 shall be authorized for the ac-*
6 *quisition of 6 Fast Response Cutters;*

7 (3) *\$172,500,000 is authorized for the program*
8 *management, design, and acquisition of 12 Pacific*
9 *Northwest heavy weather boats that are at least as ca-*
10 *pable as the Coast Guard 52-foot motor surfboat;*

11 (4) *\$167,200,000 is authorized for the third*
12 *Polar Security Cutter;*

13 (5) *\$150,000,000 is authorized for the acquisi-*
14 *tion or procurement of an available icebreaker (as*
15 *such term is defined under section 11223);*

16 (6) *for fiscal year 2022, \$350,000,000 shall be*
17 *authorized for the acquisition of a Great Lakes ice-*
18 *breaker at least as capable as Coast Guard cutter*
19 *Mackinaw (WLBB–30);*

20 (7) *in addition to amounts authorized under*
21 *paragraph (6), \$20,000,000 shall be authorized for the*
22 *design and selection of icebreaking cutters for oper-*
23 *ation in the Great Lakes, the Northeastern United*
24 *States, and the Arctic as appropriate, that are at*

1 *least as capable as the Coast Guard 140-foot*
2 *icebreaking tugs; and*

3 (8) \$650,000,000 is authorized for the continued
4 *acquisition of Offshore Patrol Cutters.*

5 (b) *TREATMENT OF ACQUIRED CUTTER.*—Any cutter
6 *acquired using amounts authorized under subsection (a)*
7 *shall be in addition to the National Security Cutters and*
8 *Fast Response Cutters approved under the existing acquisi-*
9 *tion baseline in the program of record for the National Se-*
10 *curity Cutter and Fast Response Cutter.*

11 **SEC. 11105. SHORESIDE INFRASTRUCTURE AND FACILITIES.**

12 (a) *IN GENERAL.*—Of the amounts authorized to be
13 *appropriated under section 4902(2)(A) of title 14, United*
14 *States Code—*

15 (1) *for each of fiscal years 2022 and 2023,*
16 *\$1,000,000,000 is authorized to fund maintenance,*
17 *construction, and repairs for Coast Guard shoreside*
18 *infrastructure; and*

19 (2) *for fiscal year 2023, \$127,000,000 is author-*
20 *ized for improvements to facilities of the Coast Guard*
21 *Yard.*

22 (b) *SET-ASIDES.*—Of the amounts authorized under
23 *subsection (a)(1)—*

24 (1) *up to \$60,000,000 is authorized to fund*
25 *Phase I, in fiscal year 2022, and \$60,000,000 is au-*

1 *thorized to fund Phase II, in fiscal year 2023, for the*
2 *recapitalization of the barracks at the United States*
3 *Coast Guard Training Center Cape May in Cape*
4 *May, New Jersey;*

5 *(2) \$67,500,000 is authorized for the construc-*
6 *tion of additional new child care development centers*
7 *not constructed using funds authorized by title V of*
8 *the Infrastructure Investment and Jobs Act (Public*
9 *Law 117–58); and*

10 *(3) up to \$1,200,000 is authorized to—*

11 *(A) complete repairs to the United States*
12 *Coast Guard Station, New York, waterfront, in-*
13 *cluding repairs to the concrete pier; and*

14 *(B) replace floating piers Alpha and Bravo,*
15 *the South Breakwater and Ice Screen, the North*
16 *Breakwater and Ice Screen and the seawall.*

17 *(c) MITIGATION OF HAZARD RISKS.—In carrying out*
18 *projects with funds authorized under subsection (a), the*
19 *Coast Guard shall mitigate, to the greatest extent prac-*
20 *ticable, natural hazard risks identified in any Shore Infra-*
21 *structure Vulnerability Assessment for Phase I related to*
22 *such projects.*

1 **SEC. 11106. COAST GUARD YARD RESILIENT INFRASTRUC-**
2 **TURE AND CONSTRUCTION IMPROVEMENT.**

3 *There is authorized to appropriated for the period of*
4 *fiscal years 2023 through 2028 for the Secretary—*

5 *(1) \$273,000,000 for the purposes of improve-*
6 *ments to facilities of the Coast Guard Yard; and*

7 *(2) \$236,000,000 for the acquisition of a new*
8 *floating drydock at the Yard.*

9 **TITLE CXII—COAST GUARD**
10 **Subtitle A—Infrastructure and**
11 **Assets**

12 **SEC. 11201. REPORT ON SHORESIDE INFRASTRUCTURE AND**
13 **FACILITIES PROJECTS.**

14 *(a) IN GENERAL.—Not less frequently than annually,*
15 *the Commandant shall submit to the Committee on Com-*
16 *merce, Science, and Transportation of the Senate and the*
17 *Committee on Transportation and Infrastructure of the*
18 *House of Representatives a report that includes—*

19 *(1) a detailed list of Coast Guard shoreside in-*
20 *frastructure projects contemplated in each Coast*
21 *Guard Sector area of responsibility and planned*
22 *within the 7 years following the submission of the an-*
23 *annual report for all Coast Guard facilities located*
24 *within each Coast Guard Sector area of responsibility*
25 *in the order of priority, including recapitalization,*
26 *maintenance needs in excess of \$100,000, dredging,*

1 *and other shoreside infrastructure needs of the Coast*
2 *Guard;*

3 (2) *the estimated cost of projects to fulfill each*
4 *project, to the extent available; and*

5 (3) *a general description of the state of planning,*
6 *including design and engineering, for each such*
7 *project.*

8 (b) *CONTENTS.—The report submitted under sub-*
9 *section (a) shall include all unfunded shoreside infrastruc-*
10 *ture and facility priorities meeting the criteria under sub-*
11 *section (a) recommended to the Commandant for consider-*
12 *ation for inclusion in the unfunded priority list report to*
13 *Congress under section 5108 of title 14, United States Code,*
14 *regardless of whether the unfunded shoreside infrastructure*
15 *project is included in the final annual unfunded priority*
16 *list to Congress.*

17 **SEC. 11202. REPORT AND BRIEFING ON RESOURCING**
18 **STRATEGY FOR WESTERN PACIFIC REGION.**

19 (a) *REPORT.—*

20 (1) *IN GENERAL.—Not later than 1 year after*
21 *the date of enactment of this Act, the Commandant,*
22 *in consultation with the Coast Guard Commander of*
23 *the Pacific Area, the Commander of United States*
24 *Indo-Pacific Command, and the Under Secretary of*
25 *Commerce for Oceans and Atmosphere, shall submit*

1 *to the Committee on Commerce, Science, and Trans-*
2 *portation of the Senate and the Committee on Trans-*
3 *portation and Infrastructure of the House of Rep-*
4 *resentatives a report outlining the resourcing needs of*
5 *the Coast Guard to achieve optimum operations in*
6 *the Western Pacific region.*

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

9 (A) *An assessment of the risks and associ-*
10 *ated needs—*

11 (i) *to United States strategic maritime*
12 *interests, in particular such interests in*
13 *areas west of the International Date Line,*
14 *including risks to bilateral maritime part-*
15 *ners of the United States, posed by not fully*
16 *staffing and equipping Coast Guard oper-*
17 *ations in the Western Pacific region;*

18 (ii) *to the Coast Guard mission and*
19 *force posed by not fully staffing and equip-*
20 *ping Coast Guard operations in the Western*
21 *Pacific region; and*

22 (iii) *to support the call of the Presi-*
23 *dent, as set forth in the Indo-Pacific Strat-*
24 *egy, to expand Coast Guard presence and*
25 *cooperation in Southeast Asia, South Asia,*

1 *and the Pacific Islands, with a focus on ad-*
2 *vising, training, deployment, and capacity*
3 *building.*

4 *(B) A description of the additional re-*
5 *sources, including shoreside resources, required to*
6 *fully implement the needs described in subpara-*
7 *graph (A), including the United States commit-*
8 *ment to bilateral fisheries law enforcement in the*
9 *Pacific Ocean.*

10 *(C) A description of the operational and*
11 *personnel assets required and a dispersal plan*
12 *for available and projected future Coast Guard*
13 *cutters and aviation forces to conduct optimum*
14 *operations in the Western Pacific region.*

15 *(D) An analysis with respect to whether a*
16 *national security cutter or fast response cutter*
17 *located at a United States military installation*
18 *in a foreign country in the Western Pacific re-*
19 *gion would enhance United States national secu-*
20 *rity, partner country capacity building, and*
21 *prevention and effective response to illegal, unre-*
22 *ported, and unregulated fishing.*

23 *(E) An assessment of the benefits and asso-*
24 *ciated costs involved in—*

1 (i) *increasing staffing of Coast Guard*
2 *personnel within the command elements of*
3 *United States Indo-Pacific Command or*
4 *subordinate commands; and*

5 (ii) *designating a Coast Guard patrol*
6 *force under the direct authority of the Com-*
7 *mander of the United States Indo-Pacific*
8 *Command with associated forward-based as-*
9 *sets and personnel.*

10 (F) *An identification of any additional au-*
11 *thority necessary, including proposals for legisla-*
12 *tive change, to meet the needs identified in ac-*
13 *cordance with subparagraphs (A) through (E)*
14 *and any other mission requirement in the West-*
15 *ern Pacific region.*

16 (3) *FORM.—The report required under para-*
17 *graph (1) shall be submitted in unclassified form but*
18 *may include a classified annex.*

19 (b) *BRIEFING.—Not later than 60 days after the date*
20 *on which the Commandant submits the report under sub-*
21 *section (a), the Commandant, or a designated individual,*
22 *shall provide to the Committee on Commerce, Science, and*
23 *Transportation of the Senate and the Committee on Trans-*
24 *portation and Infrastructure of the House of Representa-*

1 *tives a briefing on the findings and conclusions of such re-*
2 *port.*

3 **SEC. 11203. STUDY AND REPORT ON NATIONAL SECURITY**
4 **AND DRUG TRAFFICKING THREATS IN FLOR-**
5 **IDA STRAITS, CUBA, AND CARIBBEAN REGION.**

6 (a) *IN GENERAL.*—*The Commandant shall conduct a*
7 *study on threats to national security, drug trafficking, and*
8 *other relevant threats the Commandant considers appro-*
9 *priate in the Florida Straits and Caribbean region, includ-*
10 *ing Cuba.*

11 (b) *ELEMENTS.*—*The study required under subsection*
12 *(a) shall include the following:*

13 (1) *An assessment of—*

14 (A) *new technology and evasive maneuvers*
15 *used by transnational criminal organizations to*
16 *evade detection and interdiction by Coast Guard*
17 *law enforcement units and interagency partners;*
18 *and*

19 (B) *capability gaps of the Coast Guard with*
20 *respect to—*

21 (i) *the detection and interdiction of il-*
22 *licit drugs in the Florida Straits and Car-*
23 *ibbean region, including Cuba; and*

24 (ii) *the detection of national security*
25 *threats in such region.*

1 (2) *An identification of—*

2 (A) *the critical technological advancements*
3 *required for the Coast Guard to meet current*
4 *and anticipated threats in such region;*

5 (B) *the capabilities required to enhance in-*
6 *formation sharing and coordination between the*
7 *Coast Guard and interagency partners, foreign*
8 *governments, and related civilian entities; and*

9 (C) *any significant developing threats to the*
10 *United States posed by illicit actors in such re-*
11 *gion.*

12 (c) *REPORT.—Not later than 2 years after the date of*
13 *enactment of this Act, the Commandant shall submit to the*
14 *Committee on Commerce, Science, and Transportation of*
15 *the Senate and the Committee on Transportation and In-*
16 *frastructure of the House of Representatives a report on the*
17 *results of the study under subsection (a).*

18 **SEC. 11204. COAST GUARD YARD.**

19 (a) *IN GENERAL.—With respect to the Coast Guard*
20 *Yard, the uses of the amounts authorized under sections*
21 *11105(a)(2) and 11106 are to—*

22 (1) *improve resilience and capacity;*

23 (2) *maintain and expand Coast Guard organic*
24 *manufacturing capacity;*

25 (3) *expand training and recruitment;*

1 (4) *enhance safety;*

2 (5) *improve environmental compliance; and*

3 (6) *ensure that the Coast Guard Yard is pre-*
4 *pared to meet the growing needs of the modern Coast*
5 *Guard fleet.*

6 (b) *INCLUSIONS.—The Secretary shall ensure that the*
7 *Coast Guard Yard receives improvements that include the*
8 *following:*

9 (1) *Facilities upgrades needed to improve resil-*
10 *ience of the shipyard, its facilities, and associated in-*
11 *frastructure.*

12 (2) *Acquisition of a large-capacity drydock.*

13 (3) *Improvements to piers and wharves, dry-*
14 *docks, and capital equipment utilities.*

15 (4) *Environmental remediation.*

16 (5) *Construction of a new warehouse and paint*
17 *facility.*

18 (6) *Acquisition of a new travel lift.*

19 (7) *Dredging necessary to facilitate access to the*
20 *Coast Guard Yard.*

21 (c) *WORKFORCE DEVELOPMENT PLAN.—Not later*
22 *than 180 days after the date of enactment of this Act, the*
23 *Commandant shall submit to the Committee on Commerce,*
24 *Science, and Transportation of the Senate and the Com-*

1 *mittee on Transportation and Infrastructure of the House*
2 *of Representatives, a workforce development plan that—*

3 (1) *outlines the workforce needs of the Coast*
4 *Guard Yard with respect to civilian employees and*
5 *active duty members of the Coast Guard, including*
6 *engineers, individuals engaged in trades, cyber spe-*
7 *cialists, and other personnel necessary to meet the*
8 *evolving mission set of the Coast Guard Yard; and*

9 (2) *includes recommendations for Congress with*
10 *respect to the authorities, training, funding, and ci-*
11 *vilian and active-duty recruitment, including the re-*
12 *ruitment of women and underrepresented minorities,*
13 *necessary to meet workforce needs of the Coast Guard*
14 *Yard for the 10-year period beginning on the date of*
15 *submission of the plan.*

16 **SEC. 11205. AUTHORITY TO ENTER INTO TRANSACTIONS**
17 **OTHER THAN CONTRACTS AND GRANTS TO**
18 **PROCURE COST-EFFECTIVE TECHNOLOGY**
19 **FOR MISSION NEEDS.**

20 (a) *IN GENERAL.*—*Subchapter III of chapter 11 of*
21 *title 14, United States Code, is amended by adding at the*
22 *end the following:*

1 **“§1158. Authority to enter into transactions other**
2 **than contracts and grants to procure cost-**
3 **effective, advanced technology for mis-**
4 **sion-critical needs**

5 “(a) *IN GENERAL.*—Subject to subsections (b) and (c),
6 the Commandant may enter into transactions (other than
7 contracts, cooperative agreements, and grants) to operate,
8 test, and acquire cost-effective technology for the purpose of
9 meeting the mission needs of the Coast Guard.

10 “(b) *OPERATION, TESTING, AND ACQUISITION.*—Oper-
11 ation, testing, and acquisition of technologies under sub-
12 section (a) shall be—

13 “(1) carried out in accordance with Coast Guard
14 policies and guidance; and

15 “(2) consistent with the operational requirements
16 of the Coast Guard.

17 “(c) *LIMITATIONS.*—The Commandant may not enter
18 into a transaction under subsection (a) with respect to a
19 technology that—

20 “(1) does not comply with the cybersecurity
21 standards of the Coast Guard; or

22 “(2) is sourced from an entity domiciled in the
23 People’s Republic of China, unless the Commandant
24 determines that the prototype or procurement of such
25 a technology is for the purpose of—

26 “(A) counter-UAS or surrogate testing; or

1 “(B) *intelligence, electronic warfare, and*
2 *information warfare, testing, and analysis.*”

3 “(d) *EDUCATION AND TRAINING.—The Commandant*
4 *shall ensure that management, technical, and contracting*
5 *personnel of the Coast Guard involved in the award or ad-*
6 *ministration of transactions under this section are provided*
7 *adequate education and training with respect to the author-*
8 *ity under this section.*”

9 “(e) *REGULATIONS.—The Commandant shall prescribe*
10 *regulations as necessary to carry out this section.*”

11 “(f) *COUNTER-UAS DEFINED.—In this section, the*
12 *term ‘counter-UAS’ has the meaning given such term in*
13 *section 44801 of title 49.’’.*”

14 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
15 *11 of title 14, United States Code, is amended by inserting*
16 *after the item relating to section 1157 the following:*

“1158. *Authority to enter into transactions other than contracts and grants to*
procure cost-effective, advanced technology for mission-critical
needs.’’.”

17 “(c) *REPORT.—*

18 (1) *IN GENERAL.—Not later than 5 years after*
19 *the date of the enactment of this Act, the Com-*
20 *mandant shall submit to the appropriate committees*
21 *of Congress a report that—*

22 (A) *describes the use of the authority pursu-*
23 *ant to section 1158 of title 14, United States*
24 *Code (as added by this section); and*

1 (B) assesses the mission and operational
2 benefits of such authority.

3 (2) *APPROPRIATE COMMITTEES OF CONGRESS*
4 *DEFINED.*—In this subsection, the term “appropriate
5 committees of Congress” means—

6 (A) the Committee on Commerce, Science,
7 and Transportation of the Senate; and

8 (B) the Committee on Transportation and
9 Infrastructure of the House of Representatives.

10 **SEC. 11206. IMPROVEMENTS TO INFRASTRUCTURE AND OP-**
11 **ERATIONS PLANNING.**

12 (a) *IN GENERAL.*—Not later than 1 year after the date
13 of enactment of this Act, the Commandant shall incorporate
14 the most recent oceanic and atmospheric data relating to
15 the increasing rates of extreme weather, including flooding,
16 into planning scenarios for Coast Guard infrastructure and
17 mission deployments with respect to all Coast Guard Mis-
18 sions.

19 (b) *COORDINATION WITH NATIONAL OCEANIC AND AT-*
20 *MOSPHERIC ADMINISTRATION.*—In carrying out subsection
21 (a), the Commandant shall—

22 (1) coordinate with the Under Secretary of Com-
23 merce for Oceans and Atmosphere to ensure the incor-
24 poration of the most recent environmental and cli-
25 matic data; and

1 (2) *request technical assistance and advice from*
2 *the Under Secretary in planning scenarios, as appro-*
3 *priate.*

4 (c) *BRIEFING.*—*Not later than 1 year after the date*
5 *of enactment of this Act, the Commandant shall provide to*
6 *the Committee on Commerce, Science, and Transportation*
7 *of the Senate and the Committee on Transportation and*
8 *Infrastructure of the House of Representatives a briefing on*
9 *the manner in which the best-available science from the Na-*
10 *tional Oceanic and Atmospheric Administration has been*
11 *incorporated into at least 1 key mission area of the Coast*
12 *Guard, and the lessons learned from incorporating such*
13 *science.*

14 **SEC. 11207. AQUA ALERT NOTIFICATION SYSTEM PILOT**
15 **PROGRAM.**

16 (a) *IN GENERAL.*—*Not later than 2 years after the*
17 *date of enactment of this Act, the Commandant shall, sub-*
18 *ject to the availability of appropriations, establish a pilot*
19 *program to improve the issuance of alerts to facilitate co-*
20 *operation with the public to render aid to distressed indi-*
21 *viduals under section 521 of title 14, United States Code.*

22 (b) *PILOT PROGRAM CONTENTS.*—*In carrying out the*
23 *pilot program established under subsection (a), the Com-*
24 *mandant shall, to the maximum extent possible—*

1 (1) *include a voluntary opt-in program under*
2 *which members of the public, as appropriate, and the*
3 *entities described in subsection (c), may receive notifi-*
4 *cations on cellular devices regarding Coast Guard ac-*
5 *tivities to render aid to distressed individuals under*
6 *section 521 of title 14, United States Code;*

7 (2) *cover areas located within the area of respon-*
8 *sibility of 3 different Coast Guard sectors in diverse*
9 *geographic regions; and*

10 (3) *provide that the dissemination of an alert*
11 *shall be limited to the geographic areas most likely to*
12 *facilitate the rendering of aid to distressed individ-*
13 *uals.*

14 (c) *CONSULTATION.*—*In developing the pilot program*
15 *under subsection (a), the Commandant shall consult—*

16 (1) *the head of any relevant Federal agency;*

17 (2) *the government of any relevant State;*

18 (3) *any Tribal Government;*

19 (4) *the government of any relevant territory or*
20 *possession of the United States; and*

21 (5) *any relevant political subdivision of an enti-*
22 *ty described in paragraph (2), (3), or (4).*

23 (d) *REPORT TO CONGRESS.*—

24 (1) *IN GENERAL.*—*Not later than 2 years after*
25 *the date of enactment of this Act, and annually there-*

1 *after through 2026, the Commandant shall submit to*
2 *the Committee on Commerce, Science, and Transpor-*
3 *tation of the Senate and the Committee on Transpor-*
4 *tation and Infrastructure of the House of Representa-*
5 *tives a report on the implementation of this section.*

6 (2) *PUBLIC AVAILABILITY.*—*The Commandant*
7 *shall make the report submitted under paragraph (1)*
8 *available to the public.*

9 **SEC. 11208. PILOT PROJECT FOR ENHANCING COAST**
10 **GUARD CUTTER READINESS THROUGH CON-**
11 **DITION-BASED MAINTENANCE.**

12 (a) *IN GENERAL.*—*Not later than 3 years after the*
13 *date of enactment of this Act, the Commandant shall con-*
14 *duct a pilot project to enhance cutter readiness and reduce*
15 *lost patrol days through the deployment of condition-based*
16 *program standards for cutter maintenance, in accordance*
17 *with the criteria set forth in subsection (b).*

18 (b) *CRITERIA FOR CONDITION-BASED MAINTENANCE*
19 *EVALUATION.*—*In conducting the pilot project under sub-*
20 *section (a), the Commandant, in cooperation with govern-*
21 *ment and industry partners, shall—*

22 (1) *select at least 1 class of cutters under con-*
23 *struction with respect to which the application of the*
24 *pilot project would enhance readiness;*

1 (2) *use condition-based program standards*
2 *which incorporate artificial, intelligence, prognostic*
3 *based maintenance planning;*

4 (3) *create and model a full ship digital twin for*
5 *the cutters selected under paragraph (1);*

6 (4) *install or modify instrumentation capable of*
7 *producing full hull, mechanical, and electrical data*
8 *necessary to analyze cutter operational conditions*
9 *with active maintenance alerts; and*

10 (5) *evaluate and weight efficacy of potential*
11 *emergent repairs as well as planned depot mainte-*
12 *nance activities.*

13 (c) *CONSIDERATION.*—*Prior to developing the pilot*
14 *project in this section, the Commandant shall evaluate com-*
15 *mercially available products, technology, applications,*
16 *standards, and technology for development and implemen-*
17 *tation of the pilot program.*

18 (d) *REPORT TO CONGRESS.*—*The Commandant shall*
19 *submit to the Committee on Commerce, Science, and Trans-*
20 *portation of the Senate and the Committee on Transpor-*
21 *tation and Infrastructure of the House of Representatives—*

22 (1) *an interim report not later than 12 months*
23 *after the date of enactment of this Act on the progress*
24 *in carrying out the pilot project described in sub-*
25 *section (a); and*

1 (2) a final report not later than 3 years after the
2 date of enactment of this Act on the results of the
3 pilot project described in subsection (a) that in-
4 cludes—

5 (A) options to integrate condition-based
6 program standards with prognostic based main-
7 tenance planning to Coast Guard cutters; and

8 (B) plans to deploy condition-based pro-
9 gram standards with prognostic based mainte-
10 nance planning to Coast Guard cutters.

11 **SEC. 11209. STUDY ON LAYDOWN OF COAST GUARD CUT-**
12 **TERS.**

13 Not later than 120 days after the date of enactment
14 of this Act, the Secretary shall conduct a study on the
15 laydown of Coast Guard Fast Response Cutters to assess
16 Coast Guard mission readiness and to identify areas of need
17 for asset coverage.

18 **SEC. 11210. ACQUISITION LIFE-CYCLE COST ESTIMATES.**

19 Section 1132(e) of title 14, United States Code, is
20 amended by striking paragraphs (2) and (3) and inserting
21 the following:

22 “(2) **TYPES OF ESTIMATES.**—For each Level 1 or
23 Level 2 acquisition project or program, in addition to
24 life-cycle cost estimates developed under paragraph
25 (1), the Commandant shall require that—

1 “(A) *life-cycle cost estimates developed*
2 *under paragraph (1) be updated before—*

3 “(i) *each milestone decision is con-*
4 *cluded; and*

5 “(ii) *the project or program enters a*
6 *new acquisition phase; and*

7 “(B) *an independent cost estimate or inde-*
8 *pendent cost assessment, as appropriate, be de-*
9 *veloped to validate life-cycle cost estimates devel-*
10 *oped under paragraph (1).”.*

11 **SEC. 11211. DISPOSITION OF INFRASTRUCTURE RELATED**
12 **TO E-LORAN.**

13 *Section 914 of title 14, United States Code, is amended*
14 *to read as follows:*

15 **“§914. Disposition of infrastructure related to E-**
16 **LORAN**

17 “(a) *IN GENERAL.—Notwithstanding any other provi-*
18 *sion of law, the Commandant may dismantle or dispose of*
19 *any real or personal property under the administrative con-*
20 *trol of the Coast Guard and used for the LORAN–C system.*

21 “(b) *RESTRICTION.—No action described in subsection*
22 *(a) may be taken unless and until—*

23 “(1) *the Commandant notifies the Secretary of*
24 *Transportation and the Secretary of Defense in writ-*

1 *ing of the proposed dismantling or disposal of a*
2 *LORAN-C system; and*

3 *“(2) a period of 90 calendar days expires fol-*
4 *lowing the day on which the notice has been sub-*
5 *mitted.*

6 *“(c) RECEIPT OF NOTIFICATION.—If, not later than 90*
7 *calendar days of receipt of the written notification under*
8 *subsection (b), the Secretary of Transportation or the Sec-*
9 *retary of Defense notifies the Commandant, in writing, of*
10 *a determination under section 312(d) of title 49 that the*
11 *property is required to provide a positioning, navigation,*
12 *and timing system to provide redundant capability in the*
13 *event the Global Positioning System signals are disrupted,*
14 *the Commandant shall transfer the property to the Depart-*
15 *ment of Transportation without any consideration.*

16 *“(d) NOTIFICATION EXPIRATION.—If, at the end of the*
17 *90 calendar day period no notification under subsection (b)*
18 *has been received, the Commandant shall notify the Com-*
19 *mittee on Transportation and Infrastructure and the Com-*
20 *mittee on Appropriations in the House of Representatives*
21 *and the Committee on Commerce, Science, and Transpor-*
22 *tation and the Committee on Appropriations of the Senate*
23 *that the period in subsection (b)(2) has expired, and may*
24 *proceed with the dismantling and disposal of the personal*

1 *property, and disposing of the real property in accordance*
2 *with section 2945 of this title.*

3 “(e) *EXCEPTION.*—*The prohibition on actions in sub-*
4 *section (b) does not apply to actions necessary for the safety*
5 *of human life.”.*

6 ***Subtitle B—Great Lakes***

7 ***SEC. 11212. GREAT LAKES WINTER COMMERCE.***

8 (a) *GREAT LAKES ICEBREAKING OPERATIONS.*—

9 (1) *GOVERNMENT ACCOUNTABILITY OFFICE RE-*
10 *PORT.*—

11 (A) *IN GENERAL.*—*Not later than 1 year*
12 *after the date of enactment of this Act, the*
13 *Comptroller General of the United States shall*
14 *submit to the Committee on Commerce, Science,*
15 *and Transportation of the Senate and the Com-*
16 *mittee on Transportation and Infrastructure of*
17 *the House of Representatives a report on Coast*
18 *Guard icebreaking in the Great Lakes.*

19 (B) *ELEMENTS.*—*The report required under*
20 *subparagraph (A) shall evaluate—*

21 (i) *the economic impact of vessel delays*
22 *or cancellations associated with ice coverage*
23 *on the Great Lakes;*

24 (ii) *mission needs of the Coast Guard*
25 *Great Lakes icebreaking program;*

1 (iii) *the impact that the proposed*
2 *standards described in paragraph (2) would*
3 *have on—*

4 (I) *Coast Guard operations in the*
5 *Great Lakes;*

6 (II) *Northeast icebreaking mis-*
7 *sions; and*

8 (III) *inland waterway operations;*

9 (iv) *a fleet mix analysis for meeting*
10 *such proposed standards;*

11 (v) *a description of the resources nec-*
12 *essary to support the fleet mix resulting*
13 *from such fleet mix analysis, including bil-*
14 *lets for crew and operating costs; and*

15 (vi) *recommendations to the Com-*
16 *mandant for Improvements to the Great*
17 *Lakes icebreaking program, including with*
18 *respect to facilitating commerce and meet-*
19 *ing all Coast Guard mission needs.*

20 (2) *PROPOSED STANDARDS FOR ICEBREAKING*
21 *OPERATIONS.—The proposed standards described in*
22 *this subsection are the following:*

23 (A) *Except as provided in subparagraph*

24 (B), *the Commandant shall keep ice-covered wa-*
25 *terways in the Great Lakes open to navigation*

1 *during not less than 90 percent of the hours that*
2 *commercial vessels and ferries attempt to transit*
3 *such ice-covered waterways.*

4 *(B) In a year in which the Great Lakes are*
5 *not open to navigation, because of ice of a thick-*
6 *ness that occurs on average only once every 10*
7 *years, the Commandant shall keep ice-covered*
8 *waterways in the Great Lakes open to naviga-*
9 *tion during not less than 70 percent of the hours*
10 *that commercial vessels and ferries attempt to*
11 *transit such ice-covered waterways.*

12 *(3) REPORT BY COMMANDANT.—Not later than*
13 *90 days after the date on which the Comptroller Gen-*
14 *eral submits the report under paragraph (1), the*
15 *Commandant shall submit to the Committee on Com-*
16 *merce, Science, and Transportation of the Senate and*
17 *the Committee on Transportation and Infrastructure*
18 *of the House of Representatives a report that includes*
19 *the following:*

20 *(A) A plan for Coast Guard implementation*
21 *of any recommendation made by the Comptroller*
22 *General under paragraph (1)(B)(ii) that the*
23 *Commandant considers appropriate.*

24 *(B) With respect to any recommendation*
25 *made under such paragraph that the Com-*

1 *mandant declines to implement and a justifica-*
2 *tion for such decision.*

3 *(C) A review of, and a proposed implemen-*
4 *tation plan for, the results of the fleet mix anal-*
5 *ysis under paragraph (1)(B)(iv).*

6 *(D) Any proposed modifications to the*
7 *standards for icebreaking operations in the Great*
8 *Lakes.*

9 **(b) DEFINITIONS.—***In this section:*

10 **(1) COMMERCIAL VESSEL.—***The term “commer-*
11 *cial vessel” means any privately owned cargo vessel*
12 *operating in the Great Lakes during the winter sea-*
13 *son of at least 500 tons, as measured under section*
14 *14502 of title 46, or an alternate tonnage measured*
15 *under section 14302 of such title, as prescribed by the*
16 *Secretary under section 14104 of such title.*

17 **(2) GREAT LAKES.—***The term “Great Lakes”*
18 *means the United States waters of Lake Superior,*
19 *Lake Michigan, Lake Huron (including Lake St.*
20 *Clair), Lake Erie, and Lake Ontario, their connecting*
21 *waterways, and their adjacent harbors, and the con-*
22 *necting channels (including the following rivers and*
23 *tributaries of such rivers: Saint Mary’s River, Saint*
24 *Clair River, Detroit River, Niagara River, Illinois*
25 *River, Chicago River, Fox River, Grand River, St.*

1 *Joseph River, St. Louis River, Menominee River,*
2 *Muskegon River, Kalamazoo River, and Saint Law-*
3 *rence River to the Canadian border).*

4 (3) *ICE-COVERED WATERWAY.*—*The term “ice-*
5 *covered waterway” means any portion of the Great*
6 *Lakes in which commercial vessels or ferries operate*
7 *that is 70 percent or greater covered by ice, but does*
8 *not include any waters adjacent to piers or docks for*
9 *which commercial icebreaking services are available*
10 *and adequate for the ice conditions.*

11 (4) *OPEN TO NAVIGATION.*—*The term “open to*
12 *navigation” means navigable to the extent necessary,*
13 *in no particular order of priority, to meet the reason-*
14 *able demands of commerce, minimize delays to pas-*
15 *senger ferries, extricate vessels and individuals from*
16 *danger, prevent damage due to flooding, and conduct*
17 *other Coast Guard missions (as required).*

18 (5) *REASONABLE DEMANDS OF COMMERCE.*—*The*
19 *term “reasonable demands of commerce” means the*
20 *safe movement of commercial vessels and ferries*
21 *transiting ice-covered waterways in the Great Lakes,*
22 *regardless of type of cargo, at a speed consistent with*
23 *the design capability of Coast Guard icebreakers oper-*
24 *ating in the Great Lakes and appropriate to the ice*
25 *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 to*
11 *transit ice-covered waterways in the Great Lakes that*
12 *are unsuccessful because of inadequate icebreaking.*

13 (2) *The period of time that each commercial ves-*
14 *sel or ferry was unsuccessful at transit described in*
15 *paragraph (1) due to inadequate icebreaking.*

16 (3) *The amount of time elapsed before each such*
17 *commercial vessel or ferry was successfully broken out*
18 *of the ice and whether it was accomplished by the*
19 *Coast Guard or by commercial icebreaking assets.*

20 (4) *Relevant communications of each such com-*
21 *mmercial vessel or ferry with the Coast Guard and with*
22 *commercial icebreaking services during such period.*

23 (5) *A description of any mitigating cir-*
24 *cumstance, such as Coast Guard icebreaker diversions*
25 *to higher priority missions, that may have contrib-*

1 *uted to the amount of time described in paragraph*
2 *(3).*

3 *(c) VOLUNTARY REPORTING.—Any reporting by opera-*
4 *tors of commercial vessels or ferries under this section shall*
5 *be voluntary.*

6 *(d) PUBLIC AVAILABILITY.—The Commandant shall*
7 *make the database available to the public on a publicly ac-*
8 *cessible website of the Coast Guard.*

9 *(e) CONSULTATION WITH INDUSTRY.—With respect to*
10 *the Great Lakes icebreaking operations of the Coast Guard*
11 *and the development of the database required under sub-*
12 *section (a), the Commandant shall consult operators of com-*
13 *mercial vessels and ferries.*

14 *(f) PUBLIC REPORT.—Not later than July 1 after the*
15 *first winter in which the Commandant is subject to the re-*
16 *quirements of section 564 of title 14, United States Code,*
17 *the Commandant shall publish on a publicly accessible*
18 *website of the Coast Guard a report on the cost to the Coast*
19 *Guard of meeting the requirements of such section.*

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

21 *(1) COMMERCIAL VESSEL.—The term “commer-*
22 *cial vessel” means any privately owned cargo vessel*
23 *operating in the Great Lakes during the winter sea-*
24 *son of at least 500 tons, as measured under section*
25 *14502 of title 46, United States Code, or an alternate*

1 *tonnage measured under section 14302 of such title,*
2 *as prescribed by the Secretary under section 14104 of*
3 *such title.*

4 (2) *GREAT LAKES.*—*The term “Great Lakes”*
5 *means the United States waters of Lake Superior,*
6 *Lake Michigan, Lake Huron (including Lake St.*
7 *Clair), Lake Erie, and Lake Ontario, their connecting*
8 *waterways, and their adjacent harbors, and the con-*
9 *necting channels (including the following rivers and*
10 *tributaries of such rivers: Saint Mary’s River, Saint*
11 *Clair River, Detroit River, Niagara River, Illinois*
12 *River, Chicago River, Fox River, Grand River, St.*
13 *Joseph River, St. Louis River, Menominee River,*
14 *Muskegon River, Kalamazoo River, and Saint Law-*
15 *rence River to the Canadian border).*

16 (3) *ICE-COVERED WATERWAY.*—*The term “ice-*
17 *covered waterway” means any portion of the Great*
18 *Lakes in which commercial vessels or ferries operate*
19 *that is 70 percent or greater covered by ice, but does*
20 *not include any waters adjacent to piers or docks for*
21 *which commercial icebreaking services are available*
22 *and adequate for the ice conditions.*

23 (4) *OPEN TO NAVIGATION.*—*The term “open to*
24 *navigation” means navigable to the extent necessary*
25 *to—*

1 (A) *extricate vessels and individuals from*
2 *danger;*

3 (B) *prevent damage due to flooding;*

4 (C) *meet the reasonable demands of com-*
5 *merce;*

6 (D) *minimize delays to passenger ferries;*
7 *and*

8 (E) *conduct other Coast Guard missions as*
9 *required.*

10 (5) *REASONABLE DEMANDS OF COMMERCE.—The*
11 *term “reasonable demands of commerce” means the*
12 *safe movement of commercial vessels and ferries*
13 *transiting ice-covered waterways in the Great Lakes,*
14 *regardless of type of cargo, at a speed consistent with*
15 *the design capability of Coast Guard icebreakers oper-*
16 *ating in the Great Lakes and appropriate to the ice*
17 *capability of the commercial vessel.*

18 **SEC. 11214. CENTER OF EXPERTISE FOR GREAT LAKES OIL**
19 **SPILL SEARCH AND RESPONSE.**

20 *Section 807(d) of the Frank LoBiondo Coast Guard*
21 *Authorization Act of 2018 (14 U.S.C. 313 note) is amended*
22 *to read as follows:*

23 “(d) *DEFINITION.—In this section, the term ‘Great*
24 *Lakes’ means—*

25 “(1) *Lake Ontario;*

1 “(2) *Lake Erie;*

2 “(3) *Lake Huron (including Lake St. Clair);*

3 “(4) *Lake Michigan;*

4 “(5) *Lake Superior; and*

5 “(6) *the connecting channels (including the fol-*
 6 *lowing rivers and tributaries of such rivers: Saint*
 7 *Mary’s River, Saint Clair River, Detroit River, Niag-*
 8 *ara River, Illinois River, Chicago River, Fox River,*
 9 *Grand River, St. Joseph River, St. Louis River, Me-*
 10 *nominee River, Muskegon River, Kalamazoo River,*
 11 *and Saint Lawrence River to the Canadian border).”.*

12 **SEC. 11215. GREAT LAKES SNOWMOBILE ACQUISITION**

13 **PLAN.**

14 (a) *IN GENERAL.*—*The Commandant shall develop a*
 15 *plan to expand snowmobile procurement for Coast Guard*
 16 *units for which snowmobiles may improve ice rescue re-*
 17 *sponse times while maintaining the safety of Coast Guard*
 18 *personnel engaged in ice search and rescue. The plan shall*
 19 *include consideration of input from Officers in Charge,*
 20 *commanding officers, and commanders of such units.*

21 (b) *ELEMENTS.*—*The plan required under subsection*

22 (i) *shall include—*

23 (1) *a consideration of input from Officers in*
 24 *Charge, commanding officers, and commanders of*
 25 *Coast Guard units described in subsection (a);*

1 (2) *a detailed description of the estimated costs*
2 *of procuring, maintaining, and training members of*
3 *the Coast Guard at such units to use snowmobiles;*
4 *and*

5 (3) *an assessment of—*

6 (A) *the degree to which snowmobiles may*
7 *improve ice rescue response times while main-*
8 *taining the safety of Coast Guard personnel en-*
9 *gaged in ice search and rescue;*

10 (B) *the operational capabilities of a snow-*
11 *mobile, as compared to an airboat, and a force*
12 *laydown assessment with respect to the assets*
13 *needed for effective operations at Coast Guard*
14 *units conducting ice search and rescue activities;*
15 *and*

16 (C) *the potential risks to members of the*
17 *Coast Guard and members of the public posed by*
18 *the use of snowmobiles by members of the Coast*
19 *Guard for ice search and rescue activities.*

20 (c) *PUBLIC AVAILABILITY.—Not later than 1 year after*
21 *the date of enactment of this Act, the Commandant shall*
22 *finalize the plan required under subsection (a) and make*
23 *the plan available on a publicly accessible website of the*
24 *Coast Guard.*

1 **SEC. 11216. GREAT LAKES BARGE INSPECTION EXEMPTION.**

2 *Section 3302(m) of title 46, United States Code, is*
3 *amended—*

4 *(1) in the matter preceding paragraph (1) by in-*
5 *serting “or a Great Lakes barge” after “seagoing*
6 *barge”; and*

7 *(2) by striking “section 3301(6) of this title” and*
8 *inserting “paragraph (6) or (13) of section 3301 of*
9 *this title”.*

10 **SEC. 11217. STUDY ON SUFFICIENCY OF COAST GUARD**
11 **AVIATION ASSETS TO MEET MISSION DE-**
12 **MANDS.**

13 *(a) IN GENERAL.—Not later than 1 year after the date*
14 *of enactment of this Act, the Commandant shall submit to*
15 *the Committee on Commerce, Science, and Transportation*
16 *of the Senate and the Committee on Transportation and*
17 *Infrastructure of the House of Representatives a report on—*

18 *(1) the force laydown of Coast Guard aviation*
19 *assets; and*

20 *(2) any geographic gaps in coverage by Coast*
21 *Guard assets in areas in which the Coast Guard has*
22 *search and rescue responsibilities.*

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

25 *(1) The distance, time, and weather challenges*
26 *that MH–65 and MH–60 units may face in reaching*

1 *the outermost limits of the area of operation of Coast*
2 *Guard District 8 and Coast Guard District 9 for*
3 *which such units are responsible.*

4 (2) *An assessment of the advantages that Coast*
5 *Guard fixed-wing assets, or an alternate rotary wing*
6 *asset, would offer to the outermost limits of any area*
7 *of operation for purposes of search and rescue, law*
8 *enforcement, ice operations, and logistical missions.*

9 (3) *A comparison of advantages and disadvan-*
10 *tages of the manner in which each of the Coast Guard*
11 *fixed-wing aircraft would operate in the outermost*
12 *limits of any area of operation.*

13 (4) *A specific assessment of the coverage gaps,*
14 *including gaps in fixed-wing coverage, and potential*
15 *solutions to address such gaps in the area of oper-*
16 *ation of Coast Guard District 8 and Coast Guard*
17 *District 9, including the eastern region of such area*
18 *of operation with regard to Coast Guard District 9*
19 *and the southern region of such area of operation*
20 *with regard to Coast Guard District 8.*

21 ***Subtitle C—Arctic***

22 ***SEC. 11218. ESTABLISHMENT OF MEDIUM ICEBREAKER PRO-*** 23 ***GRAM OFFICE.***

24 (a) *IN GENERAL.*—*Not later than 180 days after the*
25 *date of enactment of this Act, the Commandant, in con-*

1 *sultation with the heads of the other Federal agencies as*
2 *appropriate, shall submit to the Committee on Commerce,*
3 *Science, and Transportation of the Senate and the Com-*
4 *mittee on Transportation and Infrastructure of the House*
5 *of Representatives a report to establish a fleet mix analysis*
6 *with respect to polar icebreakers and icebreaking tugs.*

7 (b) *CONTENTS.*—*The report required under subsection*
8 *(a) shall include—*

9 (1) *a full fleet mix of heavy and medium ice-*
10 *breaker and 140-foot icebreaking tug replacements, in-*
11 *cluding cost and timelines for the acquisition of such*
12 *vessels;*

13 (2) *a revised time table showing the construction,*
14 *commissioning, and acceptance of planned Polar Se-*
15 *curity Cutters 1 through 3, as of the date of report;*

16 (3) *a comparison and alternatives analysis of*
17 *the costs and timeline of constructing 2 Polar Secu-*
18 *rity Cutters beyond the construction of 3 such vessels*
19 *rather than constructing 3 Arctic Security Cutters,*
20 *including the cost of planning, design, and engineer-*
21 *ing of a new class of ships, which shall include the*
22 *increased costs resulting from the delays in building*
23 *a new class of cutters rather than building 2 addi-*
24 *tional cutters from an ongoing production line;*

1 (4) *the operational benefits, limitations, and*
2 *risks of a common hull design for polar icebreaking*
3 *cutters for operation in the polar regions;*

4 (5) *the operational benefits, limitations, and*
5 *risks of a common hull design for icebreaking tugs for*
6 *operation in the Northeastern United States; and*

7 (6) *the cost and timetable for replacing the Coast*
8 *Guard Cutter Healy (WAGB 20) as—*

9 (A) *a Polar Security Cutter;*

10 (B) *an Arctic Security Cutter; or*

11 (C) *other platform as determined by the*
12 *Commandant.*

13 (c) *QUARTERLY BRIEFINGS.—As part of quarterly ac-*
14 *quisition briefings provided by the Commandant to the*
15 *Committee on Commerce, Science, and Transportation of*
16 *the Senate and the Committee on Transportation and In-*
17 *frastructure of the House of Representatives, the Com-*
18 *mandant shall include an update on the status of—*

19 (1) *all acquisition activities related to the Polar*
20 *Security Cutter;*

21 (2) *the performance of the entity which the Coast*
22 *Guard has contracted with for detailed design and*
23 *construction of the Polar Security Cutter; and*

24 (3) *the requirements for the planning, detailed*
25 *design, engineering, and construction of the—*

1 (A) *Arctic Security Cutter*; and

2 (B) *Great Lakes Icebreaker*.

3 (d) *LIMITATION*.—*The report required to be submitted*
4 *under subsection (a) shall not include an analysis of the*
5 *Great Lakes Icebreaker authorized under section 11104.*

6 (e) *ESTABLISHMENT OF THE ARCTIC SECURITY CUT-*
7 *TER PROGRAM OFFICE*.—

8 (1) *DETERMINATION*.—*Not later than 90 days*
9 *after the submission of the report under subsection*
10 *(a), the Commandant shall determine if constructing*
11 *additional Polar Security Cutters is more cost effec-*
12 *tive and efficient than constructing 3 Arctic Security*
13 *Cutters.*

14 (2) *ESTABLISHMENT*.—*If the Commandant de-*
15 *termines under paragraph (1) that it is more cost ef-*
16 *fective to build 3 Arctic Security Cutters than to*
17 *build additional Polar Security Cutters or if the*
18 *Commandant fails to make a determination under*
19 *paragraph (1) by June 1, 2024, the Commandant*
20 *shall establish a program office for the acquisition of*
21 *the Arctic Security Cutter not later than January 1,*
22 *2025.*

23 (3) *REQUIREMENTS AND DESIGN PHASE*.—*Not*
24 *later than 270 days after the date on which the Com-*
25 *mandant establishes a program office under para-*

1 *graph (2), the Commandant shall complete the eval-*
2 *uation of requirements for the Arctic Security Cutter*
3 *and initiate the design phase of the Arctic Security*
4 *Cutter vessel class.*

5 *(f) QUARTERLY BRIEFINGS.—Not less frequently than*
6 *quarterly until the date on which a contract for acquisition*
7 *of the Arctic Security Cutter is awarded under chapter 11*
8 *of title 14, United States Code, the Commandant shall pro-*
9 *vide to the Committee on Commerce, Science, and Trans-*
10 *portation of the Senate and the Committee on Transpor-*
11 *tation and Infrastructure of the House of Representatives*
12 *a briefing on the status of requirements evaluations, design*
13 *of the vessel, and schedule of the program.*

14 **SEC. 11219. ARCTIC ACTIVITIES.**

15 *(a) ARCTIC OPERATIONAL IMPLEMENTATION RE-*
16 *PORT.—Not later than 1 year after the date of enactment*
17 *of this Act, the Secretary shall submit to the appropriate*
18 *committees of Congress a report that describes the ability*
19 *and timeline to conduct a transit of the Northern Sea Route*
20 *and periodic transits of the Northwest Passage.*

21 *(b) DEFINITIONS.—In this section:*

22 *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*
23 *The term “appropriate committees of Congress”*
24 *means—*

1 (A) *the Committee on Commerce, Science,*
2 *and Transportation of the Senate; and*

3 (B) *the Committee on Transportation and*
4 *Infrastructure of the House of Representatives.*

5 (2) *ARCTIC.*—*The term “Arctic” has the mean-*
6 *ing given such term in section 112 of the Arctic Re-*
7 *search and Policy Act of 1984 (15 U.S.C. 4111).*

8 **SEC. 11220. STUDY ON ARCTIC OPERATIONS AND INFRA-**
9 **STRUCTURE.**

10 (a) *IN GENERAL.*—*Not later than 1 year after the date*
11 *of enactment of this Act, the Comptroller General of the*
12 *United States shall commence a study on the Arctic oper-*
13 *ations and infrastructure of the Coast Guard.*

14 (b) *ELEMENTS.*—*The study required under subsection*
15 *(a) shall assess the following:*

16 (1) *The extent of the collaboration between the*
17 *Coast Guard and the Department of Defense to assess,*
18 *manage, and mitigate security risks in the Arctic re-*
19 *gion.*

20 (2) *Actions taken by the Coast Guard to manage*
21 *risks to Coast Guard operations, infrastructure, and*
22 *workforce planning in the Arctic.*

23 (3) *The plans the Coast Guard has in place for*
24 *managing and mitigating the risks to commercial*

1 *maritime operations and the environment in the Arc-*
2 *tic region.*

3 *(c) REPORT.—Not later than 1 year after commencing*
4 *the study required under subsection (a), the Comptroller*
5 *General shall submit to the Committee on Commerce,*
6 *Science, and Transportation of the Senate and the Com-*
7 *mittee on Transportation and Infrastructure of the House*
8 *of Representatives a report on the findings of the study.*

9 **SEC. 11221. PRIBILOF ISLAND TRANSITION COMPLETION**
10 **ACTIONS.**

11 *(a) ACTUAL USE AND OCCUPANCY REPORTS.—Not*
12 *later than 90 days after enactment of this Act, and quar-*
13 *terly thereafter, the Secretary shall submit to the Committee*
14 *on Transportation and Infrastructure of the House of Rep-*
15 *resentatives and the Committee on Commerce, Science, and*
16 *Transportation of the Senate a report describing—*

17 *(1) the degree to which Coast Guard personnel*
18 *and equipment are deployed to St. Paul Island, Alas-*
19 *ka, in actual occupancy of the facilities, as required*
20 *under section 524 of the Pribilof Island Transition*
21 *Completion Act of 2016 (Public Law 114–120); and*

22 *(2) the status of the activities described in sub-*
23 *sections (c) and (d) until such activities have been*
24 *completed.*

25 *(b) AIRCRAFT HANGER.—The Secretary may—*

1 (1) *enter into a lease for a hangar to house de-*
2 *ployed Coast Guard aircraft if such hangar was pre-*
3 *viously under lease by the Coast Guard for purposes*
4 *of housing such aircraft; and*

5 (2) *enter into an agreement with the lessor of*
6 *such a hangar in which the Secretary may carry out*
7 *repairs necessary to support the deployment of such*
8 *aircraft and the cost of such repairs may be offset*
9 *under the terms of the lease.*

10 (c) *FUEL TANK.—*

11 (1) *IN GENERAL.—Not later than 30 days after*
12 *the date of enactment of this Act, the Commandant*
13 *shall notify the Alaska Native Village Corporation for*
14 *St. Paul Island, Alaska of the availability of any fuel*
15 *tank—*

16 (A) *which is located on property on St.*
17 *Paul Island, Alaska, which is leased by the Coast*
18 *Guard for the purpose of housing such a fuel*
19 *tank; and*

20 (B) *for which the Commandant has deter-*
21 *mined that the Coast Guard no longer has an*
22 *operational need.*

23 (2) *TRANSFER.—If not later than 30 days after*
24 *a notification under subsection (a), the Alaska Native*
25 *Village Corporation for St. Paul Island, Alaska re-*

1 *quests that the ownership of the tank be transferred*
2 *to such corporation then the Commandant shall—*

3 *(A) after conducting any necessary environ-*
4 *mental remediation pursuant to the lease re-*
5 *ferred to in paragraph (1)(A), transfer owner-*
6 *ship of such fuel tank to such corporation; and*

7 *(B) upon the date of such transfer, termi-*
8 *nate the lease referred to in paragraph (1)(A).*

9 *(d) SAVINGS CLAUSE.—Nothing in this section shall*
10 *be construed to limit any rights of the Alaska Native Village*
11 *Corporation for St. Paul to receive conveyance of all or part*
12 *of the lands and improvements related to Tract 43 under*
13 *the same terms and conditions as prescribed in section 524*
14 *of the Pribilof Island Transition Completion Act of 2016*
15 *(Public Law 114–120).*

16 **SEC. 11222. REPORT ON SHIPYARDS OF FINLAND AND SWE-**
17 **DEN.**

18 *Not later than 2 years after the date of enactment of*
19 *this Act, the Commandant, in consultation with the Comp-*
20 *troller General of the United States, shall submit to Con-*
21 *gress a report that analyzes the shipyards of Finland and*
22 *Sweden to assess future opportunities for technical assist-*
23 *ance related to engineering to aid the Coast Guard in ful-*
24 *filling its future mission needs.*

1 **SEC. 11223. ACQUISITION OF ICEBREAKER.**

2 (a) *IN GENERAL.*—*The Commandant may acquire or*
3 *procure 1 United States built available icebreaker.*

4 (b) *EXEMPTIONS FROM REQUIREMENTS.*—

5 (1) *IN GENERAL.*—*Sections 1131, 1132(a)(2),*
6 *1132(c), 1133, and 1171 of title 14, United States*
7 *Code, shall not apply to an acquisition or procure-*
8 *ment under subsection (a).*

9 (2) *ADDITIONAL EXCEPTIONS.*—*Paragraphs (1),*
10 *(3), (4), and (5) of subsection (a) and subsections (b),*
11 *(d), and (e) of section 1132 of title 14, United States*
12 *Code, shall apply to an acquisition or procurement*
13 *under subsection (a) until the first phase of the initial*
14 *acquisition or procurement is complete and initial*
15 *operating capacity is achieved.*

16 (c) *SCIENCE MISSION REQUIREMENTS.*—*For any*
17 *available icebreaker acquired or procured under subsection*
18 *(a), the Commandant shall ensure scientific research capac-*
19 *ity comparable to the Coast Guard Cutter Healy (WAGB*
20 *20), for the purposes of hydrographic, bathymetric, oceano-*
21 *graphic, weather, atmospheric, climate, fisheries, marine*
22 *mammals, genetic and other data related to the Arctic, and*
23 *other research as the Under Secretary determines appro-*
24 *priate.*

25 (d) *OPERATIONS AND AGREEMENTS.*—

1 (1) *COAST GUARD.*—*With respect to any avail-*
2 *able icebreaker acquired or procured under subsection*
3 *(a), the Secretary shall be responsible for any acquisi-*
4 *tion, retrofitting, operation, and maintenance costs*
5 *necessary to achieve full operational capability, in-*
6 *cluding testing, installation, and acquisition, includ-*
7 *ing for the suite of hull-mounted, ship-provided sci-*
8 *entific instrumentation and equipment for data col-*
9 *lection.*

10 (2) *NATIONAL OCEANIC AND ATMOSPHERIC AD-*
11 *MINISTRATION.*—*The Under Secretary shall not be re-*
12 *sponsible for the costs of retrofitting any available ice-*
13 *breaker acquired or procured under subsection (a), in-*
14 *cluding costs relating to—*

15 (A) *vessel maintenance, construction, oper-*
16 *ations, and crewing other than the science party;*
17 *and*

18 (B) *making such icebreaker capable of con-*
19 *ducting the research described in subsection (c),*
20 *including design, procurement of laboratory*
21 *space and equipment, and modification of living*
22 *quarters.*

23 (3) *RESPONSIBILITY OF UNDER SECRETARY.*—
24 *The Under Secretary shall be responsible for costs re-*
25 *lated to—*

- 1 (A) *the science party;*
2 (B) *the scientific mission; and*
3 (C) *other scientific assets and equipment*
4 *that augment such icebreaker beyond full oper-*
5 *ational capacity as determined by the Under*
6 *Secretary and Commandant.*

7 (4) *MEMORANDUM OF AGREEMENT.—The Com-*
8 *mandant and the Under Secretary shall enter into a*
9 *memorandum of agreement to facilitate science activi-*
10 *ties, data collection, and other procedures necessary to*
11 *meet the requirements of this section.*

12 (e) *RESTRICTION AND BRIEFING.—Not later than 60*
13 *days after the date of enactment of this Act, the Com-*
14 *mandant shall brief the appropriate congressional commit-*
15 *tees with respect to available icebreaker acquired or pro-*
16 *cured under subsection (a) on—*

17 (1) *a proposed concept of operations of such ice-*
18 *breaker;*

19 (2) *a detailed cost estimate for such icebreaker,*
20 *including estimated costs for acquisition, modifica-*
21 *tion, shoreside infrastructure, crewing, and maintain-*
22 *ing such an icebreaker by year for the estimated serv-*
23 *ice life of such icebreaker; and*

24 (3) *the expected capabilities of such icebreaker as*
25 *compared to the capabilities of a fully operational*

1 *Coast Guard built Polar Security Cutter for each*
2 *year in which such an icebreaker is anticipated to*
3 *serve in lieu of such a cutter and the projected annual*
4 *costs to achieve such anticipated capabilities.*

5 *(f) INTERIM REPORT.—Not later than 30 days after*
6 *the date of enactment of this Act, and not later than every*
7 *90 days thereafter until any available icebreaker acquired*
8 *or procured under subsection (a) has reached full oper-*
9 *ational capability, the Commandant shall provide to the*
10 *appropriate Committees of Congress an interim report of*
11 *the status and progress of all elements under subsection (d).*

12 *(g) RULE OF CONSTRUCTION.—Nothing in this section*
13 *shall effect acquisitions of vessels by the Under Secretary.*

14 *(h) SAVINGS CLAUSE.—*

15 *(1) IN GENERAL.—Any operations necessary for*
16 *the saving of life or property at sea, response to envi-*
17 *ronmental pollution, national security, defense readi-*
18 *ness, or other missions as determined by the Com-*
19 *mandant shall take priority over any scientific or*
20 *economic missions under subsection (c).*

21 *(2) AUGMENTATION.—Any available icebreaker*
22 *acquired or procured under subsection (a) shall aug-*
23 *ment the Coast Guard mission in the Arctic, includ-*
24 *ing by conducting operations and missions that are*

1 *in addition to missions conducted by the Coast Guard*
2 *Cutter Healy (WAGB 20) in the region.*

3 *(i) DEFINITIONS.—In this section:*

4 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.—The term “appropriate congressional commit-*
6 *tees” means the Committee on Transportation and*
7 *Infrastructure and the Committee on Appropriations*
8 *of the House of Representatives and the Committee on*
9 *Commerce, Science, and Transportation and the Com-*
10 *mittee on Appropriations of the Senate.*

11 *(2) ARCTIC.—The term “Arctic” has the mean-*
12 *ing given such term in section 112 of the Arctic Re-*
13 *search and Policy Act of 1984 (15 U.S.C. 4111).*

14 *(3) AVAILABLE ICEBREAKER.—The term “avail-*
15 *able icebreaker” means a vessel that—*

16 *(A) is capable of—*

17 *(i) supplementing United States Coast*
18 *Guard polar icebreaking capabilities in the*
19 *Arctic region of the United States;*

20 *(ii) projecting United States sov-*
21 *ereignty;*

22 *(iii) ensuring a continuous operational*
23 *capability in the Arctic region of the United*
24 *States;*

1 (iv) carrying out the primary duty of
2 the Coast Guard described in section 103(7)
3 of title 14, United States Code; and

4 (v) collecting hydrographic, environ-
5 mental, and climate data; and

6 (B) is documented with a coastwise endorse-
7 ment under chapter 121 of title 46, United
8 States Code.

9 (4) *UNDER SECRETARY.*—The term “Under Sec-
10 retary” means the Under Secretary of Commerce for
11 Oceans and Atmosphere.

12 (j) *SUNSET.*—The authority under subsections (a)
13 through (c) shall expire on the date that is 3 years after
14 the date of enactment of this Act.

15 ***Subtitle D—Maritime Cyber and***
16 ***Artificial Intelligence***

17 ***SEC. 11224. ENHANCING MARITIME CYBERSECURITY.***

18 (a) *DEFINITIONS.*—In this section:

19 (1) *CYBER INCIDENT.*—The term “cyber inci-
20 dent” means an occurrence that actually or immi-
21 nently jeopardizes, without lawful authority, the in-
22 tegrity, confidentiality, or availability of information
23 on an information system, or actually or imminently
24 jeopardizes, without lawful authority, an information
25 system.

1 (2) *MARITIME OPERATORS.*—*The term “maritime operators” means the owners or operators of vessels engaged in commercial service, the owners or operators of facilities, and port authorities.*

5 (3) *FACILITIES.*—*The term “facilities” has the meaning given the term “facility” in section 70101 of title 46, United States Code.*

8 **(b) PUBLIC AVAILABILITY OF CYBERSECURITY TOOLS**
9 **AND RESOURCES.**—

10 (1) *IN GENERAL.*—*Not later than 2 years after the date of enactment of this Act, the Commandant, in coordination with the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology, shall identify and make available to the public a list of tools and resources, including the resources of the Coast Guard and the Cybersecurity and Infrastructure Security Agency, designed to assist maritime operators in identifying, detecting, protecting against, mitigating, responding to, and recovering from cyber incidents.*

23 (2) *IDENTIFICATION.*—*In carrying out paragraph (1), the Commandant, the Administrator of the Maritime Administration, the Director of the Cyberse-*

1 *curity and Infrastructure Security Agency, and the*
2 *Director of the National Institute of Standards and*
3 *Technology shall identify tools and resources that—*

4 *(A) comply with the cybersecurity frame-*
5 *work for improving critical infrastructure estab-*
6 *lished by the National Institute of Standards*
7 *and Technology; or*

8 *(B) use the guidelines on maritime cyber*
9 *risk management issued by the International*
10 *Maritime Organization on July 5, 2017 (or suc-*
11 *cessor guidelines).*

12 *(3) CONSULTATION.—The Commandant, the Ad-*
13 *ministrator of the Maritime Administration, the Di-*
14 *rector of the Cybersecurity and Infrastructure Secu-*
15 *rity Agency, and the Director of the National Insti-*
16 *tute of Standards and Technology may consult with*
17 *maritime operators, other Federal agencies, industry*
18 *stakeholders, and cybersecurity experts to identify*
19 *tools and resources for purposes of this section.*

20 **SEC. 11225. ESTABLISHMENT OF UNMANNED SYSTEM PRO-**
21 **GRAM AND AUTONOMOUS CONTROL AND**
22 **COMPUTER VISION TECHNOLOGY PROJECT.**

23 *(a) IN GENERAL.—Section 319 of title 14, United*
24 *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 Sec-
6 retary shall establish, under the control of the Commandant,
7 an unmanned system program for the use by the Coast
8 Guard of land-based, cutter-based, and aircraft-based un-
9 manned systems for the purpose of increasing effectiveness
10 and efficiency of mission execution.

11 “(b) *AUTONOMOUS CONTROL AND COMPUTER VISION*
12 *TECHNOLOGY PROJECT.*—

13 “(1) *IN GENERAL.*—The Commandant shall con-
14 duct a project to retrofit 2 or more existing Coast
15 Guard small boats deployed at operational units
16 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 rescue,*
22 *surveillance, and interdiction missions.*

23 “(2) *DATA COLLECTION.*—As part of the project
24 required under paragraph (1), the Commandant shall
25 collect and evaluate field-collected operational data

1 *from the retrofit described in such paragraph to in-*
2 *form 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 includes*
10 *an evaluation of the data collected from the project.*

11 “(c) *UNMANNED SYSTEM DEFINED.*—*In this section,*
12 *the term ‘unmanned system’ means—*

13 “(1) *an unmanned aircraft system (as such term*
14 *is defined in section 44801 of title 49);*

15 “(2) *an unmanned marine surface system; and*

16 “(3) *an unmanned marine subsurface system.”.*

17 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
18 *3 of title 14, United States Code, is amended by striking*
19 *the item relating to section 319 and inserting the following:*

*“319. Unmanned system program and autonomous control and computer vision
technology project.”.*

20 “(c) *SUBMISSION TO CONGRESS.*—*Not later than 180*
21 *days after the date of enactment of this Act, the Com-*
22 *mandant shall submit to the Committee on Transportation*
23 *and Infrastructure of the House of Representatives and the*
24 *Committee on Commerce, Science, and Transportation of*

1 *the Senate a detailed description of the strategy of the Coast*
2 *Guard to implement unmanned systems across mission*
3 *areas, including—*

4 (1) *the steps taken to implement actions rec-*
5 *ommended in the consensus study report of the Na-*
6 *tional Academies of Sciences, Engineering, and Medi-*
7 *cine titled “Leveraging Unmanned Systems for Coast*
8 *Guard Missions: A Strategic Imperative”, published*
9 *on November 12, 2020;*

10 (2) *the strategic goals and acquisition strategies*
11 *for proposed uses and procurements of unmanned sys-*
12 *tems;*

13 (3) *a strategy to sustain competition and inno-*
14 *vation for procurement of unmanned systems and*
15 *services for the Coast Guard, including defining op-*
16 *portunities for new and existing technologies; and*

17 (4) *an estimate of the timeline, costs, staff re-*
18 *sources, technology, or other resources necessary to ac-*
19 *complish the strategy.*

20 (d) *COST ASSESSMENT.—Not later than 1 year after*
21 *the date of the enactment of this Act, the Commandant shall*
22 *provide to Congress an estimate of the costs associated with*
23 *implementing the amendments made by this section.*

1 **SEC. 11226. ARTIFICIAL INTELLIGENCE STRATEGY.**

2 (a) *COORDINATION OF DATA AND ARTIFICIAL INTEL-*
3 *LIGENCE ACTIVITIES RELATING TO IDENTIFYING, DEM-*
4 *ONSTRATING, AND WHERE APPROPRIATE TRANSITIONING*
5 *TO OPERATIONAL USE.—*

6 (1) *IN GENERAL.—The Commandant shall co-*
7 *ordinate data and artificial intelligence activities re-*
8 *lating to identifying, demonstrating and where ap-*
9 *propriate transitioning to operational use of artificial*
10 *intelligence technologies when such technologies en-*
11 *hance mission capability or performance.*

12 (2) *EMPHASIS.—The set of activities established*
13 *under paragraph (1) shall—*

14 (A) *apply data analytics, artificial intel-*
15 *ligence, and machine-learning solutions to oper-*
16 *ational and mission-support problems; and*

17 (B) *coordinate activities involving artificial*
18 *intelligence and artificial intelligence-enabled ca-*
19 *pabilities within the Coast Guard.*

20 (b) *DESIGNATED OFFICIAL.—*

21 (1) *IN GENERAL.—Not later than 1 year after*
22 *the date of enactment of this Act, the Commandant*
23 *shall designate a senior official of the Coast Guard*
24 *(referred to in this section as the “designated offi-*
25 *cial”) with the principal responsibility for the coordi-*
26 *nation of data and artificial intelligence activities re-*

1 *lating to identifying, demonstrating, and, where ap-*
2 *propriate, transitioning to operational use artificial*
3 *intelligence and machine learning for the Coast*
4 *Guard.*

5 (2) *GOVERNANCE AND OVERSIGHT OF ARTIFICIAL*
6 *INTELLIGENCE AND MACHINE LEARNING POLICY.*—*The*
7 *designated official shall regularly convene appropriate*
8 *officials of the Coast Guard—*

9 (A) *to integrate the functional activities of*
10 *the Coast Guard with respect to data, artificial*
11 *intelligence, and machine learning;*

12 (B) *to ensure that there are efficient and ef-*
13 *fective data, artificial intelligence, and machine-*
14 *learning capabilities throughout the Coast*
15 *Guard, where appropriate; and*

16 (C) *to develop and continuously improve re-*
17 *search, innovation, policy, joint processes, and*
18 *procedures to facilitate the coordination of data*
19 *and artificial intelligence activities relating to*
20 *identification, demonstration, and, where appro-*
21 *priate, transition into operational use artificial*
22 *intelligence and machine learning throughout the*
23 *Coast Guard.*

24 (c) *STRATEGIC PLAN.*—

1 (1) *IN GENERAL.*—*The designated official shall*
2 *develop a strategic plan to coordinate activities relat-*
3 *ing to identifying, demonstrating, and transitioning*
4 *artificial intelligence technologies into operational use*
5 *where appropriate.*

6 (2) *ELEMENTS.*—*The plan required by para-*
7 *graph (1) shall include the following:*

8 (A) *A strategic roadmap for the coordina-*
9 *tion of data and artificial intelligence activities*
10 *for the identification, demonstration, and transi-*
11 *tion to operational use, where appropriate, arti-*
12 *ficial intelligence technologies and key enabling*
13 *capabilities.*

14 (B) *The continuous identification, evalua-*
15 *tion, and adaptation of relevant artificial intel-*
16 *ligence capabilities adopted by the Coast Guard*
17 *and developed and adopted by other organiza-*
18 *tions for military missions and business oper-*
19 *ations.*

20 (C) *Consideration of the identification,*
21 *adoption, and procurement of artificial intel-*
22 *ligence technologies for use in operational and*
23 *mission support activities.*

24 (3) *SUBMISSION TO COMMANDANT.*—*Not later*
25 *than 2 years after the date of enactment of this Act,*

1 *the designated official shall submit to the Com-*
2 *mandant the plan developed under paragraph (1).*

3 (4) *SUBMISSION TO CONGRESS.—Not later than*
4 *2 years after the date of enactment of this Act, the*
5 *Commandant shall submit to the Committee on Com-*
6 *merce, Science, and Transportation of the Senate and*
7 *the Committee on Transportation and Infrastructure*
8 *of the House of Representatives the plan developed*
9 *under paragraph (1).*

10 **SEC. 11227. REVIEW OF ARTIFICIAL INTELLIGENCE APPLI-**
11 **CATIONS AND ESTABLISHMENT OF PERFORM-**
12 **ANCE METRICS.**

13 (a) *IN GENERAL.—Not later than 2 years after the*
14 *date of enactment of this Act, the Commandant shall—*

15 (1) *review the potential applications of artificial*
16 *intelligence and digital technology to the platforms,*
17 *processes, and operations of the Coast Guard;*

18 (2) *identify the resources necessary to improve*
19 *the use of artificial intelligence and digital technology*
20 *in such platforms, processes, and operations; and*

21 (3) *establish performance objectives and accom-*
22 *panying metrics for the incorporation of artificial in-*
23 *telligence and digital readiness into such platforms,*
24 *processes, and operations.*

1 **(b) PERFORMANCE OBJECTIVES AND ACCOMPANYING**
2 **METRICS.**—

3 **(1) SKILL GAPS.**—*In carrying out subsection (a),*
4 *the Commandant shall—*

5 **(A)** *conduct a comprehensive review and as-*
6 *essment of—*

7 **(i)** *skill gaps in the fields of software*
8 *development, software engineering, data*
9 *science, and artificial intelligence;*

10 **(ii)** *the qualifications of civilian per-*
11 *sonnel needed for both management and*
12 *specialist tracks in such fields; and*

13 **(iii)** *the qualifications of military per-*
14 *sonnel (officer and enlisted) needed for both*
15 *management and specialist tracks in such*
16 *fields; and*

17 **(B)** *establish recruiting, training, and tal-*
18 *ent management performance objectives and ac-*
19 *companying metrics for achieving and main-*
20 *taining staffing levels needed to fill identified*
21 *gaps and meet the needs of the Coast Guard for*
22 *skilled personnel.*

23 **(2) AI MODERNIZATION ACTIVITIES.**—*In car-*
24 *rying out subsection (a), the Commandant shall—*

1 (A) assess investment by the Coast Guard in
2 artificial intelligence innovation, science and
3 technology, and research and development;

4 (B) assess investment by the Coast Guard
5 in test and evaluation of artificial intelligence
6 capabilities;

7 (C) assess the integration of, and the re-
8 sources necessary to better use artificial intel-
9 ligence in wargames, exercises, and experimen-
10 tation;

11 (D) assess the application of, and the re-
12 sources necessary to better use, artificial intel-
13 ligence in logistics and sustainment systems;

14 (E) assess the integration of, and the re-
15 sources necessary to better use, artificial intel-
16 ligence for administrative functions;

17 (F) establish performance objectives and ac-
18 companying metrics for artificial intelligence
19 modernization activities of the Coast Guard; and

20 (G) identify the resources necessary to effec-
21 tively use artificial intelligence to carry out the
22 missions of the Coast Guard.

23 (c) *REPORT TO CONGRESS.*—Not later than 180 days
24 after the completion of the review required under subsection
25 (a)(1), the Commandant shall submit to the Committee on

1 *Commerce, Science, and Transportation and the Committee*
2 *on Appropriations of the Senate and the Committee on*
3 *Transportation and Infrastructure and the Committee on*
4 *Appropriations of the House of Representatives a report*
5 *on—*

6 (1) *the findings of the Commandant with respect*
7 *to such review and any action taken or proposed to*
8 *be taken by the Commandant, and the resources nec-*
9 *essary to address such findings;*

10 (2) *the performance objectives and accompanying*
11 *metrics established under subsections (a)(3) and*
12 *(b)(1)(B); and*

13 (3) *any recommendation with respect to pro-*
14 *posals for legislative change necessary to successfully*
15 *implement artificial intelligence applications within*
16 *the Coast Guard.*

17 **SEC. 11228. CYBER DATA MANAGEMENT.**

18 (a) *IN GENERAL.—The Commandant and the Director*
19 *of the Cybersecurity and Infrastructure Security Agency*
20 *shall—*

21 (1) *develop policies, processes, and operating*
22 *procedures governing—*

23 (A) *access to and the ingestion, structure,*
24 *storage, and analysis of information and data*

1 *relevant to the Coast Guard Cyber Mission, in-*
2 *cluding—*

3 *(i) intelligence data relevant to Coast*
4 *Guard missions;*

5 *(ii) internet traffic, topology, and ac-*
6 *tivity data relevant to such missions; and*

7 *(iii) cyber threat information relevant*
8 *to such missions; and*

9 *(B) data management and analytic plat-*
10 *forms relating to such missions; and*

11 *(2) evaluate data management platforms referred*
12 *to in paragraph (1)(B) to ensure that such platforms*
13 *operate consistently with the Coast Guard Data*
14 *Strategy.*

15 *(b) REPORT.—Not later than 1 year after the date of*
16 *enactment of this Act, the Commandant shall submit to the*
17 *Committee on Commerce, Science, and Transportation and*
18 *the Committee on Homeland Security and Governmental*
19 *Affairs of the Senate and the Committee on Transportation*
20 *and Infrastructure and the Committee on Homeland Secu-*
21 *rity of the House of Representatives a report that in-*
22 *cludes—*

23 *(1) an assessment of the progress on the activities*
24 *required by subsection (a); and*

1 (2) *any recommendation with respect to funding*
2 *or additional authorities necessary, including pro-*
3 *posals for legislative change, to improve Coast Guard*
4 *cyber data management.*

5 **SEC. 11229. DATA MANAGEMENT.**

6 Section 504(a) of title 14, United States Code, is
7 amended—

8 (1) *in paragraph (24) by striking “; and” and*
9 *inserting a semicolon;*

10 (2) *in paragraph (25) by striking the period and*
11 *inserting “; and”; and*

12 (3) *by adding at the end the following:*

13 “(26) *develop data workflows and processes for*
14 *the leveraging of mission-relevant data by the Coast*
15 *Guard to enhance operational effectiveness and effi-*
16 *ciency.”.*

17 **SEC. 11230. STUDY ON CYBER THREATS TO UNITED STATES**
18 **MARINE TRANSPORTATION SYSTEM.**

19 (a) *IN GENERAL.*—*Not later than 1 year after the date*
20 *of enactment of this Act, the Comptroller General of the*
21 *United States shall commence a study on cyber threats to*
22 *the United States marine transportation system.*

23 (b) *ELEMENTS.*—*The study required under paragraph*
24 (1) *shall assess the following:*

1 (1) *The extent to which the Coast Guard, in col-*
2 *laboration with other Federal agencies, sets standards*
3 *for the cybersecurity of facilities and vessels regulated*
4 *under part 104, 105, or 106 of title 33, Code of Fed-*
5 *eral Regulations, as in effect on the date of enactment*
6 *of this Act.*

7 (2) *The manner in which the Coast Guard en-*
8 *surees cybersecurity standards are followed by port,*
9 *vessel, and facility owners and operators.*

10 (3) *The extent to which maritime sector-specific*
11 *planning addresses cybersecurity, particularly for ves-*
12 *sels and offshore platforms.*

13 (4) *The manner in which the Coast Guard, other*
14 *Federal agencies, and vessel and offshore platform op-*
15 *erators exchange information regarding cyber risks.*

16 (5) *The extent to which the Coast Guard is devel-*
17 *oping and deploying cybersecurity specialists in port*
18 *and vessel systems and collaborating with the private*
19 *sector to increase the expertise of the Coast Guard*
20 *with respect to cybersecurity.*

21 (6) *The cyber resource and workforce needs of the*
22 *Coast Guard necessary to meet future mission de-*
23 *mands.*

24 (c) *REPORT.*—*Not later than 1 year after commencing*
25 *the study 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 a report on the findings of the study.*

5 (d) *FACILITY DEFINED.*—*In this section, the term “fa-*
6 *cility” has the meaning given the term in section 70101*
7 *of title 46, United States Code.*

8 ***Subtitle E—Aviation***

9 ***SEC. 11231. SPACE-AVAILABLE TRAVEL ON COAST GUARD*** 10 ***AIRCRAFT: PROGRAM AUTHORIZATION AND*** 11 ***ELIGIBLE RECIPIENTS.***

12 (a) *IN GENERAL.*—*Subchapter I of chapter 5 of title*
13 *14, United States Code, is amended by adding at the end*
14 *the following:*

15 ***“§ 509. Space-available travel on Coast Guard air-*** 16 ***craft***

17 “(a) *ESTABLISHMENT.*—

18 “(1) *IN GENERAL.*—*The Commandant may es-*
19 *tablish a program to provide transportation on Coast*
20 *Guard aircraft on a space-available basis to the cat-*
21 *egories of eligible individuals described in subsection*
22 *(c) (in this section referred to as the ‘program’).*

23 “(2) *POLICY DEVELOPMENT.*—*Not later than 1*
24 *year after the date on which the program is estab-*

1 *lished, the Commandant shall develop a policy for the*
2 *operation of the program.*

3 “(b) *OPERATION OF PROGRAM.—*

4 “(1) *IN GENERAL.—The Commandant shall oper-*
5 *ate the program in a budget-neutral manner.*

6 “(2) *LIMITATIONS.—*

7 “(A) *IN GENERAL.—Except as provided in*
8 *subparagraph (B), no additional funds may be*
9 *used, or flight hours performed, for the purpose*
10 *of providing transportation under the program.*

11 “(B) *DE MINIMIS EXPENDITURES.—The*
12 *Commandant may make de minimis expendi-*
13 *tures of resources required for the administrative*
14 *aspects of the program.*

15 “(3) *REIMBURSEMENT NOT REQUIRED.—Eligible*
16 *individuals described in subsection (c) shall not be re-*
17 *quired to reimburse the Coast Guard for travel pro-*
18 *vided under this section.*

19 “(c) *CATEGORIES OF ELIGIBLE INDIVIDUALS.—Sub-*
20 *ject to subsection (d), the categories of eligible individuals*
21 *described in this subsection are the following:*

22 “(1) *Members of the armed forces on active duty.*

23 “(2) *Members of the Selected Reserve who hold a*
24 *valid Uniformed Services Identification and Privilege*
25 *Card.*

1 “(3) *Retired members of a regular or reserve*
2 *component of the armed forces, including retired*
3 *members of reserve components who, but for being*
4 *under the eligibility age applicable under section*
5 *12731 of title 10, would be eligible for retired pay*
6 *under chapter 1223 of title 10.*

7 “(4) *Subject to subsection (f), veterans with a*
8 *permanent service-connected disability rated as total.*

9 “(5) *Such categories of dependents of individuals*
10 *described in paragraphs (1) through (3) as the Com-*
11 *mandant shall specify in the policy under subsection*
12 *(a)(2), under such conditions and circumstances as*
13 *the Commandant shall specify in such policy.*

14 “(6) *Such other categories of individuals as the*
15 *Commandant considers appropriate.*

16 “(d) *REQUIREMENTS.—In operating the program, the*
17 *Commandant shall—*

18 “(1) *in the sole discretion of the Commandant,*
19 *establish an order of priority for transportation for*
20 *categories of eligible individuals that is based on con-*
21 *siderations of military necessity, humanitarian con-*
22 *cerns, and enhancement of morale;*

23 “(2) *give priority in consideration of transpor-*
24 *tation to the demands of members of the armed forces*
25 *in the regular components and in the reserve compo-*

1 *nents on active duty and to the need to provide such*
2 *members, and their dependents, a means of respite*
3 *from such demands; and*

4 *“(3) implement policies aimed at ensuring cost*
5 *control (as required under subsection (b)) and the*
6 *safety, security, and efficient processing of travelers,*
7 *including limiting the benefit under the program to*
8 *1 or more categories of otherwise eligible individuals,*
9 *as the Commandant considers necessary.*

10 *“(e) TRANSPORTATION.—*

11 *“(1) IN GENERAL.—Notwithstanding subsection*
12 *(d)(1), in establishing space-available transportation*
13 *priorities under the program, the Commandant shall*
14 *provide transportation for an individual described in*
15 *paragraph (2), and a single dependent of the indi-*
16 *vidual if needed to accompany the individual, at a*
17 *priority level in the same category as the priority*
18 *level for an unaccompanied dependent over the age of*
19 *18 years traveling on environmental and morale*
20 *leave.*

21 *“(2) INDIVIDUALS COVERED.—Subject to para-*
22 *graph (3), paragraph (1) applies with respect to an*
23 *individual described in subsection (c)(3) who—*

24 *“(A) resides in or is located in a Common-*
25 *wealth or possession of the United States; and*

1 “(B) is referred by a military or civilian
2 primary care provider located in that Common-
3 wealth or possession to a specialty care provider
4 for services to be provided outside of such Com-
5 monwealth or possession.

6 “(3) *APPLICATION TO CERTAIN RETIRED INDI-*
7 *VIDUALS.*—If an individual described in subsection
8 (c)(3) is a retired member of a reserve component who
9 is ineligible for retired pay under chapter 1223 of
10 title 10 by reason of being under the eligibility age
11 applicable under section 12731 of title 10, paragraph
12 (1) applies to the individual only if the individual is
13 also enrolled in the TRICARE program for certain
14 members of the Retired Reserve authorized under sec-
15 tion 1076e of title 10.

16 “(4) *PRIORITY.*—The priority for space-available
17 transportation required by this subsection applies
18 with respect to—

19 “(A) the travel from the Commonwealth or
20 possession of the United States to receive the spe-
21 cialty care services; and

22 “(B) the return travel.

23 “(5) *PRIMARY CARE PROVIDER AND SPECIALTY*
24 *CARE PROVIDER DEFINED.*—In this subsection, the
25 terms ‘primary care provider’ and ‘specialty care

1 *provider' refer to a medical or dental professional*
2 *who provides health care services under chapter 55 of*
3 *title 10.*

4 “(f) *LIMITATIONS ON TRAVEL.*—

5 “(1) *IN GENERAL.*—*Travel may not be provided*
6 *under this section to a veteran eligible for travel pur-*
7 *suant to paragraph (4) of subsection (c) in priority*
8 *over any member eligible for travel under paragraph*
9 *(1) of that subsection or any dependent of such a*
10 *member eligible for travel under this section.*

11 “(2) *RULE OF CONSTRUCTION.*—*Subsection*
12 *(c)(4) may not be construed as—*

13 “(A) *affecting or in any way imposing on*
14 *the Coast Guard, any armed force, or any com-*
15 *mercial entity with which the Coast Guard or an*
16 *armed force contracts, an obligation or expecta-*
17 *tion that the Coast Guard or such armed force*
18 *will retrofit or alter, in any way, military air-*
19 *craft or commercial aircraft, or related equip-*
20 *ment or facilities, used or leased by the Coast*
21 *Guard or such armed force to accommodate pas-*
22 *sengers provided travel under such authority on*
23 *account of disability; or*

24 “(B) *preempting the authority of an air-*
25 *craft commander to determine who boards the*

1 *aircraft and any other matters in connection*
2 *with safe operation of the aircraft.*

3 “(g) *APPLICATION OF SECTION.*—*The authority to pro-*
4 *vide transportation under the program is in addition to*
5 *any other authority under law to provide transportation*
6 *on Coast Guard aircraft on a space-available basis.”.*

7 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
8 *5 of title 14, United States Code, is amended by inserting*
9 *after the item relating to section 508 the following:*

“509. Space-available travel on Coast Guard aircraft.”.

10 **SEC. 11232. REPORT ON COAST GUARD AIR STATION BAR-**
11 **BERS POINT HANGAR.**

12 (a) *IN GENERAL.*—*Not later than 180 days after the*
13 *date of enactment of this Act, the Commandant shall submit*
14 *to the Committee on Commerce, Science, and Transpor-*
15 *tation and the Committee on Appropriations of the Senate*
16 *and the Committee on Transportation and Infrastructure*
17 *and the Committee on Appropriations of the House of Rep-*
18 *resentatives a report on facilities requirements for con-*
19 *structing a hangar at Coast Guard Air Station Barbers*
20 *Point at Oahu, Hawaii.*

21 (b) *ELEMENTS.*—*The report required by subsection (a)*
22 *shall include the following:*

23 (1) *A description of the—*

24 (A) *\$45,000,000 phase one design for the*
25 *hangar at Coast Guard Air Station Barbers*

1 *Point funded by the Consolidated Appropriations*
2 *Act, 2021 (Public Law 116–260; 134 Stat.*
3 *1132); and*

4 *(B) phase two facility improvements ref-*
5 *erenced in the U.S. Coast Guard Unfunded Pri-*
6 *ority List for fiscal year 2023.*

7 (2) *An evaluation of the full facilities require-*
8 *ments for such hangar and maintenance facility im-*
9 *provements to house, maintain, and operate the MH–*
10 *65 and HC–130J, including—*

11 *(A) storage and provision of fuel; and*

12 *(B) maintenance and parts storage facili-*
13 *ties.*

14 (3) *An evaluation of facilities growth require-*
15 *ments for possible future basing of the MH–60 with*
16 *the C–130J at Coast Guard Air Station Barbers*
17 *Point.*

18 (4) *A description of and cost estimate for each*
19 *project phase for the construction of such hangar and*
20 *maintenance facility improvements.*

21 (5) *A description of the plan for sheltering in the*
22 *hangar during extreme weather events aircraft of the*
23 *Coast Guard and partner agencies, such as the Na-*
24 *tional Oceanic and Atmospheric Administration.*

1 (6) *A description of the risks posed to operations*
2 *at Coast Guard Air Station Barbers Point if future*
3 *project phases for the construction of such hangar are*
4 *not funded.*

5 **SEC. 11233. STUDY ON OPERATIONAL AVAILABILITY OF**
6 **COAST GUARD AIRCRAFT AND STRATEGY FOR**
7 **COAST GUARD AVIATION.**

8 (a) *STUDY.—*

9 (1) *IN GENERAL.—Not later than 1 year after*
10 *the date of enactment of this Act, the Comptroller*
11 *General of the United States shall commence a study*
12 *on the operational availability of Coast Guard air-*
13 *craft.*

14 (2) *ELEMENTS.—The study required under para-*
15 *graph (1) shall include the following:*

16 (A) *An assessment of—*

17 (i) *the extent to which the fixed-wing*
18 *and rotary-wing aircraft of the Coast*
19 *Guard have met annual operational avail-*
20 *ability targets in recent years;*

21 (ii) *the challenges the Coast Guard*
22 *may face with respect to such aircraft meet-*
23 *ing operational availability targets, and the*
24 *effects of such challenges on the ability of*

1 *the Coast Guard to meet mission require-*
2 *ments; and*

3 *(iii) the status of Coast Guard efforts*
4 *to upgrade or recapitalize its fleet of such*
5 *aircraft to meet growth in future mission*
6 *demands globally, such as in the Western*
7 *Hemisphere, the Arctic region, and the*
8 *Western Pacific region.*

9 *(B) Any recommendation with respect to*
10 *the operational availability of Coast Guard air-*
11 *craft.*

12 *(C) The resource and workforce require-*
13 *ments necessary for Coast Guard Aviation to*
14 *meet current and future mission demands spe-*
15 *cific to each rotary-wing and fixed-wing air-*
16 *frame type in the current inventory of the Coast*
17 *Guard.*

18 (3) *REPORT.*—*On completion of the study re-*
19 *quired under paragraph (1), the Comptroller General*
20 *shall submit to the Commandant a report on the find-*
21 *ings of the study.*

22 (b) *COAST GUARD AVIATION STRATEGY.*—

23 (1) *IN GENERAL.*—*Not later than 180 days after*
24 *the date on which the study under subsection (a) is*
25 *completed, the Commandant shall develop a com-*

1 *prehensive strategy for Coast Guard Aviation that is*
2 *informed by the relevant recommendations and find-*
3 *ings of the study.*

4 (2) *ELEMENTS.*—*The strategy required under*
5 *paragraph (1) shall include the following:*

6 (A) *With respect to aircraft of the Coast*
7 *Guard—*

8 (i) *an analysis of—*

9 (I) *the current and future oper-*
10 *ations and future resource needs, in-*
11 *cluding the potential need for a second*
12 *rotary wing airframe to carry out cut-*
13 *ter-based operations and National*
14 *Capital Region air interdiction mis-*
15 *sion; and*

16 (II) *the manner in which such fu-*
17 *ture needs are integrated with the Fu-*
18 *ture Vertical Lift initiatives of the De-*
19 *partment of Defense; and*

20 (ii) *an estimated timeline with respect*
21 *to when such future needs will arise.*

22 (B) *The projected number of aviation assets,*
23 *the locations at which such assets are to be sta-*
24 *tioned, the cost of operation and maintenance of*
25 *such assets, and an assessment of the capabilities*

1 *of such assets as compared to the missions they*
2 *are expected to execute, at the completion of*
3 *major procurement and modernization plans.*

4 *(C) A procurement plan, including an esti-*
5 *mated timetable and the estimated appropria-*
6 *tions necessary for all platforms, including un-*
7 *manned aircraft.*

8 *(D) A training plan for pilots and aircrew*
9 *that addresses—*

10 *(i) the use of simulators owned and op-*
11 *erated by the Coast Guard, and simulators*
12 *that are not owned or operated by the Coast*
13 *Guard, including any such simulators based*
14 *outside the United States; and*

15 *(ii) the costs associated with attending*
16 *training courses.*

17 *(E) Current and future requirements for*
18 *cutter and land-based deployment of aviation as-*
19 *sets globally, including in the Arctic, the Eastern*
20 *Pacific, the Western Pacific, the Caribbean, the*
21 *Atlantic Basin, and any other area the Com-*
22 *mandant considers appropriate.*

23 *(F) A description of the feasibility of de-*
24 *ploying, and the resource requirements necessary*

1 to deploy, rotary-winged assets onboard all fu-
2 ture Arctic cutter patrols.

3 (G) An evaluation of current and future fa-
4 cilities needs for Coast Guard aviation units.

5 (H) An evaluation of pilot and aircrew
6 training and retention needs, including aviation
7 career incentive pay, retention bonuses, and any
8 other workforce tools the Commandant considers
9 necessary.

10 (3) *BRIEFING*.—Not later than 180 days after
11 the date on which the strategy required under para-
12 graph (1) is completed, the Commandant shall pro-
13 vide to the Committee on Commerce, Science, and
14 Transportation of the Senate and the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives a briefing on the strategy.

17 ***Subtitle F—Workforce Readiness***

18 ***SEC. 11234. AUTHORIZED STRENGTH.***

19 Section 3702 of title 14, United States Code, is amend-
20 ed by adding at the end the following:

21 “(c) The Secretary may vary the authorized end
22 strength of the Coast Guard Selected Reserves for a fiscal
23 year by a number equal to not more than 3 percent of such
24 end strength upon a determination by the Secretary that

1 *varying such authorized end strength is in the national in-*
2 *terest.*

3 “(d) *The Commandant may increase the authorized*
4 *end strength of the Coast Guard Selected Reserves by a*
5 *number equal to not more than 2 percent of such authorized*
6 *end strength upon a determination by the Commandant*
7 *that such increase would enhance manning and readiness*
8 *in essential units or in critical specialties or ratings.”.*

9 **SEC. 11235. CONTINUATION OF OFFICERS WITH CERTAIN**
10 **CRITICAL SKILLS ON ACTIVE DUTY.**

11 (a) *IN GENERAL.*—Chapter 21 of title 14, United
12 States Code, is amended by inserting after section 2165 the
13 following:

14 **“§2166. Continuation on active duty; Coast Guard of-**
15 **ficers with certain critical skills**

16 “(a) *IN GENERAL.*—The Commandant may authorize
17 an officer in a grade above grade O–2 to remain on active
18 duty after the date otherwise provided for the retirement
19 of such officer in section 2154 of this title, if the officer
20 possesses a critical skill, or specialty, or is in a career field
21 designated pursuant to subsection (b).

22 “(b) *CRITICAL SKILLS, SPECIALTY, OR CAREER*
23 *FIELD.*—The Commandant shall designate any critical
24 skill, specialty, or career field eligible for continuation on
25 active duty as provided in subsection (a).

1 “(c) *DURATION OF CONTINUATION.*—An officer contin-
 2 ued on active duty pursuant to this section shall, if not
 3 earlier retired, be retired on the first day of the month after
 4 the month in which the officer completes 40 years of active
 5 service.

6 “(d) *POLICY.*—The Commandant shall carry out this
 7 section by prescribing policy which shall specify the criteria
 8 to be used in designating any critical skill, specialty, or
 9 career field for purposes of subsection (b).”.

10 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
 11 21 of title 14, United States Code, is amended by inserting
 12 after the item relating to section 2165 the following:

“2166. Continuation on active duty; Coast Guard officers with certain critical
 skills.”.

13 **SEC. 11236. NUMBER AND DISTRIBUTION OF OFFICERS ON**
 14 **ACTIVE DUTY PROMOTION LIST.**

15 (a) *MAXIMUM NUMBER OF OFFICERS.*—Section
 16 2103(a) of title 14, United States Code, is amended to read
 17 as follows:

18 “(a) *MAXIMUM TOTAL NUMBER.*—

19 “(1) *IN GENERAL.*—The total number of Coast
 20 Guard commissioned officers on the active duty pro-
 21 motion list, excluding warrant officers, shall not ex-
 22 ceed—

23 “(A) 7,100 in fiscal year 2022;

24 “(B) 7,200 in fiscal year 2023;

1 “(C) 7,300 in fiscal year 2024; and

2 “(D) 7,400 in fiscal year 2025 and each
3 subsequent fiscal year.

4 “(2) *TEMPORARY INCREASE.*—Notwithstanding
5 paragraph (1), the Commandant may temporarily in-
6 crease the total number of commissioned officers per-
7 mitted under such paragraph by up to 4 percent for
8 not more than 60 days after the date of the commis-
9 sioning of a Coast Guard Academy class.

10 “(3) *NOTIFICATION.*—Not later than 30 days
11 after exceeding the total number of commissioned offi-
12 cers permitted under paragraphs (1) and (2), and
13 each 30 days thereafter until the total number of com-
14 missioned officers no longer exceeds the number of
15 such officers permitted under paragraphs (1) and (2),
16 the Commandant shall notify the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate of the
20 number of officers on the active duty promotion list
21 on the last day of the preceding 30-day period.”.

22 (b) *OFFICERS NOT ON ACTIVE DUTY PROMOTION*
23 *LIST.*—

1 (1) *IN GENERAL.*—Chapter 51 of title 14, United
 2 States Code, is amended by adding at the end the fol-
 3 lowing:

4 **“§5113. Officers not on active duty promotion list**

5 “Not later than 60 days after the date on which the
 6 President submits to Congress a budget pursuant to section
 7 1105 of title 31, the Commandant shall submit to the Com-
 8 mittee on Transportation and Infrastructure of the House
 9 of Representatives and the Committee on Commerce,
 10 Science, and Transportation of the Senate the number of
 11 Coast Guard officers serving at other Federal entities on
 12 a reimbursable basis, and the number of Coast Guard offi-
 13 cers who are serving at other Federal agencies on a non-
 14 reimbursable basis, but not on the active duty promotion
 15 list.”.

16 (2) *CLERICAL AMENDMENT.*—The analysis for
 17 chapter 51 of title 14, United States Code, is amended
 18 by adding at the end the following:

“5113. Officers not on active duty promotion list.”.

19 **SEC. 11237. CAREER INCENTIVE PAY FOR MARINE INSPEC-**
 20 **TORS.**

21 (a) *AUTHORITY TO PROVIDE ASSIGNMENT PAY OR*
 22 *SPECIAL DUTY PAY.*—The Secretary may provide assign-
 23 ment pay or special duty pay under section 352 of title
 24 37, United States Code, to a member of the Coast Guard
 25 serving in a prevention position and assigned as a marine

1 *inspector or marine investigator pursuant to section 312*
2 *of title 14, United States Code.*

3 (b) *ANNUAL BRIEFING.*—

4 (1) *IN GENERAL.*—*Not later than 180 days after*
5 *the date of enactment of this Act, and annually there-*
6 *after, the Secretary shall provide to the Committee on*
7 *Commerce, Science, and Transportation of the Senate*
8 *and the Committee on Transportation and Infrastruc-*
9 *ture of the House of Representatives a briefing on any*
10 *uses of the authority under subsection (a) during the*
11 *preceding year.*

12 (2) *ELEMENTS.*—*Each briefing required under*
13 *paragraph (1) shall include the following:*

14 (A) *The number of members of the Coast*
15 *Guard serving as marine inspectors or marine*
16 *investigators pursuant to section 312 of title 14,*
17 *United States Code, who are receiving assign-*
18 *ment pay or special duty pay under section 352*
19 *of title 37, United States Code.*

20 (B) *An assessment of the impact of the use*
21 *of the authority under this section on the effec-*
22 *tiveness and efficiency of the Coast Guard in ad-*
23 *ministering the laws and regulations for the pro-*
24 *motion of safety of life and property on and*

1 *under the high seas and waters subject to the ju-*
2 *risdiction of the United States.*

3 (C) *An assessment of the effects of assign-*
4 *ment pay and special duty pay on retention of*
5 *marine inspectors and investigators.*

6 (D) *If the authority provided in subsection*
7 *(a) is not exercised, a detailed justification for*
8 *not exercising such authority, including an ex-*
9 *planation of the efforts the Secretary is taking to*
10 *ensure that the Coast Guard workforce contains*
11 *an adequate number of qualified marine inspec-*
12 *tors.*

13 (c) *STUDY.—*

14 (1) *IN GENERAL.—Not later than 2 years after*
15 *the date of enactment of this Act, the Secretary, in co-*
16 *ordination with the Director of the National Institute*
17 *for Occupational Safety and Health, shall conduct a*
18 *study on the health of marine inspectors and marine*
19 *investigators who have served as such inspectors or*
20 *investigators for a period of not less than 10 years.*

21 (2) *ELEMENTS.—The study required under para-*
22 *graph (1) shall include the following:*

23 (A) *An evaluation of—*

24 (i) *the daily vessel inspection duties of*
25 *marine inspectors and marine investigators,*

1 *including the examination of internal cargo*
2 *tanks and voids and new construction ac-*
3 *tivities;*

4 *(ii) major incidents to which marine*
5 *inspectors and marine investigators have*
6 *had to respond, and any other significant*
7 *incident, such as a vessel casualty, that has*
8 *resulted in the exposure of marine inspec-*
9 *tors and marine investigators to hazardous*
10 *chemicals or substances; and*

11 *(iii) the types of hazardous chemicals*
12 *or substances to which marine inspectors*
13 *and marine investigators have been exposed*
14 *relative to the effects such chemicals or sub-*
15 *stances have had on marine inspectors and*
16 *marine investigators.*

17 *(B) A review and analysis of the current*
18 *Coast Guard health and safety monitoring sys-*
19 *tems, and recommendations for improving such*
20 *systems, specifically with respect to the exposure*
21 *of members of the Coast Guard to hazardous sub-*
22 *stances while carrying out inspections and inves-*
23 *tigation duties.*

24 *(C) Any other element the Secretary con-*
25 *siders appropriate.*

1 (3) *REPORT.*—Upon completion of the study re-
2 quired under paragraph (1), the Secretary shall sub-
3 mit to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives a report on the findings of the study
7 and recommendations for actions the Commandant
8 should take to improve the health and exposure of ma-
9 rine inspectors and marine investigators.

10 (d) *TERMINATION.*—The authority provided by sub-
11 section (a) shall terminate on December 31, 2028.

12 **SEC. 11238. EXPANSION OF ABILITY FOR SELECTION BOARD**
13 **TO RECOMMEND OFFICERS OF PARTICULAR**
14 **MERIT FOR PROMOTION.**

15 Section 2116(c)(1) of title 14, United States Code, is
16 amended, in the second sentence, by inserting “three times”
17 after “may not exceed”.

18 **SEC. 11239. MODIFICATION TO EDUCATION LOAN REPAY-**
19 **MENT PROGRAM.**

20 (a) *IN GENERAL.*—Section 2772 of title 14, United
21 States Code, is amended to read as follows:

22 **“§ 2772. Education loan repayment program for mem-**
23 **bers on active duty in specified military**
24 **specialties**

25 “(a) *IN GENERAL.*—

1 “(1) *REPAYMENT.*—*Subject to the provisions of*
2 *this section, the Secretary may repay—*

3 “(A) *any loan made, insured, or guar-*
4 *anteed under part B of title IV of the High-*
5 *er Education Act of 1965 (20 U.S.C. 1071*
6 *et seq.);*

7 “(B) *any loan made under part D of*
8 *such title (the William D. Ford Federal Di-*
9 *rect Loan Program, 20 U.S.C. 1087a et*
10 *seq.);*

11 “(C) *any loan made under part E of*
12 *such title (20 U.S.C. 1087aa et seq.); or*

13 “(D) *any loan incurred for educational*
14 *purposes made by a lender that is—*

15 “(i) *an agency or instrumentality*
16 *of a State;*

17 “(ii) *a financial or credit institu-*
18 *tion (including an insurance com-*
19 *pany) that is subject to examination*
20 *and supervision by an agency of the*
21 *United States or any State;*

22 “(iii) *a pension fund approved by*
23 *the Secretary for purposes of this sec-*
24 *tion; or*

1 “(iv) a nonprofit private entity
2 designated by a State, regulated by
3 such State, and approved by the Sec-
4 retary for purposes of this section.

5 “(2) *REQUIREMENT.*—Repayment of any such
6 loan shall be made on the basis of each complete year
7 of service performed by the borrower.

8 “(3) *ELIGIBILITY.*—The Secretary may repay
9 loans described in paragraph (1) in the case of any
10 person for service performed on active duty as a
11 member in an officer program or military specialty
12 specified by the Secretary.

13 “(b) *AMOUNT.*—The portion or amount of a loan that
14 may be repaid under subsection (a) is $33\frac{1}{3}$ percent or
15 \$1,500, whichever is greater, for each year of service.

16 “(c) *INTEREST ACCRUAL.*—If a portion of a loan is
17 repaid under this section for any year, interest on the re-
18 mainder of such loan shall accrue and be paid in the same
19 manner as is otherwise required.

20 “(d) *RULE OF CONSTRUCTION.*—Nothing in this sec-
21 tion shall be construed to authorize refunding any repay-
22 ment of a loan.

23 “(e) *FRACTIONAL CREDIT FOR TRANSFER.*—An indi-
24 vidual who transfers from service making the individual eli-
25 gible for repayment of loans under this section (as described

1 *in subsection (a)(3)) to service making the individual eligi-*
2 *ble for repayment of loans under section 16301 of title 10*
3 *(as described in subsection (a)(2) or (g) of that section) dur-*
4 *ing a year shall be eligible to have repaid a portion of such*
5 *loan determined by giving appropriate fractional credit for*
6 *each portion of the year so served, in accordance with regu-*
7 *lations of the Secretary concerned.*

8 “(f) *SCHEDULE FOR ALLOCATION.*—*The Secretary*
9 *shall prescribe a schedule for the allocation of funds made*
10 *available to carry out the provisions of this section and sec-*
11 *tion 16301 of title 10 during any year for which funds are*
12 *not sufficient to pay the sum of the amounts eligible for*
13 *repayment under subsection (a) and section 16301(a) of*
14 *title 10.*

15 “(g) *FAILURE TO COMPLETE PERIOD OF SERVICE.*—
16 *Except an individual described in subsection (e) who trans-*
17 *fers to service making the individual eligible for repayment*
18 *of loans under section 16301 of title 10, a member of the*
19 *Coast Guard who fails to complete the period of service re-*
20 *quired to qualify for loan repayment under this section*
21 *shall be subject to the repayment provisions of section*
22 *303a(e) or 373 of title 37.*

23 “(h) *AUTHORITY TO ISSUE REGULATIONS.*—*The Sec-*
24 *retary may prescribe procedures for implementing this sec-*
25 *tion, including standards for qualified loans and authorized*

1 *payees and other terms and conditions for making loan re-*
2 *payments. Such regulations may include exceptions that*
3 *would allow for the payment as a lump sum of any loan*
4 *repayment due to a member under a written agreement that*
5 *existed at the time of a member's death or disability.”.*

6 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
7 *27 of title 14, United States Code, is amended by striking*
8 *the item relating to section 2772 and inserting the fol-*
9 *lowing:*

“2772. Education loan repayment program for members on active duty in speci-
fied military specialties.”.

10 **SEC. 11240. RETIREMENT OF VICE COMMANDANT.**

11 *Section 303 of title 14, United States Code, is amend-*
12 *ed—*

13 (1) *by amending subsection (a)(2) to read as fol-*
14 *lows:*

15 *“(2) A Vice Commandant who is retired while serving*
16 *as Vice Commandant, after serving not less than 2 years*
17 *as Vice Commandant, shall be retired with the grade of ad-*
18 *miral, except as provided in section 306(d).”;* and

19 (2) *in subsection (c) by striking “or Vice Com-*
20 *mandant” and inserting “or as an officer serving as*
21 *Vice Commandant who has served less than 2 years*
22 *as Vice Commandant”.*

1 **SEC. 11241. REPORT ON RESIGNATION AND RETIREMENT**

2 **PROCESSING TIMES AND DENIAL.**

3 (a) *IN GENERAL.*—Not later than 30 days after the
4 date of enactment of this Act, and annually thereafter, the
5 Commandant shall submit to the Committee on Commerce,
6 Science, and Transportation of the Senate and the Com-
7 mittee on Transportation and Infrastructure of the House
8 of Representatives a report that evaluates resignation and
9 retirement processing timelines.

10 (b) *ELEMENTS.*—The report required under subsection

11 (a) shall include, for the preceding calendar year—

12 (1) statistics on the number of resignations, re-
13 tirements, and other separations that occurred;

14 (2) the processing time for each action described
15 in paragraph (1);

16 (3) the percentage of requests for such actions
17 that had a command endorsement;

18 (4) the percentage of requests for such actions
19 that did not have a command endorsement; and

20 (5) for each denial of a request for a command
21 endorsement and each failure to take action on such
22 a request, a detailed description of the rationale for
23 such denial or failure to take such action.

1 **SEC. 11242. CALCULATION OF ACTIVE SERVICE.**

2 (a) *IN GENERAL.*—Subchapter I of chapter 25 of title
3 14, United States Code, is amended by adding at the end
4 the following:

5 **“§2515. Calculation of active service**

6 “Any service described, including service described
7 prior to the date of enactment of the Don Young Coast
8 Guard Authorization Act of 2022, in writing, including by
9 electronic communication, by a representative of the Coast
10 Guard Personnel Service Center as service that counts to-
11 ward total active service for regular retirement under sec-
12 tion 2152 or section 2306 shall be considered by the Presi-
13 dent as active service for purposes of applying section 2152
14 or section 2306 with respect to the determination of the re-
15 tirement qualification for any officer or enlisted member
16 to whom a description was provided.”.

17 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
18 25 of title 14, United States Code, is amended by inserting
19 after the item relating to section 2515 the following:

“2515. Calculation of active service.”.

20 (c) *RULE OF CONSTRUCTION.*—The amendment made
21 by subsection (a)—

22 (1) shall only apply to officers of the Coast
23 Guard that entered active service after January 1,
24 1997, temporarily separated for a period of time, and

1 *have retired from the Coast Guard before January 1,*
2 *2024; and*

3 *(2) shall not apply to any member of any other*
4 *uniformed service, or to any Coast Guard member re-*
5 *garding active service of the member in any other*
6 *uniformed service.*

7 **SEC. 11243. PHYSICAL DISABILITY EVALUATION SYSTEM**
8 **PROCEDURE REVIEW.**

9 *(a) STUDY.—*

10 *(1) IN GENERAL.—Not later than 3 years after*
11 *the date of enactment of this Act, the Comptroller*
12 *General of the United States shall complete a study*
13 *on the Coast Guard Physical Disability Evaluation*
14 *System and medical retirement procedures.*

15 *(2) ELEMENTS.—In completing the study re-*
16 *quired under paragraph (1), the Comptroller General*
17 *shall review, and provide recommendations to ad-*
18 *dress, the following:*

19 *(A) Coast Guard compliance with all appli-*
20 *cable laws, regulations, and policies relating to*
21 *the Physical Disability Evaluation System and*
22 *the Medical Evaluation Board.*

23 *(B) Coast Guard compliance with timelines*
24 *set forth in—*

1 (i) the instruction of the Commandant
2 entitled “Physical Disability Evaluation
3 System” issued on May 19, 2006
4 (COMDTNST M1850.2D); and

5 (ii) the Physical Disability Evaluation
6 System Transparency Initiative
7 (ALCGPSC 030/20).

8 (C) An evaluation of Coast Guard processes
9 in place to ensure the availability, consistency,
10 and effectiveness of counsel appointed by the
11 Coast Guard Office of the Judge Advocate Gen-
12 eral to represent members of the Coast Guard
13 undergoing an evaluation under the Physical
14 Disability Evaluation System.

15 (D) The extent to which the Coast Guard
16 has and uses processes to ensure that such coun-
17 sel may perform the functions of such counsel in
18 a manner that is impartial, including being able
19 to perform such functions without undue pres-
20 sure or interference by the command of the af-
21 fected member of the Coast Guard, the Personnel
22 Service Center, and the Coast Guard Office of the
23 Judge Advocate General.

24 (E) The frequency, including the frequency
25 aggregated by member pay grade, with which

1 *members of the Coast Guard seek private counsel*
2 *in lieu of counsel appointed by the Coast Guard*
3 *Office of the Judge Advocate General.*

4 *(F) The timeliness of determinations, guid-*
5 *ance, and access to medical evaluations necessary*
6 *for retirement or rating determinations and*
7 *overall well-being of the affected member of the*
8 *Coast Guard.*

9 *(G) The guidance, formal or otherwise, pro-*
10 *vided by the Personnel Service Center and the*
11 *Coast Guard Office of the Judge Advocate Gen-*
12 *eral, other than the counsel directly representing*
13 *affected members of the Coast Guard, in commu-*
14 *nication with medical personnel examining*
15 *members.*

16 *(H) The guidance, formal or otherwise, pro-*
17 *vided by the medical professionals reviewing*
18 *cases within the Physical Disability Evaluation*
19 *System to affected members of the Coast Guard,*
20 *and the extent to which such guidance is dis-*
21 *closed to the commanders, commanding officers,*
22 *or other members of the Coast Guard in the*
23 *chain of command of such affected members.*

24 *(I) The feasibility of establishing a program*
25 *to allow members of the Coast Guard to select an*

1 *expedited review to ensure completion of the*
2 *Medical Evaluation Board report not later than*
3 *180 days after the date on which such review*
4 *was initiated.*

5 **(b) REPORT.**—*The Comptroller General shall submit*
6 *to the Committee on Commerce, Science, and Transpor-*
7 *tation of the Senate and the Committee on Transportation*
8 *and Infrastructure of the House of Representatives a report*
9 *on the findings of the study conducted under subsection (a)*
10 *and recommendations for improving the Physical Dis-*
11 *ability Evaluation System process.*

12 **(c) UPDATED POLICY GUIDANCE.**—

13 **(1) IN GENERAL.**—*Not later than 180 days after*
14 *the date on which the report under subsection (b) is*
15 *submitted, the Commandant shall issue updated pol-*
16 *icy guidance in response to the findings and rec-*
17 *ommendations contained in the report.*

18 **(2) ELEMENTS.**—*The updated policy guidance*
19 *required under paragraph (1) shall include the fol-*
20 *lowing:*

21 **(A)** *A requirement that a member of the*
22 *Coast Guard, or the counsel of such a member,*
23 *shall be informed of the contents of, and afforded*
24 *the option to be present for, any communication*
25 *between the member's command and the Per-*

1 *sonnel Service Center, or other Coast Guard enti-*
2 *ty, with respect to the duty status of the member.*

3 *(B) An exception to the requirement de-*
4 *scribed in subparagraph (A) that such a mem-*
5 *ber, or the counsel of the member, is not required*
6 *to be informed of the contents of such a commu-*
7 *nication if it is demonstrated that there is a le-*
8 *gitimate health or safety need for the member to*
9 *be excluded from such communications, sup-*
10 *ported by a medical opinion that such exclusion*
11 *is necessary for the health or safety of the mem-*
12 *ber, command, or any other individual.*

13 *(C) An option to allow a member of the*
14 *Coast Guard to initiate an evaluation by a Med-*
15 *ical Evaluation Board if a Coast Guard*
16 *healthcare provider, or other military healthcare*
17 *provider, has raised a concern about the ability*
18 *of the member to continue serving in the Coast*
19 *Guard, in accordance with existing medical and*
20 *physical disability policy.*

21 *(D) An updated policy to remove the com-*
22 *mand endorsement requirement for retirement or*
23 *separation unless absolutely necessary for the*
24 *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, United
4 States Code, is amended by striking paragraph (2) and in-
5 serting 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 mem-
13 ber of the Coast Guard shall undergo a multirater as-
14 sessment 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 subordinates
21 who provide opinions for the multirater assessment of
22 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 lead-*
2 *ership 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 “appropriate*
15 *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 Appropria-***
21 ***tions 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 Na-*
13 *tional Defense Authorization Act for Fiscal Year 2014*
14 *(Public Law 113–66; 10 U.S.C. 1561 note), shall be*
15 *furnished to the selection board in accordance with*
16 *standards and procedures set out in the regulations*
17 *prescribed by the Secretary.”.*

18 (b) *SPECIAL SELECTION REVIEW BOARDS.—*

19 (1) *IN GENERAL.—Subchapter I of chapter 21 of*
20 *title 14, United States Code, is amended by inserting*
21 *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 rec-*
8 *ommend whether the recommendation for promotion of the*
9 *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 sec-*
13 *tion, 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 promotion*
20 *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(c) of this title.*

24 “(2) *Any special selection review board convened under*
25 *this section may review such number of persons, and rec-*

1 *ommendations for promotion of such persons, as the Sec-*
2 *retary shall specify in convening such special selection re-*
3 *view board.*

4 “(c) *INFORMATION CONSIDERED.—(1) In reviewing a*
5 *person and recommending whether the recommendation for*
6 *promotion of the person should be sustained under this sec-*
7 *tion, a special selection review board convened under this*
8 *section shall be furnished and consider the following:*

9 “(A) *The record and information concerning the*
10 *person furnished in accordance with section 2115 of*
11 *this title to the promotion board that recommended*
12 *the person for promotion.*

13 “(B) *Any credible information of an adverse na-*
14 *ture on the person, including any substantiated ad-*
15 *verse finding or conclusion from an officially docu-*
16 *mented investigation or inquiry described in section*
17 *2115(a)(3) of this title.*

18 “(2) *The furnishing of information to a special selec-*
19 *tion review board under paragraph (1)(B) shall be governed*
20 *by the standards and procedures referred to in section 2115*
21 *of this title.*

22 “(3)(A) *Before information on a person described in*
23 *paragraph (1)(B) is furnished to a special selection review*
24 *board for purposes of this section, the Secretary shall ensure*
25 *that—*

1 “(i) such information is made available to the
2 person; and

3 “(ii) subject to subparagraphs (C) and (D), the
4 person is afforded a reasonable opportunity to submit
5 comments on such information to the special selection
6 review board before its review of the person and the
7 recommendation for promotion of the person under
8 this section.

9 “(B) If information on a person described in para-
10 graph (1)(B) is not made available to the person as other-
11 wise required by subparagraph (A)(i) due to the classifica-
12 tion status of such information, the person shall, to the
13 maximum extent practicable, be furnished a summary of
14 such information appropriate to the person’s authorization
15 for access to classified information.

16 “(C)(i) An opportunity to submit comments on infor-
17 mation is not required for a person under subparagraph
18 (A)(ii) if—

19 “(I) such information was made available to the
20 person in connection with the furnishing of such in-
21 formation under section 2115(a) of this title to the
22 promotion board that recommended the promotion of
23 the person subject to review under this section; and

24 “(II) the person submitted comments on such in-
25 formation to that promotion board.

1 “(ii) *The comments on information of a person de-*
2 *scribed in clause (i)(II) shall be furnished to the special*
3 *selection review board.*

4 “(D) *A person may waive either or both of the fol-*
5 *lowing:*

6 “(i) *The right to submit comments to a special*
7 *selection review board under subparagraph (A)(ii).*

8 “(ii) *The furnishing of comments to a special se-*
9 *lection review board under subparagraph (C)(ii).*

10 “(d) *CONSIDERATION.—(1) In considering the record*
11 *and information on a person under this section, the special*
12 *selection review board shall compare such record and infor-*
13 *mation with an appropriate sampling of the records of those*
14 *officers who were recommended for promotion by the pro-*
15 *motion board that recommended the person for promotion,*
16 *and an appropriate sampling of the records of those officers*
17 *who were considered by and not recommended for pro-*
18 *motion by that promotion board.*

19 “(2) *Records and information shall be presented to a*
20 *special selection review board for purposes of paragraph (1)*
21 *in a manner that does not indicate or disclose the person*
22 *or persons for whom the special selection review board was*
23 *convened.*

24 “(3) *In considering whether the recommendation for*
25 *promotion of a person should be sustained under this sec-*

1 *tion, a special selection review board shall, to the greatest*
2 *extent practicable, apply standards used by the promotion*
3 *board that recommended the person for promotion.*

4 “(4) *The recommendation for promotion of a person*
5 *may be sustained under this section only if the special selec-*
6 *tion review board determines that the person—*

7 “(A) *ranks on an order of merit created by the*
8 *special selection review board as better qualified for*
9 *promotion than the sample officer highest on the order*
10 *of merit list who was considered by and not rec-*
11 *ommended for promotion by the promotion board con-*
12 *cerned; and*

13 “(B) *is comparable in qualification for pro-*
14 *motion to those sample officers who were rec-*
15 *ommended for promotion by that promotion board.*

16 “(5) *A recommendation for promotion of a person may*
17 *be sustained under this section only by a vote of a majority*
18 *of the members of the special selection review board.*

19 “(6) *If a special selection review board does not sustain*
20 *a recommendation for promotion of a person under this sec-*
21 *tion, the person shall be considered to have failed of selection*
22 *for promotion.*

23 “(e) *REPORTS.—(1) Each special selection review*
24 *board convened under this section shall submit to the Sec-*
25 *retary a written report, signed by each member of the board,*

1 *containing the name of each person whose recommendation*
2 *for promotion it recommends for sustainment and certi-*
3 *fying that the board has carefully considered the record and*
4 *information of each person whose name was referred to it.*

5 “(2) *The provisions of sections 2117(a) of this title*
6 *apply to the report and proceedings of a special selection*
7 *review board convened under this section in the same man-*
8 *ner as they apply to the report and proceedings of a pro-*
9 *motion board convened under section 2106 of this title.*

10 “(f) *APPOINTMENT OF PERSONS.—(1) If the report of*
11 *a special selection review board convened under this section*
12 *recommends the sustainment of the recommendation for*
13 *promotion to the next higher grade of a person whose name*
14 *was referred to it for review under this section, and the*
15 *President approves the report, the person shall, as soon as*
16 *practicable, be appointed to that grade in accordance with*
17 *section 2121 of this title.*

18 “(2) *A person who is appointed to the next higher*
19 *grade as described in paragraph (1) shall, upon that ap-*
20 *pointment, have the same date of rank, the same effective*
21 *date for the pay and allowances of that grade, and the same*
22 *position on the active-duty list as the person would have*
23 *had pursuant to the original recommendation for pro-*
24 *motion of the promotion board concerned.*

1 “(g) *REGULATIONS.*—*The Secretary shall prescribe*
2 *regulations to carry out this section.*”

3 “(h) *PROMOTION BOARD DEFINED.*—*In this section,*
4 *the term ‘promotion board’ means a selection board con-*
5 *vened by the Secretary under section 2106 of this title.”.*

6 (2) *CLERICAL AMENDMENT.*—*The analysis for*
7 *chapter 21 of title 14, United States Code, is amended*
8 *by inserting after the item relating to section 2120 the*
9 *following:*

“2120a. *Special selection review boards.*”.

10 (c) *AVAILABILITY OF INFORMATION.*—*Section 2118 of*
11 *title 14, United States Code, is amended by adding at the*
12 *end the following:*

13 “(e) *If the Secretary makes a recommendation under*
14 *this section that the name of an officer be removed from*
15 *a report of a selection board and the recommendation is*
16 *accompanied by information that was not presented to that*
17 *selection board, that information shall be made available*
18 *to that officer. The officer shall then be afforded a reasonable*
19 *opportunity to submit comments on that information to the*
20 *officials making the recommendation and the officials re-*
21 *viewing the recommendation. If an eligible officer cannot*
22 *be given access to such information because of its classifica-*
23 *tion status, the officer shall, to the maximum extent prac-*
24 *ticable, be provided with an appropriate summary of the*
25 *information.”.*

1 (d) *DELAY OF PROMOTION.*—Section 2121(f) of title
2 14, United States Code, is amended to read as follows:

3 “(f)(1) *The promotion of an officer may be delayed*
4 *without prejudice if any of the following applies:*

5 “(A) *The officer is under investigation or pro-*
6 *ceedings of a court-martial or a board of officers are*
7 *pending against the officer.*

8 “(B) *A criminal proceeding in a Federal or*
9 *State court is pending against the officer.*

10 “(C) *The Secretary determines that credible in-*
11 *formation of an adverse nature, including a substan-*
12 *tiated adverse finding or conclusion described in sec-*
13 *tion 2115(a)(3), with respect to the officer will result*
14 *in the convening of a special selection review board*
15 *under section 2120a of this title to review the officer*
16 *and recommend whether the recommendation for pro-*
17 *motion of the officer should be sustained.*

18 “(2)(A) *Subject to subparagraph (B), a promotion*
19 *may be delayed under this subsection until, as applicable—*

20 “(i) *the completion of the investigation or pro-*
21 *ceedings described in subparagraph (A);*

22 “(ii) *a final decision in the proceeding described*
23 *in subparagraph (B) is issued; or*

1 “(iii) the special selection review board convened
2 under section 2120a of this title issues recommenda-
3 tions with respect to the officer.

4 “(B) Unless the Secretary determines that a fur-
5 ther delay is necessary in the public interest, a pro-
6 motion may not be delayed under this subsection for
7 more than one year after the date the officer would
8 otherwise have been promoted.

9 “(3) An officer whose promotion is delayed under this
10 subsection and who is subsequently promoted shall be given
11 the date of rank and position on the active duty promotion
12 list in the grade to which promoted that he would have held
13 had his promotion not been so delayed.”.

14 **SEC. 11246. PARTNERSHIP PROGRAM TO DIVERSIFY COAST**
15 **GUARD.**

16 (a) *ESTABLISHMENT.*—The Commandant shall estab-
17 lish a program for the purpose of increasing the number
18 of individuals in the enlisted ranks of the Coast Guard who
19 are—

20 (1) *underrepresented minorities; or*

21 (2) *from rural areas.*

22 (b) *PARTNERSHIPS.*—In carrying out the program es-
23 tablished under subsection (a), the Commandant shall—

24 (1) *seek to enter into 1 or more partnerships*
25 *with eligible institutions—*

1 (A) to increase the visibility of Coast Guard
2 careers;

3 (B) to promote curriculum development—

4 (i) to enable acceptance into the Coast
5 Guard; and

6 (ii) to improve success on relevant
7 exams, such as the Armed Services Voca-
8 tional Aptitude Battery; and

9 (C) to provide mentoring for students enter-
10 ing and beginning Coast Guard careers; and

11 (2) enter into a partnership with an existing
12 Junior Reserve Officers' Training Corps for the pur-
13 pose of promoting Coast Guard careers.

14 (c) *DEFINITIONS.*—*In this section:*

15 (1) *ELIGIBLE INSTITUTION.*—*The term “eligible*
16 *institution” means an institution—*

17 (A) *that is—*

18 (i) *an institution of higher education*
19 *(as such term is defined in section 101 of*
20 *the Higher Education Act of 1965 (20*
21 *U.S.C. 1001)); or*

22 (ii) *a junior or community college (as*
23 *such term is defined in section 312 of the*
24 *Higher Education Act of 1965 (20 U.S.C.*
25 *1058); and*

1 (B) that is—

2 (i) a part B institution (as such term
3 is defined in section 322 of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1061));

5 (ii) a Tribal College or University (as
6 such term is defined in section 316(b) of
7 such Act (20 U.S.C. 1059c(b)));

8 (iii) a Hispanic-serving institution (as
9 such term is defined in section 502 of such
10 Act (20 U.S.C. 1101a));

11 (iv) an Alaska Native-serving institu-
12 tion or a Native Hawaiian-serving institu-
13 tion (as such term is defined in section
14 317(b) of such Act (20 U.S.C. 1059d(b)));

15 (v) a Predominantly Black institution
16 (as such term is defined in section 371(c) of
17 that Act (20 U.S.C. 1067q(c)));

18 (vi) an Asian American and Native
19 American Pacific Islander-serving institu-
20 tion (as defined in section 320(b) of such
21 Act (20 U.S.C. 1059g(b))); or

22 (vii) a Native American-serving non-
23 tribal institution (as defined in section
24 319(b) of such Act (20 U.S.C. 1059f(b))).

1 (2) *RURAL AREA.*—*The term “rural area” means*
2 *an area that is outside of an urbanized area, as deter-*
3 *mined by the Bureau of the Census.*

4 **SEC. 11247. EXPANSION OF COAST GUARD JUNIOR RESERVE**
5 **OFFICERS’ TRAINING CORPS.**

6 (a) *IN GENERAL.*—*Section 320 of title 14, United*
7 *States Code, is amended—*

8 (1) *by redesignating subsection (c) as subsection*
9 *(d);*

10 (2) *in subsection (b) by striking “subsection (c)”*
11 *and inserting “subsection (d)”; and*

12 (3) *by inserting after subsection (b) the fol-*
13 *lowing:*

14 “(c) *SCOPE.*—*Beginning on December 31, 2025, the*
15 *Secretary of the department in which the Coast Guard is*
16 *operating shall maintain at all times a Junior Reserve Of-*
17 *ficers’ Training Corps program with not fewer than 1 such*
18 *program established in each Coast Guard district.”.*

19 (b) *COST ASSESSMENT.*—*Not later than 1 year after*
20 *the date of enactment of this Act, the Secretary shall provide*
21 *to Congress an estimate of the costs associated with imple-*
22 *menting 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 Advi-
6 sory Board on Women at the Coast Guard Academy estab-
7 lished under section 1904 of title 14, United States Code,
8 and the minority outreach team program established by sec-
9 tion 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 to*
25 *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 Devel-*
11 *opment Center.*

12 (c) *DEFINITION OF RAND REPRESENTATION RE-*
13 *PORT.—In this section, the term “RAND representation re-*
14 *port” 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 Mem-*
18 *bers”, 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 through*
23 *recruitment and accession—*

24 (1) *at educational institutions at the high school*
25 *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 after*
4 *the date of enactment of this Act, the Commandant*
5 *shall submit to the Committee on Commerce, Science,*
6 *and Transportation of the Senate and the Committee*
7 *on Transportation and Infrastructure of the House of*
8 *Representatives a report on the strategy developed*
9 *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 high-*
15 *er 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 higher*
23 *education (as such term is defined in section 101*
24 *of the Higher Education Act of 1965 (20 U.S.C.*
25 *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 may
10 enter contract and cooperative agreements with 1
11 or more qualified organizations for the purpose
12 of supporting the athletic programs of the Coast
13 Guard Academy.

14 “(B) *AUTHORITY.*—Notwithstanding section
15 3201(e) of title 10, the Commandant may enter
16 into such contracts and cooperative agreements
17 on a sole source basis pursuant to section
18 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 the
23 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 the*
2 *contract or agreement includes appropriate fi-*
3 *nancial controls to account for the resources of*
4 *the Coast Guard Academy and the qualified or-*
5 *ganization concerned in accordance with accept-*
6 *ed accounting principles.*

7 “(B) CONTENTS.—*Any such contract or co-*
8 *operative 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 the*
20 *athletic programs of the Coast Guard Academy, the*
21 *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, ex-*
24 *cept that proceeds from such a lease shall be retained*
25 *and expended in accordance with subsection (f).*

1 “(b) *SUPPORT SERVICES.*—

2 “(1) *AUTHORITY.*—*To the extent required by a*
3 *contract or cooperative agreement under subsection*
4 *(a), the Commandant may provide support services to*
5 *a qualified organization while the qualified organiza-*
6 *tion conducts support activities at the Coast Guard*
7 *Academy only if the Commandant determines that the*
8 *provision of such services is essential for the support*
9 *of the athletic programs of the Coast Guard Academy.*

10 “(2) *NO LIABILITY OF THE UNITED STATES.*—
11 *Support services may only be provided without any*
12 *liability of the United States to a qualified organiza-*
13 *tion.*

14 “(3) *SUPPORT SERVICES DEFINED.*—*In this sub-*
15 *section, the term ‘support services’ includes utilities,*
16 *office furnishings and equipment, communications*
17 *services, records staging and archiving, audio and*
18 *video support, and security systems, in conjunction*
19 *with the leasing or licensing of property.*

20 “(c) *TRANSFERS FROM NONAPPROPRIATED FUND OP-*
21 *ERATION.*—

22 “(1) *IN GENERAL.*—*Except as provided in para-*
23 *graph (2), the Commandant may, subject to the ac-*
24 *ceptance of the qualified organization concerned,*
25 *transfer to the qualified organization all title to and*

1 *ownership of the assets and liabilities of the Coast*
2 *Guard nonappropriated fund instrumentality, the*
3 *function of which includes providing support for the*
4 *athletic programs of the Coast Guard Academy, in-*
5 *cluding bank accounts and financial reserves in the*
6 *accounts of such fund instrumentality, equipment,*
7 *supplies, and other personal property.*

8 “(2) *LIMITATION.*—*The Commandant may not*
9 *transfer under paragraph (1) any interest in real*
10 *property.*

11 “(d) *ACCEPTANCE OF SUPPORT FROM QUALIFIED OR-*
12 *GANIZATION.*—

13 “(1) *IN GENERAL.*—*Notwithstanding section*
14 *1342 of title 31, the Commandant may accept from*
15 *a qualified organization funds, supplies, and services*
16 *for the support of the athletic programs of the Coast*
17 *Guard Academy.*

18 “(2) *EMPLOYEES OF QUALIFIED ORGANIZA-*
19 *TION.*—*For purposes of this section, employees or per-*
20 *sonnel of the qualified organization may not be con-*
21 *sidered to be employees of the United States.*

22 “(3) *FUNDS RECEIVED FROM NCAA.*—*The Com-*
23 *mandant may accept funds from the National Colle-*
24 *giate Athletic Association to support the athletic pro-*
25 *grams of the Coast Guard Academy.*

1 “(4) *LIMITATION.*—*The Commandant shall en-*
2 *sure that contributions under this subsection and ex-*
3 *penditure of funds pursuant to subsection (f) do not—*

4 “(A) *reflect unfavorably on the ability of the*
5 *Coast Guard, any employee of the Coast Guard,*
6 *or any member of the armed forces (as such term*
7 *is defined in section 101(a) of title 10) to carry*
8 *out any responsibility or duty in a fair and ob-*
9 *jective manner; or*

10 “(B) *compromise the integrity or appear-*
11 *ance of integrity of any program of the Coast*
12 *Guard, or any individual involved in such a*
13 *program.*

14 “(e) *TRADEMARKS AND SERVICE MARKS.*—

15 “(1) *LICENSING, MARKETING, AND SPONSORSHIP*
16 *AGREEMENTS.*—*An agreement under subsection (a)*
17 *may, consistent with section 2260 of title 10 (other*
18 *than subsection (d) of such section), authorize a quali-*
19 *fied organization to enter into licensing, marketing,*
20 *and sponsorship agreements relating to trademarks*
21 *and service marks identifying the Coast Guard Acad-*
22 *emy, subject to the approval of the Commandant.*

23 “(2) *LIMITATIONS.*—*A licensing, marketing, or*
24 *sponsorship agreement may not be entered into under*
25 *paragraph (1) if—*

1 “(A) such agreement would reflect unfavor-
2 ably on the ability of the Coast Guard, any em-
3 ployee of the Coast Guard, or any member of the
4 armed forces to carry out any responsibility or
5 duty in a fair and objective manner; or

6 “(B) the Commandant determines that the
7 use of the trademark or service mark would com-
8 promise the integrity or appearance of integrity
9 of any program of the Coast Guard or any indi-
10 vidual involved in such a program.

11 “(f) *RETENTION AND USE OF FUNDS.*—Funds received
12 by the Commandant under this section may be retained for
13 use to support the athletic programs of the Coast Guard
14 Academy and shall remain available until expended.

15 “(g) *CONDITIONS.*—The authority provided in this sec-
16 tion with respect to a qualified organization is available
17 only so long as the qualified organization continues—

18 “(1) to operate in accordance with this section,
19 the law of the State of Connecticut, and the constitu-
20 tion and bylaws of the qualified organization; and

21 “(2) to operate exclusively to support the athletic
22 programs of the Coast Guard Academy.

23 “(h) *QUALIFIED ORGANIZATION DEFINED.*—In this
24 section, the term ‘qualified organization’ means an organi-
25 zation—

1 “(1) that operates as an organization under sub-
2 section (c)(3) of section 501 of the Internal Revenue
3 Code of 1986 and exempt from taxation under sub-
4 section (a) of that section;

5 “(2) for which authorization under sections
6 1033(a) and 1589(a) of title 10 may be provided; and

7 “(3) established by the Coast Guard Academy
8 Alumni Association solely for the purpose of sup-
9 porting Coast Guard athletics.

10 **“§954. Mixed-funded athletic and recreational extra-**
11 **curricular programs**

12 “(a) *AUTHORITY.*—In the case of a Coast Guard Acad-
13 emy mixed-funded athletic or recreational extracurricular
14 program, the Commandant may designate funds appro-
15 priated to the Coast Guard and available for that program
16 to be treated as nonappropriated funds and expended for
17 that program in accordance with laws applicable to the ex-
18 penditure of nonappropriated funds. Appropriated funds so
19 designated shall be considered to be nonappropriated funds
20 for all purposes and shall remain available until expended.

21 “(b) *COVERED PROGRAMS.*—In this section, the term
22 ‘Coast Guard Academy mixed-funded athletic or rec-
23 reational extracurricular program’ means an athletic or
24 recreational extracurricular program of the Coast Guard
25 Academy to which each of the following applies:

1 “(1) *The program is not considered a morale,*
2 *welfare, or recreation program.*

3 “(2) *The program is supported through appro-*
4 *priated funds.*

5 “(3) *The program is supported by a non-*
6 *appropriated fund instrumentality.*

7 “(4) *The program is not a private organization*
8 *and is not operated by a private organization.”.*

9 **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*
10 *9 of title 14, United States Code, is amended by inserting*
11 *after the item relating to section 952 the following:*

 “953. *Support for Coast Guard Academy.*

 “954. *Mixed-funded athletic and recreational extracurricular programs.”.*

12 **SEC. 11251. TRAINING FOR CONGRESSIONAL AFFAIRS PER-**
13 **SONNEL.**

14 **(a) IN GENERAL.**—*Section 315 of title 14, United*
15 *States Code, is amended to read as follows:*

16 **“§ 315. Training for congressional affairs personnel**

17 **“(a) IN GENERAL.**—*The Commandant shall develop a*
18 *training course, which shall be administered in person, on*
19 *the workings of Congress for any member of the Coast*
20 *Guard selected for a position as a fellow, liaison, counsel,*
21 *or administrative staff for the Coast Guard Office of Con-*
22 *gressional and Governmental Affairs or as any Coast*
23 *Guard district or area governmental affairs officer.*

24 **“(b) COURSE SUBJECT MATTER.**—

1 “(1) *IN GENERAL.*—*The training course required*
2 *under this section shall provide an overview and in-*
3 *troduction to Congress and the Federal legislative*
4 *process, including—*

5 “(A) *the congressional budget process;*

6 “(B) *the congressional appropriations proc-*
7 *ess;*

8 “(C) *the congressional authorization proc-*
9 *ess;*

10 “(D) *the Senate advice and consent process*
11 *for Presidential nominees;*

12 “(E) *the Senate advice and consent process*
13 *for treaty ratification;*

14 “(F) *the roles of Members of Congress and*
15 *congressional staff in the legislative process;*

16 “(G) *the concept and underlying purposes*
17 *of congressional oversight within the governance*
18 *framework of separation of powers;*

19 “(H) *the roles of Coast Guard fellows, liai-*
20 *sons, counsels, governmental affairs officers, the*
21 *Coast Guard Office of Program Review, the*
22 *Coast Guard Headquarters program offices, and*
23 *any other entity the Commandant considers rel-*
24 *evant; and*

1 “(I) *the roles and responsibilities of Coast*
2 *Guard public affairs and external communica-*
3 *tions personnel with respect to Members of Con-*
4 *gress and the staff of such Members necessary to*
5 *enhance communication between Coast Guard*
6 *units, sectors, and districts and Member offices*
7 *and committees of jurisdiction so as to ensure*
8 *visibility of Coast Guard activities.*

9 “(2) *DETAIL WITHIN COAST GUARD OFFICE OF*
10 *BUDGET AND PROGRAMS.—*

11 “(A) *IN GENERAL.—At the written request*
12 *of a receiving congressional office, the training*
13 *course required under this section shall include*
14 *a multi-day detail within the Coast Guard Office*
15 *of Budget and Programs to ensure adequate ex-*
16 *posure to Coast Guard policy, oversight, and re-*
17 *quests from Congress.*

18 “(B) *NONCONSECUTIVE DETAIL PER-*
19 *MITTED.—A detail under this paragraph is not*
20 *required to be consecutive with the balance of the*
21 *training.*

22 “(c) *COMPLETION OF REQUIRED TRAINING.—A mem-*
23 *ber of the Coast Guard selected for a position described in*
24 *subsection (a) shall complete the training required by this*

1 *section before the date on which such member reports for*
2 *duty for such position.”.*

3 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
4 *3 of title 14, United States Code, is amended by striking*
5 *the item relating to section 315 and inserting the following:*
“315. Training for congressional affairs personnel.”.

6 **SEC. 11252. STRATEGY FOR RETENTION OF CUTTERMEN.**

7 (a) *IN GENERAL.*—*Not later than 180 days after the*
8 *date of enactment of this Act, the Commandant shall pub-*
9 *lish a strategy to improve incentives to attract and retain*
10 *a qualified workforce serving on Coast Guard cutters that*
11 *includes underrepresented minorities, and servicemembers*
12 *from rural areas, as such term is defined in section*
13 *54301(a)(12)(C) of title 46, United States Code.*

14 (b) *ELEMENTS.*—*The strategy required by subsection*
15 *(a) shall include the following:*

16 (1) *Policies to improve flexibility in the afloat*
17 *career path, including a policy that enables members*
18 *of the Coast Guard serving on Coast Guard cutters to*
19 *transition between operations afloat and operations*
20 *ashore assignments without detriment to the career*
21 *progression of a member.*

22 (2) *A review of current officer requirements for*
23 *afloat assignments at each pay grade, and an assess-*
24 *ment as to whether such requirements are appropriate*
25 *or present undue limitations.*

1 (3) *Strategies to improve crew comfort afloat,*
2 *such as berthing modifications to accommodate all*
3 *crewmembers.*

4 (4) *Actionable steps to improve access to*
5 *highspeed internet capable of video conference for the*
6 *purposes of medical, educational, and personal use by*
7 *members of the Coast Guard serving on Coast Guard*
8 *cutters.*

9 (5) *An assessment of the effectiveness of bonuses*
10 *to attract members to serve at sea and retain talented*
11 *members of the Coast Guard serving on Coast Guard*
12 *cutters to serve as leaders in senior enlisted positions,*
13 *department head positions, and command positions.*

14 (6) *Policies to ensure that high-performing mem-*
15 *bers of the Coast Guard serving on Coast Guard cut-*
16 *ters are competitive for special assignments, post-*
17 *graduate education, senior service schools, and other*
18 *career-enhancing positions.*

19 (c) *RULE OF CONSTRUCTION.—The Commandant shall*
20 *ensure that the elements described in subsection (b) do not*
21 *result in discrimination based on race, color, religion, sex-*
22 *ual orientation, national origin, or gender.*

1 **SEC. 11253. STUDY ON PERFORMANCE OF COAST GUARD**
2 **FORCE READINESS COMMAND.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General of the
5 United States shall commence a study on the performance
6 of the Coast Guard Force Readiness Command.

7 (b) *ELEMENTS.*—The study required under subsection
8 (a) shall include an assessment of the following:

9 (1) *The actions the Force Readiness Command*
10 *has taken to develop and implement training for the*
11 *Coast Guard workforce.*

12 (2) *The extent to which the Force Readiness*
13 *Command—*

14 (A) *has made an assessment of performance,*
15 *policy, and training compliance across Force*
16 *Readiness Command headquarters and field*
17 *units, and the results of any such assessment;*
18 *and*

19 (B) *is modifying and expanding Coast*
20 *Guard training to match the future demands of*
21 *the Coast Guard with respect to growth in work-*
22 *force numbers, modernization of assets and in-*
23 *frastructure, and increased global mission de-*
24 *mands relating to the Arctic and Western Pacific*
25 *regions and cyberspace.*

1 (c) *REPORT.*—Not later than 1 year after the study
2 required by subsection (a) commences, the Comptroller Gen-
3 eral shall submit to the Committee on Commerce, Science,
4 and Transportation of the Senate and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives a report on the findings of the study.

7 **SEC. 11254. STUDY ON FREQUENCY OF WEAPONS TRAINING**
8 **FOR COAST GUARD PERSONNEL.**

9 (a) *IN GENERAL.*—The Commandant shall conduct a
10 study to assess whether current weapons training required
11 for Coast Guard law enforcement and other relevant per-
12 sonnel is sufficient.

13 (b) *ELEMENTS.*—The study required under subsection
14 (a) shall—

15 (1) assess whether there is a need to improve
16 weapons training for Coast Guard law enforcement
17 and other relevant personnel; and

18 (2) identify—

19 (A) the frequency of such training most like-
20 ly to ensure adequate weapons training, pro-
21 ficiency, and safety among such personnel;

22 (B) Coast Guard law enforcement and other
23 applicable personnel who should be prioritized to
24 receive such improved training; and

1 (C) any challenge posed by a transition to
2 improving such training and offering such train-
3 ing more frequently, and the resources necessary
4 to address such a challenge.

5 (c) *REPORT.*—Not later than 1 year after the date of
6 enactment of this Act, the Commandant shall submit to the
7 Committee on Commerce, Science, and Transportation of
8 the Senate and the Committee on Transportation and In-
9 frastructure of the House of Representatives a report on the
10 findings of the study conducted under subsection (a).

11 ***Subtitle G—Miscellaneous***
12 ***Provisions***

13 ***SEC. 11255. MODIFICATION OF PROHIBITION ON OPER-***
14 ***ATION OR PROCUREMENT OF FOREIGN-MADE***
15 ***UNMANNED AIRCRAFT SYSTEMS.***

16 Section 8414 of the William M. (Mac) Thornberry Na-
17 tional Defense Authorization Act for Fiscal Year 2021 (Pub-
18 lic Law 116–283; 14 U.S.C. 1156 note) is amended—

19 (1) by amending subsection (b) to read as fol-
20 lows:

21 “(b) *EXEMPTION.*—The Commandant is exempt from
22 the restriction under subsection (a) if the operation or pro-
23 curement is for the purposes of—

24 “(1) counter-UAS system surrogate testing and
25 training; or

1 “(2) *intelligence, electronic warfare, and infor-*
2 *mation warfare operations, testing, analysis, and*
3 *training.*”;

4 (2) *by amending subsection (c) to read as fol-*
5 *lows:*

6 “(c) *WAIVER.—The Commandant may waive the re-*
7 *striction under subsection (a) on a case-by-case basis by cer-*
8 *tifying in writing not later than 15 days after exercising*
9 *such waiver to the Department of Homeland Security, the*
10 *Committee on Commerce, Science, and Transportation of*
11 *the Senate, and the Committee on Transportation and In-*
12 *frastructure of the House of Representatives that the oper-*
13 *ation or procurement of a covered unmanned aircraft sys-*
14 *tem is required in the national interest of the United*
15 *States.*”;

16 (3) *in subsection (d)—*

17 (A) *by amending paragraph (1) to read as*
18 *follows:*

19 “(1) *COVERED FOREIGN COUNTRY.—The term*
20 *‘covered foreign country’ means any of the following:*

21 “(A) *The People’s Republic of China.*

22 “(B) *The Russian Federation.*

23 “(C) *The Islamic Republic of Iran.*

24 “(D) *The Democratic People’s Republic of*
25 *Korea.*”;

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

3 (C) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) *COVERED UNMANNED AIRCRAFT SYSTEM.*—
6 *The term ‘covered unmanned aircraft system’ means*
7 *an unmanned aircraft system described in paragraph*
8 *(1) of subsection (a).’; and*

9 (D) in paragraph (4), as so redesignated, by
10 inserting “, and any related services and equip-
11 ment” after “United States Code”; and

12 (4) by adding at the end the following:

13 “(e) *REPLACEMENT.*—Not later than 90 days after the
14 date of the enactment of the Don Young Coast Guard Au-
15 thorization Act of 2022, the Commandant shall replace cov-
16 ered unmanned aircraft systems of the Coast Guard with
17 unmanned aircraft systems manufactured in the United
18 States or an allied country (as that term is defined in sec-
19 tion 2350f(d)(1) of title 10, United States Code).”.

20 **SEC. 11256. BUDGETING OF COAST GUARD RELATING TO**
21 **CERTAIN OPERATIONS.**

22 (a) *IN GENERAL.*—Chapter 51 of title 14, United
23 States Code, is further amended by adding at the end the
24 following:

1 **“§ 5114. Expenses of performing and executing defense**
2 **readiness missions**

3 “Not later than 1 year after the date of enactment of
4 this section, and every February 1 thereafter, the Com-
5 mandant shall submit to the Committee on Commerce,
6 Science, and Transportation of the Senate and the Com-
7 mittee on Transportation and Infrastructure of the House
8 of Representatives a report that adequately represents a cal-
9 culation of the annual costs and expenditures of performing
10 and executing all defense readiness mission activities, in-
11 cluding—

12 “(1) all expenses related to the Coast Guard’s co-
13 ordination, training, and execution of defense readi-
14 ness mission activities in the Coast Guard’s capacity
15 as an armed force (as such term is defined in section
16 101 of title 10) in support of Department of Defense
17 national security operations and activities or for any
18 other military department or Defense Agency (as such
19 terms are defined in such section);

20 “(2) costs associated with Coast Guard detach-
21 ments assigned in support of the defense readiness
22 mission of the Coast Guard; and

23 “(3) any other related expenses, costs, or matters
24 the Commandant considers appropriate or otherwise
25 of interest to Congress.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *51 of title 14, United States Code, as amended by section*
3 *252(b), is further amended by adding at the end the fol-*
4 *lowing:*

“5114. Expenses of performing and executing defense readiness missions.”.

5 **SEC. 11257. REPORT ON SAN DIEGO MARITIME DOMAIN**
6 **AWARENESS.**

7 *Not later than 180 days after the date of enactment*
8 *of this Act, the Commandant shall submit to the Committee*
9 *on Transportation and Infrastructure of the House of Rep-*
10 *resentatives and the Committee on Commerce, Science, and*
11 *Transportation of the Senate a report containing—*

12 (1) *an overview of the maritime domain aware-*
13 *ness in the area of responsibility of the Coast Guard*
14 *sector responsible for San Diego, California, includ-*
15 *ing—*

16 (A) *the average volume of known maritime*
17 *traffic that transited the area during fiscal years*
18 *2020 through 2022;*

19 (B) *current sensor platforms deployed by*
20 *such sector to monitor illicit activity occurring*
21 *at sea in such area;*

22 (C) *the number of illicit activity incidents*
23 *at sea in such area that the sector responded to*
24 *during fiscal years 2020 through 2022;*

1 (D) an estimate of the volume of traffic en-
2 gaged in illicit activity at sea in such area and
3 the type and description of any vessels used to
4 carry out illicit activities that such sector re-
5 sponded to during fiscal years 2020 through
6 2022; and

7 (E) the maritime domain awareness re-
8 quirements to effectively meet the mission of such
9 sector;

10 (2) a description of current actions taken by the
11 Coast Guard to partner with Federal, regional, State,
12 and local entities to meet the maritime domain
13 awareness needs of such area;

14 (3) a description of any gaps in maritime do-
15 main awareness within the area of responsibility of
16 such sector resulting from an inability to meet the en-
17 during maritime domain awareness requirements of
18 the sector or adequately respond to maritime disorder;

19 (4) an identification of current technology and
20 assets the Coast Guard has to mitigate the gaps iden-
21 tified in paragraph (3);

22 (5) an identification of capabilities needed to
23 mitigate such gaps, including any capabilities the
24 Coast Guard currently possesses that can be deployed
25 to the sector;

1 (6) *an identification of technology and assets the*
2 *Coast Guard does not currently possess and are need-*
3 *ed to acquire in order to address such gaps; and*

4 (7) *an identification of any financial obstacles*
5 *that prevent the Coast Guard from deploying existing*
6 *commercially available sensor technology to address*
7 *such gaps.*

8 **SEC. 11258. CONVEYANCE OF COAST GUARD VESSELS FOR**
9 **PUBLIC PURPOSES.**

10 (a) *TRANSFER.—Section 914 of the Coast Guard Au-*
11 *thorization Act of 2010 (14 U.S.C. 501 note; Public Law*
12 *111–281) is—*

13 (1) *transferred to subchapter I of chapter 5 of*
14 *title 14, United States Code;*

15 (2) *added at the end so as to follow section 509*
16 *of such title, as added by this Act;*

17 (3) *redesignated as section 510 of such title; and*

18 (4) *amended so that the enumerator, the section*
19 *heading, typeface, and typestyle conform to those ap-*
20 *pearing in other sections of title 14, United States*
21 *Code.*

22 (b) *CLERICAL AMENDMENTS.—*

23 (1) *COAST GUARD AUTHORIZATION ACT OF*
24 *2010.—The table of contents in section 1(b) of the*
25 *Coast Guard Authorization Act of 2010 (Public Law*

1 111–281) is amended by striking the item relating to
2 section 914.

3 (2) *TITLE 14.—The analysis for subchapter I of*
4 *chapter 5 of title 14, United States Code, is further*
5 *amended by adding at the end the following:*

“510. Conveyance of Coast Guard vessels for public purposes.”.

6 (c) *CONVEYANCE OF COAST GUARD VESSELS FOR PUB-*
7 *LIC PURPOSES.—Section 510 of title 14, United States*
8 *Code, as transferred and redesignated by subsection (a), is*
9 *amended—*

10 (1) *by amending subsection (a) to read as fol-*
11 *lows:*

12 “(a) *IN GENERAL.—On request by the Commandant,*
13 *the Administrator of the General Services Administration*
14 *may transfer ownership of a Coast Guard vessel or aircraft*
15 *to an eligible entity for educational, cultural, historical,*
16 *charitable, recreational, or other public purposes if such*
17 *transfer is authorized by law.”; and*

18 (2) *in subsection (b)—*

19 (A) *in paragraph (1)—*

20 (i) *by inserting “as if the request were*
21 *being processed” after “vessels”; and*

22 (ii) *by inserting “, as in effect on the*
23 *date of the enactment of the Don Young*
24 *Coast Guard Authorization Act of 2022”*
25 *after “Code of Federal Regulations”;*

1 (B) in paragraph (2) by inserting “, as in
2 effect on the date of the enactment of the Don
3 Young Coast Guard Authorization Act of 2022”
4 after “such title”; and

5 (C) in paragraph (3) by striking “of the
6 Coast Guard”.

7 **SEC. 11259. NATIONAL COAST GUARD MUSEUM FUNDING**
8 **PLAN.**

9 Section 316(c)(4) of title 14, United States Code, is
10 amended by striking “the Inspector General of the depart-
11 ment in which the Coast Guard is operating” and inserting
12 “a third party entity qualified to undertake such a certifi-
13 cation process”.

14 **SEC. 11260. REPORT ON COAST GUARD EXPLOSIVE ORD-**
15 **NANCE DISPOSAL.**

16 (a) *IN GENERAL.*—Not later than 1 year after the date
17 of enactment of this Act, the Commandant shall submit to
18 the Committee on Transportation and Infrastructure of the
19 House of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report on the
21 viability of establishing an explosive ordnance disposal pro-
22 gram (in this section referred to as the “Program”) in the
23 Coast Guard.

1 (b) *CONTENTS.*—*The report required under subsection*
2 *(a) shall contain, at a minimum, an explanation of the fol-*
3 *lowing with respect to such a Program:*

4 (1) *Where within the organizational structure of*
5 *the Coast Guard the Program would be located, in-*
6 *cluding a discussion of whether the Program should*
7 *reside in—*

8 (A) *Maritime Safety and Security Teams;*

9 (B) *Maritime Security Response Teams;*

10 (C) *a combination of the teams described*
11 *under subparagraphs (A) and (B); or*

12 (D) *elsewhere within the Coast Guard.*

13 (2) *The vehicles and dive craft that are Coast*
14 *Guard airframe and vessel transportable that would*
15 *be required for the transportation of explosive ord-*
16 *nance disposal elements.*

17 (3) *The Coast Guard stations at which—*

18 (A) *portable explosives storage magazines*
19 *would be available for explosive ordnance dis-*
20 *posal elements; and*

21 (B) *explosive ordnance disposal elements*
22 *equipment would be pre-positioned.*

23 (4) *How the Program would support other ele-*
24 *ments within the Department of Homeland Security,*

1 *the Department of Justice, and, in wartime, the De-*
2 *partment of Defense to—*

3 *(A) counter improvised explosive devices;*

4 *(B) counter unexploded ordnance;*

5 *(C) combat weapons of destruction;*

6 *(D) provide service in support of the Presi-*
7 *dent; and*

8 *(E) support national security special events.*

9 *(5) The career progression of members of the*
10 *Coast Guard participating in the Program from—*

11 *(A) Seaman Recruit to Command Master*
12 *Chief Petty Officer;*

13 *(B) Chief Warrant Officer 2 to that of Chief*
14 *Warrant Officer 4; and*

15 *(C) Ensign to that of Rear Admiral.*

16 *(6) Initial and annual budget justification esti-*
17 *mates on a single program element of the Program*
18 *for—*

19 *(A) civilian and military pay with details*
20 *on military pay, including special and incentive*
21 *pays such as—*

22 *(i) officer responsibility pay;*

23 *(ii) officer SCUBA diving duty pay;*

24 *(iii) officer demolition hazardous duty*
25 *pay;*

- 1 (iv) enlisted SCUBA diving duty pay;
- 2 (v) enlisted demolition hazardous duty
- 3 pay;
- 4 (vi) enlisted special duty assignment
- 5 pay at level special duty-5;
- 6 (vii) enlisted assignment incentive
- 7 pays;
- 8 (viii) enlistment and reenlistment bo-
- 9 nuses;
- 10 (ix) officer and enlisted full civilian
- 11 clothing allowances;
- 12 (x) an exception to the policy allowing
- 13 a third hazardous duty pay for explosive
- 14 ordnance disposal-qualified officers and en-
- 15 listed; and
- 16 (xi) parachutist hazardous duty pay;
- 17 (B) research, development, test, and evalua-
- 18 tion;
- 19 (C) procurement;
- 20 (D) other transaction agreements;
- 21 (E) operations and support; and
- 22 (F) overseas contingency operations.

23 **SEC. 11261. TRANSFER AND CONVEYANCE.**

24 (a) *IN GENERAL.*—

1 (1) *REQUIREMENT.*—*In accordance with section*
2 *120(h) of the Comprehensive Environmental Re-*
3 *sponse, Compensation, and Liability Act (42 U.S.C.*
4 *9620(h)), the Commandant shall, without consider-*
5 *ation, transfer in accordance with subsection (b) and*
6 *convey in accordance with subsection (c) a parcel of*
7 *the real property described in paragraph (2), includ-*
8 *ing any improvements thereon.*

9 (2) *PROPERTY.*—*The property described in this*
10 *paragraph is real property at Dauphin Island, Ala-*
11 *bama, located at 100 Agassiz Street, and consisting of*
12 *a total of approximately 35.63 acres. The exact acre-*
13 *age and legal description of the parcel of such prop-*
14 *erty to be transferred or conveyed in accordance with*
15 *subsection (b) or (c), respectively, shall be determined*
16 *by a survey satisfactory to the Commandant.*

17 (b) *TO THE SECRETARY OF HEALTH AND HUMAN*
18 *SERVICES.*—*The Commandant shall transfer, as described*
19 *in subsection (a), to the Secretary of Health and Human*
20 *Services (in this section referred to as the “Secretary”), for*
21 *use by the Food and Drug Administration, custody and*
22 *control of a portion, consisting of approximately 4 acres,*
23 *of the parcel of real property described in such subsection,*
24 *to be identified by agreement between the Commandant and*
25 *the Secretary.*

1 (c) *TO THE STATE OF ALABAMA.*—*The Commandant*
2 *shall convey, as described in subsection (a), to the Marine*
3 *Environmental Sciences Consortium, a unit of the govern-*
4 *ment of the State of Alabama, located at Dauphin Island,*
5 *Alabama, all rights, title, and interest of the United States*
6 *in and to such portion of the parcel described in such sub-*
7 *section that is not transferred to the Secretary under sub-*
8 *section (b).*

9 (d) *PAYMENTS AND COSTS OF TRANSFER AND CONVEY-*
10 *ANCE.*—

11 (1) *PAYMENTS.*—

12 (A) *IN GENERAL.*—*The Secretary shall pay*
13 *costs to be incurred by the Coast Guard, or reim-*
14 *burse the Coast Guard for such costs incurred by*
15 *the Coast Guard, to carry out the transfer and*
16 *conveyance required by this section, including*
17 *survey costs, appraisal costs, costs for environ-*
18 *mental documentation related to the transfer and*
19 *conveyance, and any other necessary administra-*
20 *tive costs related to the transfer and conveyance.*

21 (B) *FUNDS.*—*Notwithstanding section 780*
22 *of division B of the Further Consolidated Appro-*
23 *priations Act, 2020 (Public Law 116–94), any*
24 *amounts that are made available to the Sec-*
25 *retary under such section and not obligated on*

1 *the date of enactment of this Act shall be avail-*
2 *able to the Secretary for the purpose described in*
3 *subparagraph (A).*

4 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
5 *Amounts received by the Commandant as reimburse-*
6 *ment under paragraph (1) shall be credited to the*
7 *Coast Guard Housing Fund established under section*
8 *2946 of title 14, United States Code, or the account*
9 *that was used to pay the costs incurred by the Coast*
10 *Guard in carrying out the transfer or conveyance*
11 *under this section, as determined by the Com-*
12 *mandant, and shall be made available until expended.*
13 *Amounts so credited shall be merged with amounts in*
14 *such fund or account and shall be available for the*
15 *same purposes, and subject to the same conditions*
16 *and limitations, as amounts in such fund 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 transactions**

22 “(a) *NOTIFICATION.—*

23 “(1) *IN GENERAL.—Subject to subsection (b), the*
24 *Commandant shall notify the appropriate committees*
25 *of Congress and the Coast Guard Office of Congres-*

1 *sional and Governmental Affairs not later than 3 full*
2 *business days in advance of the Coast Guard—*

3 “(A) *making or awarding a grant alloca-*
4 *tion or grant in excess of \$1,000,000;*

5 “(B) *making or awarding a contract, other*
6 *transaction agreement, or task or delivery order*
7 *for the Coast Guard on the multiple award con-*
8 *tract, or issuing a letter of intent totaling more*
9 *than \$4,000,000;*

10 “(C) *awarding a task or delivery order re-*
11 *quiring an obligation of funds in an amount*
12 *greater than \$10,000,000 from multi-year Coast*
13 *Guard funds;*

14 “(D) *making a sole-source grant award; or*

15 “(E) *announcing publicly the intention to*
16 *make or award an item described in subpara-*
17 *graph (A), (B), (C), or (D), including a contract*
18 *covered by the Federal Acquisition Regulation.*

19 “(2) *ELEMENT.—A notification under this sub-*
20 *section shall include—*

21 “(A) *the amount of the award;*

22 “(B) *the fiscal year for which the funds for*
23 *the award were appropriated;*

24 “(C) *the type of contract;*

1 “(D) an identification of the entity awarded
2 the contract, such as the name and location of
3 the entity; and

4 “(E) the account from which the funds are
5 to be drawn.

6 “(b) *EXCEPTION.*—If the Commandant determines
7 that compliance with subsection (a) would pose a substan-
8 tial risk to human life, health, or safety, the Com-
9 mandant—

10 “(1) may make an award or issue a letter de-
11 scribed in such subsection without the notification re-
12 quired under such subsection; and

13 “(2) shall notify the appropriate committees of
14 Congress not later than 5 full business days after such
15 an award is made or letter issued.

16 “(c) *APPLICABILITY.*—Subsection (a) shall not apply
17 to funds that are not available for obligation.

18 “(d) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
19 *FINED.*—In this section, the term ‘appropriate committees
20 of Congress’ means—

21 “(1) the Committee on Commerce, Science, and
22 Transportation and the Committee on Appropriations
23 of the Senate; and

1 “(2) *the Committee on Transportation and In-*
2 *frastructure and the Committee on Appropriations of*
3 *the House of Representatives.*”.

4 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
5 *51 of title 14, United States Code, is further amended by*
6 *adding at the end the following:*

 “5115. *Major grants, contracts, or other transactions.*”.

7 **SEC. 11263. STUDY ON SAFETY INSPECTION PROGRAM FOR**
8 **CONTAINERS AND FACILITIES.**

9 (a) *IN GENERAL.*—*Not later than 1 year after the date*
10 *of enactment of this Act, the Commandant shall complete*
11 *a study on the safety inspection program for containers (as*
12 *such term is defined in section 80501 of title 46, United*
13 *States Code) and designated waterfront facilities receiving*
14 *containers.*

15 (b) *ELEMENTS.*—*The study required under subsection*
16 (i) *shall include the following:*

17 (1) *An evaluation and review of such safety in-*
18 *spection program.*

19 (2) *A determination of—*

20 (A) *the number of container inspections*
21 *conducted annually by the Coast Guard during*
22 *the preceding 10-year period, as compared to the*
23 *number of containers moved through United*
24 *States ports annually during such period; and*

1 (B) *the number of qualified Coast Guard*
2 *container and facility inspectors, and an assess-*
3 *ment as to whether, during the preceding 10-year*
4 *period, there have been a sufficient number of*
5 *such inspectors to carry out the mission of the*
6 *Coast Guard.*

7 (3) *An evaluation of the training programs*
8 *available to such inspectors and the adequacy of such*
9 *training programs during the preceding 10-year pe-*
10 *riod.*

11 (4) *An identification of areas of improvement for*
12 *such program in the interest of commerce and na-*
13 *tional security, and the costs associated with such im-*
14 *provements.*

15 (c) *REPORT TO CONGRESS.*—*Not later than 180 days*
16 *after the completion of the study required under subsection*
17 *(a), the Commandant shall submit to the Committee on*
18 *Commerce, Science, and Transportation of the Senate and*
19 *the Committee on Transportation and Infrastructure of the*
20 *House of Representatives a report on the findings of the*
21 *study required by subsection (a), including the personnel*
22 *and resource requirements necessary for such program.*

23 **SEC. 11264. OPERATIONAL DATA SHARING CAPABILITY.**

24 (a) *IN GENERAL.*—*Not later than 18 months after the*
25 *date of enactment of this Act, the Secretary shall, consistent*

1 *with the ongoing Integrated Multi-Domain Enterprise joint*
2 *effort by the Department of Homeland Security and the De-*
3 *partment of Defense, establish a secure, centralized capa-*
4 *bility to allow real-time, or near real-time, data and infor-*
5 *mation sharing between Customs and Border Protection*
6 *and the Coast Guard for purposes of maritime boundary*
7 *domain awareness and enforcement activities along the*
8 *maritime boundaries of the United States, including the*
9 *maritime boundaries in the northern and southern conti-*
10 *ental United States and Alaska.*

11 (b) *PRIORITY.*—*In establishing the capability under*
12 *subsection (a), the Secretary shall prioritize enforcement*
13 *areas experiencing the highest levels of enforcement activity.*

14 (c) *REQUIREMENTS.*—*The capability established under*
15 *subsection (a) shall be sufficient for the secure sharing of*
16 *data, information, and surveillance necessary for oper-*
17 *ational missions, including data from governmental assets,*
18 *irrespective of whether an asset located in or around mis-*
19 *sion operation areas belongs to the Coast Guard, Customs*
20 *and Border Protection, or any other partner agency.*

21 (d) *ELEMENTS.*—*The Commissioner of Customs and*
22 *Border Protection and the Commandant shall jointly—*

23 (1) *assess and delineate the types of data and*
24 *quality of data sharing needed to meet the respective*
25 *operational missions of Customs and Border Protec-*

1 *tion and the Coast Guard, including video surveil-*
2 *lance, seismic sensors, infrared detection, space-based*
3 *remote sensing, and any other data or information*
4 *necessary;*

5 *(2) develop appropriate requirements and proc-*
6 *esses for the credentialing of personnel of Customs and*
7 *Border Protection and personnel of the Coast Guard*
8 *to access and use the capability established under sub-*
9 *section (a); and*

10 *(3) establish a cost-sharing agreement for the*
11 *long-term operation and maintenance of the capa-*
12 *bility and the assets that provide data to the capa-*
13 *bility.*

14 *(e) REPORT.—Not later than 2 years after the date of*
15 *enactment of this Act, the Secretary shall submit to the*
16 *Committee on Commerce, Science, and Transportation and*
17 *the Committee on Homeland Security and Governmental*
18 *Affairs of the Senate and the Committee on Transportation*
19 *and Infrastructure and the Committee on Homeland Secu-*
20 *rity of the House of Representatives a report on the estab-*
21 *lishment of the capability under this section.*

22 *(f) RULE OF CONSTRUCTION.—Nothing in this section*
23 *may be construed to authorize the Coast Guard, Customs*
24 *and Border Protection, or any other partner agency to ac-*
25 *quire, share, or transfer personal information relating to*

1 *an individual in violation of any Federal or State law or*
2 *regulation.*

3 **SEC. 11265. FEASIBILITY STUDY ON CONSTRUCTION OF**
4 **COAST GUARD STATION AT PORT MANSFIELD.**

5 *(a) STUDY.—*

6 *(1) IN GENERAL.—Not later than 180 days after*
7 *the date of the enactment of this Act, the Com-*
8 *mandant shall commence a feasibility study on con-*
9 *struction of a Coast Guard station at Port Mansfield,*
10 *Texas.*

11 *(2) ELEMENTS.—The study required under para-*
12 *graph (1) shall include the following:*

13 *(A) An assessment of the resources and*
14 *workforce requirements necessary for a new*
15 *Coast Guard station at Port Mansfield.*

16 *(B) An identification of the enhancements*
17 *to the missions and capabilities of the Coast*
18 *Guard that a new Coast Guard station at Port*
19 *Mansfield would provide.*

20 *(C) An estimate of the life-cycle costs of such*
21 *a facility, including the costs of construction,*
22 *maintenance costs, and staffing costs.*

23 *(D) A cost-benefit analysis of the enhance-*
24 *ments and capabilities provided, as compared to*

1 *the costs of construction, maintenance, and staff-*
2 *ing.*

3 **(b) REPORT.**—*Not later than 180 days after com-*
4 *mencing the study required by subsection (a), the Com-*
5 *mandant shall submit to the Committee on Commerce,*
6 *Science, and Transportation of the Senate and the Com-*
7 *mittee on Transportation and Infrastructure of the House*
8 *of Representatives a report on the findings of the study.*

9 **SEC. 11266. PROCUREMENT OF TETHERED AEROSTAT**
10 **RADAR SYSTEM FOR COAST GUARD STATION**
11 **SOUTH PADRE ISLAND.**

12 *Subject to the availability of appropriations, the Sec-*
13 *retary shall procure not fewer than 1 tethered aerostat*
14 *radar system, or similar technology, for use by the Coast*
15 *Guard at and around Coast Guard Station South Padre*
16 *Island.*

17 **SEC. 11267. PROHIBITION ON MAJOR ACQUISITION CON-**
18 **TRACTS WITH ENTITIES ASSOCIATED WITH**
19 **CHINESE COMMUNIST PARTY.**

20 **(a) IN GENERAL.**—*The Commandant may not award*
21 *any major acquisition contract until the Commandant re-*
22 *ceives a certification from the party that it has not, during*
23 *the 10-year period preceding the planned date of award,*
24 *directly or indirectly held an economic interest in an entity*
25 *that is—*

1 (1) *owned or controlled by the People's Republic*
2 *of China; and*

3 (2) *part of the defense industry of the Chinese*
4 *Communist Party.*

5 (b) *INAPPLICABILITY TO TAIWAN.—Subsection (a)*
6 *shall not apply with respect to an economic interest in an*
7 *entity owned or controlled by Taiwan.*

8 **SEC. 11268. REVIEW OF DRUG INTERDICTION EQUIPMENT**
9 **AND STANDARDS; TESTING FOR FENTANYL**
10 **DURING INTERDICTION OPERATIONS.**

11 (a) *REVIEW.—*

12 (1) *IN GENERAL.—The Commandant, in con-*
13 *sultation with the Administrator of the Drug Enforce-*
14 *ment Administration and the Secretary of Health*
15 *and Human Services, shall—*

16 (A) *conduct a review of—*

17 (i) *the equipment, testing kits, and res-*
18 *cue medications used to conduct Coast*
19 *Guard drug interdiction operations; and*

20 (ii) *the safety and training standards,*
21 *policies, and procedures with respect to such*
22 *operations; and*

23 (B) *determine whether the Coast Guard is*
24 *using the latest equipment and technology and*
25 *up-to-date training and standards for recog-*

1 nizing, handling, testing, and securing illegal
2 drugs, fentanyl and other synthetic opioids, and
3 precursor chemicals during such operations.

4 (2) *REPORT.*—Not later than 180 days after the
5 date of enactment of this Act, the Commandant shall
6 submit to the appropriate committees of Congress a
7 report on the results of the review conducted under
8 paragraph (1).

9 (3) *APPROPRIATE COMMITTEES OF CONGRESS*
10 *DEFINED.*—In this subsection, the term “appropriate
11 committees of Congress” means—

12 (A) the Committee on Commerce, Science,
13 and Transportation and the Committee on Ap-
14 propriations of the Senate; and

15 (B) the Committee on Transportation and
16 Infrastructure and the Committee on Appropria-
17 tions of the House of Representatives.

18 (b) *REQUIREMENT.*—If, as a result of the review re-
19 quired by subsection (a), the Commandant determines that
20 the Coast Guard is not using the latest equipment and tech-
21 nology and up-to-date training and standards for recog-
22 nizing, handling, testing, and securing illegal drugs,
23 fentanyl and other synthetic opioids, and precursor chemi-
24 cals during drug interdiction operations, the Commandant
25 shall ensure that the Coast Guard acquires and uses such

1 *equipment and technology, carries out such training, and*
2 *implements such standards.*

3 *(c) TESTING FOR FENTANYL.—The Commandant shall*
4 *ensure that Coast Guard drug interdiction operations in-*
5 *clude the testing of substances encountered during such op-*
6 *erations for fentanyl, as appropriate.*

7 **SEC. 11269. PUBLIC AVAILABILITY OF INFORMATION ON**
8 **MONTHLY MIGRANT INTERDICTIONS.**

9 *Not later than the 15th day of each month, the Com-*
10 *mandant shall make available to the public on the website*
11 *of the Coast Guard the number of migrant interdictions car-*
12 *ried out by the Coast Guard during the preceding month.*

13 **SEC. 11270. CARGO WAITING TIME REDUCTION.**

14 *Not later than 90 days after the date of enactment of*
15 *this Act, the Commandant shall submit to the Committee*
16 *on Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Commerce, Science, and*
18 *Transportation of the Senate a report that includes—*

19 *(1) an explanation of the extent to which vessels*
20 *carrying cargo are complying with the requirements*
21 *of chapter 700 of title 46, United States Code;*

22 *(2) the status of the investigation on the cause of*
23 *the oil spill that occurred in October 2021 on the*
24 *waters over the San Pedro Shelf related to an anchor*
25 *strike, including the expected date on which the Ma-*

1 *rine Casualty Investigation Report with respect to*
2 *such spill will be released; and*

3 *(3) with respect to such vessels, a summary of*
4 *actions taken or planned to be taken by the Com-*
5 *mandant to provide additional protections against oil*
6 *spills or other hazardous discharges caused by anchor*
7 *strikes.*

8 **SEC. 11271. STUDY ON COAST GUARD OVERSIGHT AND IN-**
9 **VESTIGATIONS.**

10 *(a) IN GENERAL.—Not later than 2 years after the*
11 *date of enactment of this Act, the Comptroller General of*
12 *the United States shall commence a study to assess the over-*
13 *sight over Coast Guard activities, including investigations,*
14 *personnel management, whistleblower protection, and other*
15 *activities carried out by the Department of Homeland Secu-*
16 *rity Office of Inspector General.*

17 *(b) ELEMENTS.—The study required under subsection*
18 *(a) shall include the following:*

19 *(1) An analysis of the ability of the Department*
20 *of Homeland Security Office of Inspector General to*
21 *ensure timely, thorough, complete, and appropriate*
22 *oversight over the Coast Guard, including oversight*
23 *over both civilian and military activities.*

24 *(2) An assessment of—*

1 (A) *the best practices with respect to such*
2 oversight; and

3 (B) *the ability of the Department of Home-*
4 *land Security Office of Inspector General and*
5 *the Commandant to identify and achieve such*
6 *best practices.*

7 (3) *An analysis of the methods, standards, and*
8 *processes employed by the Department of Defense Of-*
9 *fice of Inspector General and the inspectors generals*
10 *of the armed forces (as such term is defined in section*
11 *101 of title 10, United States Code), other than the*
12 *Coast Guard, to conduct oversight and investigation*
13 *activities.*

14 (4) *An analysis of the methods, standards, and*
15 *processes of the Department of Homeland Security*
16 *Office of Inspector General with respect to oversight*
17 *over the civilian and military activities of the Coast*
18 *Guard, as compared to the methods, standards, and*
19 *processes described in paragraph (3).*

20 (5) *An assessment of the extent to which the*
21 *Coast Guard Investigative Service completes inves-*
22 *tigations or other disciplinary measures after referral*
23 *of complaints from the Department of Homeland Se-*
24 *curity Office of Inspector General.*

1 (6) *A description of the staffing, expertise, train-*
2 *ing, and other resources of the Department of Home-*
3 *land Security Office of Inspector General, and an as-*
4 *essment as to whether such staffing, expertise, train-*
5 *ing, and other resources meet the requirements nec-*
6 *essary for meaningful, timely, and effective oversight*
7 *over the activities of the Coast Guard.*

8 (c) *REPORT.*—*Not later than 1 year after commencing*
9 *the study required under subsection (a), the Comptroller*
10 *General shall submit to the Committee on Commerce,*
11 *Science, and Transportation of the Senate and the Com-*
12 *mittee on Transportation and Infrastructure of the House*
13 *of Representatives a report on the findings of the study, in-*
14 *cluding recommendations with respect to oversight over*
15 *Coast Guard activities.*

16 (d) *OTHER REVIEWS.*—*The study required under sub-*
17 *section (a) may rely upon recently completed or ongoing*
18 *reviews by the Comptroller General or other entities, as ap-*
19 *plicable.*

1 ***Subtitle H—Sexual Assault and***
2 ***Sexual Harassment Response***
3 ***and Prevention***

4 ***SEC. 11272. ADMINISTRATION OF SEXUAL ASSAULT FOREN-***
5 ***SIC EXAMINATION KITS.***

6 *(a) IN GENERAL.—Subchapter IV of chapter 5 of title*
7 *14, United States Code, is amended by adding at the end*
8 *the following:*

9 ***“§ 564. Administration of sexual assault forensic ex-***
10 ***amination kits***

11 *“(a) SEXUAL ASSAULT FORENSIC EXAM PROCE-*
12 *DURE.—*

13 *“(1) IN GENERAL.—Before embarking on any*
14 *prescheduled voyage, a Coast Guard vessel shall have*
15 *in place a written operating procedure that ensures*
16 *that an embarked victim of sexual assault shall have*
17 *access to a sexual assault forensic examination—*

18 *“(A) as soon as possible after the victim re-*
19 *quests an examination; and*

20 *“(B) that is treated with the same level of*
21 *urgency as emergency medical care.*

22 *“(2) REQUIREMENTS.—The written operating*
23 *procedure required by paragraph (1), shall, at a min-*
24 *imum, account for—*

1 “(A) *the health, safety, and privacy of a*
2 *victim of sexual assault;*

3 “(B) *the proximity of ashore or afloat med-*
4 *ical facilities, including coordination as nec-*
5 *essary with the Department of Defense, including*
6 *other military departments (as defined in section*
7 *101 of title 10);*

8 “(C) *the availability of aeromedical evacu-*
9 *ation;*

10 “(D) *the operational capabilities of the ves-*
11 *sel concerned;*

12 “(E) *the qualifications of medical personnel*
13 *onboard;*

14 “(F) *coordination with law enforcement*
15 *and the preservation of evidence;*

16 “(G) *the means of accessing a sexual assault*
17 *forensic examination and medical care with a*
18 *restricted report of sexual assault;*

19 “(H) *the availability of nonprescription*
20 *pregnancy prophylactics; and*

21 “(I) *other unique military considerations.*”.

22 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
23 *5 of title 14, United States Code, is amended by inserting*
24 *after the item relating to section 563 the following:*

 “564. *Administration of sexual assault forensic examination kits.*”.

25 (c) *STUDY.*—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of the enactment of this Act, the Secretary
3 shall seek to enter into an agreement with the Na-
4 tional Academy of Sciences under which the National
5 Academy of Sciences shall conduct a study to assess
6 challenges and prospective solutions associated with
7 sexual assault at sea, to include the provision of sur-
8 vivor care, forensic examination of the victim, and
9 evidence collection.

10 (2) *CONTENTS.*—The study under paragraph (1)
11 shall, at a minimum, address the feasibility of crisis
12 response services and physical evaluation through
13 telemedicine and other options concerning immediate
14 access to care whether onboard the vessel or at the
15 nearest shore side facility, including best practices for
16 administering sexual assault forensic examinations.

17 (3) *ELEMENTS.*—The study under paragraph (1)
18 shall—

19 (A) take into account—

20 (i) the safety and security of the al-
21 leged victim of sexual assault;

22 (ii) the ability to properly identify,
23 document, and preserve any evidence rel-
24 evant to the allegation of sexual assault;

1 (iii) the applicable criminal proce-
2 dural laws relating to authenticity, rel-
3 evance, preservation of evidence, chain of
4 custody, and any other matter relating to
5 evidentiary admissibility; and

6 (iv) best practices of conducting sexual
7 assault forensic examinations, as such term
8 is defined in section 40723 of title 34,
9 United States Code;

10 (B) provide any appropriate recommenda-
11 tion for changes to existing laws, regulations, or
12 employer policies;

13 (C) solicit public stakeholder input from in-
14 dividuals and organizations with relevant exper-
15 tise in sexual assault response including
16 healthcare, advocacy services, law enforcement,
17 and prosecution;

18 (D) evaluate the operational capabilities of
19 the Coast Guard since 2013 in providing alleged
20 victims of sexual assault immediate access to
21 care onboard a vessel undertaking a prescheduled
22 voyage that, at any point during such voyage,
23 would require the vessel to travel 3 consecutive
24 days or longer to reach a land-based or afloat
25 medical facility, including—

1 (i) the average of and range in the re-
2 ported hours taken to evacuate an indi-
3 vidual with any medical emergency to a
4 land-based or afloat medical facility; and

5 (ii) the number of alleged victims, sub-
6 jects, and total incidents of sexual assault
7 and sexual harassment occurring while un-
8 derway reported annually; and

9 (E) summarize the financial cost, required
10 operational adjustments, and potential benefits
11 to the Coast Guard to provide sexual assault fo-
12 rensic examination kits onboard Coast Guard
13 vessels undertaking a prescheduled voyage that,
14 at any point during such voyage, would require
15 the vessel to travel 3 consecutive days or longer
16 to reach a land-based or afloat medical facility.

17 (4) *REPORT.*—Upon completion of the study
18 under paragraph (1), the National Academy of
19 Sciences shall submit to the Committee on Commerce,
20 Science, and Transportation of the Senate, the Com-
21 mittee on Transportation and Infrastructure of the
22 House of Representatives, and the Secretary a report
23 on the findings of the study.

24 (5) *ANNUAL REPORT.*—The Commandant shall
25 submit to the Transportation and Infrastructure

1 *Committee of the House and the Commerce, Science,*
2 *and Transportation Committee of the Senate a report*
3 *containing the number of sexual assault forensic ex-*
4 *aminations that were requested by, but not adminis-*
5 *tered within 3 days to, alleged victims of sexual as-*
6 *sault when such victims were onboard a vessel.*

7 (6) *SAVINGS CLAUSE.—In collecting the informa-*
8 *tion required under paragraphs (2) and (3), the Com-*
9 *mandant shall collect such information in a manner*
10 *which protects the privacy rights of individuals who*
11 *are subjects of such information.*

12 **SEC. 11273. POLICY ON REQUESTS FOR PERMANENT**
13 **CHANGES OF STATION OR UNIT TRANSFERS**
14 **BY PERSONS WHO REPORT BEING THE VIC-**
15 **TIM OF SEXUAL ASSAULT.**

16 (a) *INTERIM UPDATE.—Not later than 30 days after*
17 *the date of enactment of this Act, the Commandant, in con-*
18 *sultation with the Director of the Health, Safety, and Work*
19 *Life Directorate, shall issue an interim update to Coast*
20 *Guard policy guidance to allow a member of the Coast*
21 *Guard who has reported being the victim of a sexual as-*
22 *sault, or any other offense covered by section 920, 920c, or*
23 *930 of title 10, United States Code (article 120, 120c, or*
24 *130 of the Uniform Code of Military Justice), to request*

1 *an immediate change of station or an immediate unit*
2 *transfer.*

3 (b) *FINAL POLICY.*—*The Commandant shall issue a*
4 *final policy based on the interim updates issued under the*
5 *preceding sentence not later than 1 year after the date of*
6 *enactment of this Act.*

7 **SEC. 11274. SEX OFFENSES AND PERSONNEL RECORDS.**

8 *Not later than 180 days after the date of enactment*
9 *of this Act, the Commandant shall issue final regulations*
10 *or policy guidance required to fully implement section 1745*
11 *of the National Defense Authorization Act for Fiscal Year*
12 *2014 (Public Law 113–66; 10 U.S.C. 1561 note) with re-*
13 *spect to members of the Coast Guard.*

14 **SEC. 11275. STUDY ON SPECIAL VICTIMS' COUNSEL PRO-**
15 **GRAM.**

16 (a) *IN GENERAL.*—*Not later than 30 days after the*
17 *date of enactment of this Act, the Secretary shall enter into*
18 *an agreement with a federally funded research and develop-*
19 *ment center for the conduct of a study on—*

20 (1) *the Special Victims' Counsel program of the*
21 *Coast Guard;*

22 (2) *Coast Guard investigations of sexual assault*
23 *offenses for cases in which the subject of the investiga-*
24 *tion is no longer under jeopardy for the alleged mis-*
25 *conduct for reasons including the death of the accused,*

1 *a lapse in the statute of limitations for the alleged of-*
2 *fense, and a fully adjudicated criminal trial of the al-*
3 *leged offense in which all appeals have been ex-*
4 *hausted; and*

5 *(3) legal support and representation provided to*
6 *members of the Coast Guard who are victims of sexual*
7 *assault, including in instances in which the accused*
8 *is a member of the Army, Navy, Air Force, Marine*
9 *Corps, or Space Force.*

10 *(b) ELEMENTS.—The study required by subsection (a)*
11 *shall assess the following:*

12 *(1) The Special Victims' Counsel program of the*
13 *Coast Guard, including training, effectiveness, capac-*
14 *ity to handle the number of cases referred, and experi-*
15 *ence with cases involving members of the Coast Guard*
16 *or members of another armed force (as defined in sec-*
17 *tion 101 of title 10, United States Code).*

18 *(2) The experience of Special Victims' Counsels*
19 *in representing members of the Coast Guard during*
20 *a court-martial.*

21 *(3) Policies concerning the availability and de-*
22 *tailing of Special Victims' Counsels for sexual assault*
23 *allegations, in particular such allegations in which*
24 *the accused is a member of another armed force (as*
25 *defined in section 101 of title 10, United States*

1 Code), and the impact that the cross-service relation-
2 ship had on—

3 (A) the competence and sufficiency of serv-
4 ices provided to the alleged victim; and

5 (B) the interaction between—

6 (i) the investigating agency and the
7 Special Victims' Counsels; and

8 (ii) the prosecuting entity and the Spe-
9 cial Victims' Counsels.

10 (4) Training provided to, or made available for,
11 Special Victims' Counsels and paralegals with respect
12 to Department of Defense processes for conducting sex-
13 ual assault investigations and Special Victims' Coun-
14 sel representation of sexual assault victims.

15 (5) The ability of Special Victims' Counsels to
16 operate independently without undue influence from
17 third parties, including the command of the accused,
18 the command of the victim, the Judge Advocate Gen-
19 eral of the Coast Guard, and the Deputy Judge Advo-
20 cate General of the Coast Guard.

21 (6) The skill level and experience of Special Vic-
22 tims' Counsels, as compared to special victims' coun-
23 sels available to members of the Army, Navy, Air
24 Force, Marine Corps, and Space Force.

1 (7) *Policies regarding access to an alternate Spe-*
2 *cial Victims' Counsel, if requested by the member of*
3 *the Coast Guard concerned, and potential improve-*
4 *ments for such policies.*

5 (c) *REPORT.*—*Not later than 180 days after entering*
6 *into an agreement under subsection (a), the federally funded*
7 *research and development center shall submit to the Com-*
8 *mittee on Commerce, Science, and Transportation of the*
9 *Senate and the Committee on Transportation and Infra-*
10 *structure of the House of Representatives a report that in-*
11 *cludes—*

12 (1) *the findings of the study required by such*
13 *subsection;*

14 (2) *recommendations to improve the coordina-*
15 *tion, training, and experience of Special Victims'*
16 *Counsels of the Coast Guard so as to improve out-*
17 *comes for members of the Coast Guard who have re-*
18 *ported sexual assault; and*

19 (3) *any other recommendation the federally*
20 *funded research and development center considers ap-*
21 *propriate.*

22 **TITLE CXIII—ENVIRONMENT**

23 **Subtitle A—Marine Mammals**

24 **SEC. 11301. DEFINITIONS.**

25 *In this subtitle:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate; and*

6 (B) *the Committees on Transportation and*
7 *Infrastructure and Natural Resources of the*
8 *House of Representatives.*

9 (2) *CORE FORAGING HABITATS.*—*The term “core*
10 *foraging habitats” means areas—*

11 (A) *with biological and physical oceano-*
12 *graphic features that aggregate Calanus*
13 *finmarchicus; and*

14 (B) *where North Atlantic right whales for-*
15 *aging aggregations have been well documented.*

16 (3) *EXCLUSIVE ECONOMIC ZONE.*—*The term “ex-*
17 *clusive economic zone” has the meaning given that*
18 *term in section 107 of title 46, United States Code.*

19 (4) *INSTITUTION OF HIGHER EDUCATION.*—*The*
20 *term “institution of higher education” has the mean-*
21 *ing given that term in section 101(a) of the Higher*
22 *Education Act of 1965 (20 U.S.C. 1001(a)).*

23 (5) *LARGE CETACEAN.*—*The term “large ceta-*
24 *cean” means all endangered or threatened species*
25 *within—*

1 (A) *the suborder Mysticeti;*

2 (B) *the genera Physeter; or*

3 (C) *the genera Orcinus.*

4 (6) *NEAR REAL-TIME.*—*The term “near real-*
5 *time”, with respect to monitoring of whales, means*
6 *that visual, acoustic, or other detections of whales are*
7 *processed, transmitted, and reported as close to the*
8 *time of detection as is technically feasible.*

9 (7) *NONPROFIT ORGANIZATION.*—*The term “non-*
10 *profit organization” means an organization that is*
11 *described in section 501(c) of the Internal Revenue*
12 *Code of 1986 and exempt from tax under section*
13 *501(a) of such Code.*

14 (8) *PUGET SOUND REGION.*—*The term “Puget*
15 *Sound region” means the Vessel Traffic Service Puget*
16 *Sound area described in section 161.55 of title 33,*
17 *Code of Federal Regulations (as of the date of enact-*
18 *ment of this Act).*

19 (9) *TRIBAL GOVERNMENT.*—*The term “Tribal*
20 *government” means the recognized governing body of*
21 *any Indian or Alaska Native Tribe, band, nation,*
22 *pueblo, village, community, component band, or com-*
23 *ponent reservation, individually identified (including*
24 *parenthetically) in the list published most recently as*
25 *of the date of enactment of this Act pursuant to sec-*

1 *tion 104 of the Federally Recognized Indian Tribe*
2 *List Act of 1994 (25 U.S.C. 5131).*

3 (10) *UNDER SECRETARY.—The term “Under*
4 *Secretary” means the Under Secretary of Commerce*
5 *for Oceans and Atmosphere.*

6 **SEC. 11302. ASSISTANCE TO PORTS TO REDUCE IMPACTS OF**
7 **VESSEL TRAFFIC AND PORT OPERATIONS ON**
8 **MARINE MAMMALS.**

9 (a) *IN GENERAL.—Not later than 180 days after the*
10 *date of enactment of this Act, the Under Secretary, in con-*
11 *sultation with the Director of the United States Fish and*
12 *Wildlife Service, the Secretary, the Secretary of Defense,*
13 *and the Administrator of the Maritime Administration,*
14 *shall establish a grant program to provide assistance to eli-*
15 *gible entities to develop and implement mitigation measures*
16 *that will lead to a quantifiable reduction in threats to ma-*
17 *rine mammals from vessel traffic, including shipping ac-*
18 *tivities and port operations.*

19 (b) *ELIGIBLE USES.—Assistance provided under sub-*
20 *section (a) may be used to develop, assess, and carry out*
21 *activities that reduce threats to marine mammals by—*

22 (1) *reducing underwater stressors related to ma-*
23 *rine traffic;*

24 (2) *reducing mortality and serious injury from*
25 *vessel strikes and other physical disturbances;*

1 (3) *monitoring sound;*

2 (4) *reducing vessel interactions with marine*
3 *mammals;*

4 (5) *conducting other types of monitoring that are*
5 *consistent with reducing the threats to, and enhancing*
6 *the habitats of, marine mammals; or*

7 (6) *supporting State agencies and Tribal govern-*
8 *ments in developing the capacity to receive assistance*
9 *under this section through education, training, infor-*
10 *mation sharing, and collaboration to participate in*
11 *the grant program under this section.*

12 (c) *PRIORITY.*—*The Under Secretary shall prioritize*
13 *providing assistance under subsection (a) for projects*
14 *that—*

15 (1) *are based on the best available science with*
16 *respect to methods to reduce threats to marine mam-*
17 *mals;*

18 (2) *collect data on the effects of such methods and*
19 *the reduction of such threats;*

20 (3) *assist ports that pose a higher relative threat*
21 *to marine mammals listed as threatened or endan-*
22 *gered under the Endangered Species Act of 1973 (16*
23 *U.S.C. 1531 et seq.);*

1 (4) are in close proximity to areas in which
2 threatened or endangered cetaceans are known to ex-
3 perience other stressors; or

4 (5) allow eligible entities to conduct risk assess-
5 ments and to track progress toward threat reduction.

6 (d) *OUTREACH.*—The Under Secretary, in coordina-
7 tion with the Secretary, the Administrator of the Maritime
8 Administration, and the Director of the United States Fish
9 and Wildlife Service, as appropriate, shall conduct coordi-
10 nated outreach to ports to provide information with respect
11 to—

12 (1) how to apply for assistance under subsection
13 (a);

14 (2) the benefits of such assistance; and

15 (3) facilitation of best practices and lessons, in-
16 cluding the best practices and lessons learned from ac-
17 tivities carried out using such assistance.

18 (e) *REPORT REQUIRED.*—Not less frequently than an-
19 nually, the Under Secretary shall make available to the
20 public on a publicly accessible website of the National Oce-
21 anic and Atmospheric Administration a report that in-
22 cludes the following information:

23 (1) The name and location of each entity to
24 which assistance was awarded under subsection (a)
25 during the year preceding submission of the report.

1 (2) *The amount of each such award.*

2 (3) *A description of the activities carried out*
3 *with each such award.*

4 (4) *An estimate of the likely impact of such ac-*
5 *tivities on the reduction of threats to marine mam-*
6 *mals.*

7 (f) *DEFINITION OF ELIGIBLE ENTITY.—In this section,*
8 *the term “eligible entity” means—*

9 (1) *a port authority for a port;*

10 (2) *a State, regional, local, or Tribal govern-*
11 *ment, or an Alaska Native or Native Hawaiian entity*
12 *that has jurisdiction over a maritime port authority*
13 *or a port;*

14 (3) *an academic institution, research institution,*
15 *or nonprofit organization working in partnership*
16 *with a port; or*

17 (4) *a consortium of entities described in para-*
18 *graphs (1) through (3).*

19 (g) *FUNDING.—From funds otherwise appropriated to*
20 *the Under Secretary, \$10,000,000 is authorized to carry out*
21 *this section for each of fiscal years 2023 through 2028.*

22 (h) *SAVINGS CLAUSE.—An activity may not be carried*
23 *out under this section if the Secretary of Defense, in con-*
24 *sultation with the Under Secretary, determines that the ac-*

1 *tivity would negatively impact the defense readiness or the*
2 *national security of the United States.*

3 **SEC. 11303. NEAR REAL-TIME MONITORING AND MITIGA-**
4 **TION PROGRAM FOR LARGE CETACEANS.**

5 (a) *ESTABLISHMENT.*—*The Under Secretary, in co-*
6 *ordination with the heads of other relevant Federal agen-*
7 *cies, shall design and deploy a cost-effective, efficient, and*
8 *results-oriented near real-time monitoring and mitigation*
9 *program (referred to in this section as the “Program”) for*
10 *threatened or endangered cetaceans.*

11 (b) *PURPOSE.*—*The purpose of the Program shall be*
12 *to reduce the risk to large cetaceans posed by vessel colli-*
13 *sions and to minimize other impacts on large cetaceans*
14 *through the use of near real-time location monitoring and*
15 *location information.*

16 (c) *REQUIREMENTS.*—*The Program shall—*

17 (1) *prioritize species of large cetaceans for which*
18 *impacts from vessel collisions are of particular con-*
19 *cern;*

20 (2) *prioritize areas where such impacts are of*
21 *particular concern;*

22 (3) *be capable of detecting and alerting ocean*
23 *users and enforcement agencies of the probable loca-*
24 *tion of large cetaceans on an actionable real-time*

1 *basis, including through real-time data whenever possible;*
2

3 *(4) inform sector-specific mitigation protocols to*
4 *effectively reduce takes (as defined in section 216.3 of*
5 *title 50, Code of Federal Regulations, or successor reg-*
6 *ulations) of large cetaceans;*

7 *(5) integrate technology improvements; and*

8 *(6) be informed by technologies, monitoring*
9 *methods, and mitigation protocols developed under the*
10 *pilot project required under subsection (d).*

11 *(d) PILOT PROJECT.—*

12 *(1) ESTABLISHMENT.—In carrying out the Pro-*
13 *gram, the Under Secretary shall first establish a pilot*
14 *monitoring and mitigation project (referred to in this*
15 *section as the “pilot project”) for North Atlantic right*
16 *whales for the purposes of informing the Program.*

17 *(2) REQUIREMENTS.—In designing and deploy-*
18 *ing the pilot project, the Under Secretary, in coordi-*
19 *nation with the heads of other relevant Federal agen-*
20 *cies, shall, using the best available scientific informa-*
21 *tion, identify and ensure coverage of—*

22 *(A) core foraging habitats; and*

23 *(B) important feeding, breeding, calving,*
24 *rearing, or migratory habitats of North Atlantic*
25 *right whales that co-occur with areas of high risk*

1 *of mortality or serious injury of such whales*
2 *from vessels, vessel strikes, or disturbance.*

3 (3) *COMPONENTS.*—*Not later than 3 years after*
4 *the date of enactment of this Act, the Under Sec-*
5 *retary, in consultation with relevant Federal agencies*
6 *and Tribal governments, and with input from affected*
7 *stakeholders, shall design and deploy a near real-time*
8 *monitoring system for North Atlantic right whales*
9 *that—*

10 (A) *comprises the best available detection*
11 *power, spatial coverage, and survey effort to de-*
12 *tect and localize North Atlantic right whales*
13 *within habitats described in paragraph (2);*

14 (B) *is capable of detecting North Atlantic*
15 *right whales, including visually and acous-*
16 *tically;*

17 (C) *uses dynamic habitat suitability models*
18 *to inform the likelihood of North Atlantic right*
19 *whale occurrence habitats described in para-*
20 *graph (2) at any given time;*

21 (D) *coordinates with the Integrated Ocean*
22 *Observing System of the National Oceanic and*
23 *Atmospheric Administration and Regional*
24 *Ocean Partnerships to leverage monitoring as-*
25 *sets;*

1 (E) integrates historical data;

2 (F) integrates new near real-time moni-
3 toring methods and technologies as such methods
4 and technologies become available;

5 (G) accurately verifies and rapidly commu-
6 nicates detection data to appropriate ocean
7 users;

8 (H) creates standards for contributing, and
9 allows ocean users to contribute, data to the
10 monitoring system using comparable near real-
11 time monitoring methods and technologies;

12 (I) communicates the risks of injury to
13 large cetaceans to ocean users in a manner that
14 is most likely to result in informed decision-mak-
15 ing regarding the mitigation of those risks; and

16 (J) minimizes additional stressors to large
17 cetaceans as a result of the information available
18 to ocean users.

19 (4) *REPORTS.*—

20 (A) *PRELIMINARY REPORT.*—

21 (i) *IN GENERAL.*—Not later than 2
22 years after the date of enactment of this Act,
23 the Under Secretary shall submit to the
24 Committee on Commerce, Science, and
25 Transportation of the Senate and the Com-

1 *mittee on Natural Resources of the House of*
2 *Representatives, and make available to the*
3 *public, a preliminary report on the pilot*
4 *project.*

5 (ii) *ELEMENTS.—The report required*
6 *under clause (i) shall include the following:*

7 (I) *A description of the moni-*
8 *toring methods and technology in use*
9 *or planned for deployment under the*
10 *pilot project.*

11 (II) *An analysis of the efficacy of*
12 *the methods and technology in use or*
13 *planned for deployment for detecting*
14 *North Atlantic right whales.*

15 (III) *An assessment of the manner*
16 *in which the monitoring system de-*
17 *signed and deployed under this sub-*
18 *section is directly informing and im-*
19 *proving the management, health, and*
20 *survival of North Atlantic right whales.*

21 (IV) *A prioritized identification*
22 *of technology or research gaps.*

23 (V) *A plan to communicate the*
24 *risks of injury to large cetaceans to*
25 *ocean users in a manner that is most*

1 *likely to result in informed decision*
2 *making regarding the mitigation of*
3 *such risks.*

4 *(VI) Any other information on the*
5 *potential benefits and efficacy of the*
6 *pilot project the Under Secretary con-*
7 *siders appropriate.*

8 *(B) FINAL REPORT.—*

9 *(i) IN GENERAL.—Not later than 6*
10 *years after the date of enactment of this Act,*
11 *the Under Secretary, in coordination with*
12 *the heads of other relevant Federal agencies,*
13 *shall submit to the Committee on Com-*
14 *merce, Science, and Transportation of the*
15 *Senate and the Committee on Natural Re-*
16 *sources of the House of Representatives, and*
17 *make available to the public, a final report*
18 *on the pilot project.*

19 *(ii) ELEMENTS.—The report required*
20 *under clause (i) shall—*

21 *(I) address the preliminary report*
22 *required under subparagraph (A); and*

23 *(II) include—*

1 (aa) an assessment of the
2 benefits and efficacy of the pilot
3 project;

4 (bb) a strategic plan to ex-
5 pand the pilot project to provide
6 near real-time monitoring and
7 mitigation measures—

8 (AA) to additional large
9 cetaceans of concern for
10 which such measures would
11 reduce risk of serious injury
12 or death; and

13 (BB) in important feed-
14 ing, breeding, calving,
15 rearing, or migratory habi-
16 tats of large cetaceans that
17 co-occur with areas of high
18 risk of mortality or serious
19 injury from vessel strikes or
20 disturbance;

21 (cc) a budget and description
22 of funds necessary to carry out
23 such plan;

24 (dd) a prioritized plan for
25 acquisition, deployment, and

1 maintenance of monitoring tech-
2 nologies; and

3 (ee) the locations or species
4 to which such plan would apply.

5 (e) *MITIGATION PROTOCOLS.*—The Under Secretary,
6 in consultation with the Secretary, the Secretary of Defense,
7 the Secretary of Transportation, and the Secretary of the
8 Interior, and with input from affected stakeholders, shall
9 develop and deploy mitigation protocols that make use of
10 any monitoring system designed and deployed under this
11 section to direct sector-specific mitigation measures that
12 avoid and significantly reduce risk of serious injury and
13 mortality to North Atlantic right whales.

14 (f) *ACCESS TO DATA.*—The Under Secretary shall pro-
15 vide access to data generated by any monitoring system de-
16 signed and deployed under this section for purposes of sci-
17 entific research and evaluation and public awareness and
18 education, including through the Right Whale Sighting Ad-
19 visory System of the National Oceanic and Atmospheric
20 Administration and WhaleMap or other successor public
21 website portals, subject to review for national security con-
22 siderations.

23 (g) *ADDITIONAL AUTHORITY.*—The Under Secretary
24 may enter into and perform such contracts, leases, grants,
25 or cooperative agreements as may be necessary to carry out

1 *this section on such terms as the Under Secretary considers*
2 *appropriate, consistent with the Federal Acquisition Regu-*
3 *lation.*

4 (h) *SAVINGS CLAUSE.*—*An activity may not be carried*
5 *out under this section if the Secretary of Defense, in con-*
6 *sultation with the Under Secretary, determines that the ac-*
7 *tivity would negatively impact the defense readiness or the*
8 *national security of the United States.*

9 (i) *FUNDING.*—*From funds otherwise appropriated to*
10 *the Under Secretary \$5,000,000 is authorized to support de-*
11 *velopment, deployment, application, and ongoing mainte-*
12 *nance of the Program and to otherwise carry out this sec-*
13 *tion for each of fiscal years 2023 through 2027.*

14 **SEC. 11304. PILOT PROGRAM TO ESTABLISH A CETACEAN**
15 **DESK FOR PUGET SOUND REGION.**

16 (a) *ESTABLISHMENT.*—

17 (1) *IN GENERAL.*—*Not later than 1 year after*
18 *the date of enactment of this Act, the Secretary, with*
19 *the concurrence of the Under Secretary, shall carry*
20 *out a pilot program to establish a Cetacean Desk,*
21 *which shall be—*

22 (A) *located and manned within the Puget*
23 *Sound Vessel Traffic Service; and*

24 (B) *designed—*

1 (i) to improve coordination with the
2 maritime industry to reduce the risk of ves-
3 sel impacts on large cetaceans, including
4 impacts from vessel strikes, disturbances,
5 and other sources; and

6 (ii) to monitor the presence and loca-
7 tion of large cetaceans during the months
8 during which such large cetaceans are
9 present in Puget Sound, the Strait of Juan
10 de Fuca, and the United States portion of
11 the Salish Sea.

12 (2) *DURATION AND STAFFING.*—The pilot pro-
13 gram required under paragraph (1)—

14 (A) shall—

15 (i) be for a duration of 4 years; and

16 (ii) require not more than 1 full-time
17 equivalent position, who shall also con-
18 tribute to other necessary Puget Sound Ves-
19 sel Traffic Service duties and responsibil-
20 ities as needed; and

21 (B) may be supported by other existing
22 Federal employees, as appropriate.

23 (b) *ENGAGEMENT WITH VESSEL OPERATORS.*—

24 (1) *IN GENERAL.*—In carrying out the pilot pro-
25 gram required under subsection (a), the Secretary

1 *shall require personnel of the Cetacean Desk to engage*
2 *with vessel operators in areas where large cetaceans*
3 *have been seen or could reasonably be present to en-*
4 *sure compliance with applicable laws, regulations,*
5 *and voluntary guidance, to reduce the impact of vessel*
6 *traffic on large cetaceans.*

7 (2) *CONTENTS.—In engaging with vessel opera-*
8 *tors as required under paragraph (1), personnel of the*
9 *Cetacean Desk shall communicate where and when*
10 *sightings of large cetaceans have occurred.*

11 (c) *MEMORANDUM OF UNDERSTANDING.—The Sec-*
12 *retary and the Under Secretary may enter into a memo-*
13 *randum of understanding to facilitate real-time sharing of*
14 *data relating to large cetaceans between the Quiet Sound*
15 *program of the State of Washington, the National Oceanic*
16 *and Atmospheric Administration, the Puget Sound Vessel*
17 *Traffic Service, and other relevant entities, as appropriate.*

18 (d) *DATA.—The Under Secretary shall leverage exist-*
19 *ing data collection methods, the program required by sec-*
20 *tion 11303, and public data to ensure accurate and timely*
21 *information on the sighting of large cetaceans.*

22 (e) *CONSULTATIONS.—*

23 (1) *IN GENERAL.—In carrying out the pilot pro-*
24 *gram required under subsection (a), the Secretary*
25 *shall consult with Tribal governments, the State of*

1 *Washington, institutions of higher education, the*
2 *maritime industry, ports in the Puget Sound region,*
3 *and nongovernmental organizations.*

4 (2) *COORDINATION WITH CANADA.*—*When appro-*
5 *priate, the Secretary shall coordinate with the Gov-*
6 *ernment of Canada, consistent with policies and*
7 *agreements relating to management of vessel traffic in*
8 *Puget Sound.*

9 (f) *PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL*
10 *VARIANCE AND POLICY.*—*The Secretary, with the concur-*
11 *rence of the Under Secretary and in consultation with the*
12 *Captain of the Port for the Puget Sound region—*

13 (1) *shall implement local variances, as author-*
14 *ized by subsection (c) of section 70001 of title 46,*
15 *United States Code, to reduce the impact of vessel*
16 *traffic on large cetaceans; and*

17 (2) *may enter into cooperative agreements, in*
18 *accordance with subsection (d) of such section, with*
19 *Federal, State, Tribal, and local officials to reduce the*
20 *likelihood of vessel interactions with protected large*
21 *cetaceans, which may include—*

22 (A) *communicating marine mammal pro-*
23 *tection guidance to vessels;*

1 (B) training on requirements imposed by
2 local, State, Tribal, and Federal laws and regu-
3 lations and guidelines concerning—

4 (i) vessel buffer zones;

5 (ii) vessel speed;

6 (iii) seasonal no-go zones for vessels;

7 (iv) protected areas, including areas
8 designated as critical habitat, as applicable
9 to marine operations; and

10 (v) any other activities to reduce the
11 direct and indirect impact of vessel traffic
12 on large cetaceans;

13 (C) training to understand, utilize, and
14 communicate large cetacean location data; and

15 (D) training to understand and commu-
16 nicate basic large cetacean detection, identifica-
17 tion, and behavior, including—

18 (i) cues of the presence of large
19 cetaceans such as spouts, water disturb-
20 ances, breaches, or presence of prey;

21 (ii) important feeding, breeding,
22 calving, and rearing habitats that co-occur
23 with areas of high risk of vessel strikes;

1 (iii) seasonal large cetacean migration
2 routes that co-occur with areas of high risk
3 of vessel strikes; and

4 (iv) areas designated as critical habi-
5 tat for large cetaceans.

6 (g) *REPORT REQUIRED.*—Not later than 1 year after
7 the date of enactment of this Act, and every 2 years there-
8 after for the duration of the pilot program, the Com-
9 mandant, in coordination with the Under Secretary and
10 the Administrator of the Maritime Administration, shall
11 submit to the appropriate congressional committees a report
12 that—

13 (1) evaluates the functionality, utility, reli-
14 ability, responsiveness, and operational status of the
15 Cetacean Desk established under this section, includ-
16 ing a quantification of reductions in vessel strikes to
17 large cetaceans as a result of the pilot program;

18 (2) assesses the efficacy of communication be-
19 tween the Cetacean Desk and the maritime industry
20 and provides recommendations for improvements;

21 (3) evaluates the integration and interoperability
22 of existing data collection methods, as well as public
23 data, into the Cetacean Desk operations;

24 (4) assesses the efficacy of collaboration and
25 stakeholder engagement with Tribal governments, the

1 *State of Washington, institutions of higher education,*
2 *the maritime industry, ports in the Puget Sound re-*
3 *gion, and nongovernmental organizations; and*

4 *(5) evaluates the progress, performance, and im-*
5 *plementation of guidance and training procedures for*
6 *Puget Sound Vessel Traffic Service personnel, as re-*
7 *quired under subsection (f).*

8 **SEC. 11305. MONITORING OCEAN SOUNDSCAPES.**

9 *(a) IN GENERAL.—The Under Secretary shall main-*
10 *tain and expand an ocean soundscape development pro-*
11 *gram to—*

12 *(1) award grants to expand the deployment of*
13 *Federal and non-Federal observing and data manage-*
14 *ment systems capable of collecting measurements of*
15 *underwater sound for purposes of monitoring and*
16 *analyzing baselines and trends in the underwater*
17 *soundscape to protect and manage marine life;*

18 *(2) continue to develop and apply standardized*
19 *forms of measurements to assess sounds produced by*
20 *marine animals, physical processes, and anthropo-*
21 *genic activities; and*

22 *(3) after coordinating with the Secretary of De-*
23 *fense, coordinate and make accessible to the public the*
24 *datasets, modeling and analysis, and user-driven*
25 *products and tools resulting from observations of un-*

1 *derwater sound funded through grants awarded under*
2 *paragraph (1).*

3 *(b) COORDINATION.—The program described in sub-*
4 *section (a) shall—*

5 *(1) include the Ocean Noise Reference Station*
6 *Network of the National Oceanic and Atmospheric*
7 *Administration and the National Park Service;*

8 *(2) use and coordinate with the Integrated Ocean*
9 *Observing System; and*

10 *(3) coordinate with the Regional Ocean Partner-*
11 *ships and the Director of the United States Fish and*
12 *Wildlife Service, as appropriate.*

13 *(c) PRIORITY.—In awarding grants under subsection*
14 *(a), the Under Secretary shall consider the geographic di-*
15 *versity of the recipients of such grants.*

16 *(d) SAVINGS CLAUSE.—An activity may not be carried*
17 *out under this section if the Secretary of Defense, in con-*
18 *sultation with the Under Secretary, determines that the ac-*
19 *tivity would negatively impact the defense readiness or the*
20 *national security of the United States.*

21 *(e) FUNDING.—From funds otherwise appropriated to*
22 *the Under Secretary, \$1,500,000 is authorized for each of*
23 *fiscal years 2023 through 2028 to carry out this section.*

Subtitle B—Oil Spills

SEC. 11306. REPORT ON CHANGING SALVORS.

Section 311(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(3)) is amended by adding at the end the following:

“(C) In any case in which the President or the Federal On-Scene Coordinator authorizes a deviation from the salvor as part of a deviation under subparagraph (B) from the applicable response plan required under subsection (j), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the deviation and the reasons for such deviation not less than 3 days after such deviation is authorized.”.

SEC. 11307. LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), a contract with the Coast Guard for the containment or removal of a discharge entered into by the President under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) shall contain a provision to indemnify a contractor for liabilities and expenses incidental to the containment or removal arising out of the performance of

1 *the contract that is substantially identical to the terms con-*
2 *tained in subsections (d) through (h) of section H.4 (except*
3 *for paragraph (1) of subsection (d)) of the contract offered*
4 *by the Coast Guard in the solicitation numbered DTTCG89-*
5 *98-A-68F953, dated November 17, 1998.*

6 (b) *REQUIREMENTS.—*

7 (1) *SOURCE OF FUNDS.—The provision required*
8 *under subsection (a) shall include a provision that the*
9 *obligation to indemnify is limited to funds available*
10 *in the Oil Spill Liability Trust Fund established by*
11 *section 9509(a) of the Internal Revenue Code of 1986*
12 *at the time the claim for indemnity is made.*

13 (2) *UNCOMPENSATED REMOVAL.—A claim for*
14 *indemnity under a contract described in subsection*
15 *(a) shall be made as a claim for uncompensated re-*
16 *moval costs under section 1012(a)(4) of the Oil Pollu-*
17 *tion Act of 1990 (33 U.S.C. 2712(a)(4)).*

18 (3) *LIMITATION.—The total indemnity for a*
19 *claim under a contract described in subsection (a)*
20 *may not be more than \$50,000 per incident.*

21 (c) *APPLICABILITY OF EXEMPTIONS.—Notwith-*
22 *standing subsection (a), the United States shall not be obli-*
23 *gated to indemnify a contractor for any act or omission*
24 *of the contractor carried out pursuant to a contract entered*

1 *into under this section where such act or omission is grossly*
2 *negligent or which constitutes willful misconduct.*

3 **SEC. 11308. IMPROVING OIL SPILL PREPAREDNESS.**

4 *The Under Secretary of Commerce for Oceans and At-*
5 *mosphere shall include in the Automated Data Inquiry for*
6 *Oil Spills database (or a successor database) used by Na-*
7 *tional Oceanic and Atmospheric Administration oil weath-*
8 *ering models new data, including peer-reviewed data, on*
9 *properties of crude and refined oils, including data on di-*
10 *luted bitumen, as such data becomes publicly available.*

11 **SEC. 11309. WESTERN ALASKA OIL SPILL PLANNING CRI-**
12 **TERIA.**

13 *(a) ALASKA OIL SPILL PLANNING CRITERIA PRO-*
14 *GRAM.—*

15 *(1) IN GENERAL.—Chapter 3 of title 14, United*
16 *States Code, is amended by adding at the end the fol-*
17 *lowing:*

18 **“§323. Western Alaska Oil Spill Planning Criteria**
19 **Program**

20 *“(a) ESTABLISHMENT.—There is established within*
21 *the Coast Guard a Western Alaska Oil Spill Planning Cri-*
22 *teria Program (referred to in this section as the ‘Program’)*
23 *to develop and administer the Western Alaska oil spill plan-*
24 *ning criteria.*

25 *“(b) PROGRAM MANAGER.—*

1 “(1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this section, the Com-
3 mandant shall select a permanent civilian career em-
4 ployee through a competitive search process for a term
5 of not less than 5 years to serve as the Western Alaska
6 Oil Spill Criteria Program Manager (referred to in
7 this section as the ‘Program Manager’)—

8 “(A) the primary duty of whom shall be to
9 administer the Program; and

10 “(B) who shall not be subject to frequent or
11 routine reassignment.

12 “(2) *CONFLICTS OF INTEREST.*—The individual
13 selected to serve as the Program Manager shall not
14 have conflicts of interest relating to entities regulated
15 by the Coast Guard.

16 “(3) *DUTIES.*—

17 “(A) *DEVELOPMENT OF GUIDANCE.*—The
18 Program Manager shall develop guidance for—

19 “(i) approval, drills, and testing relat-
20 ing to the Western Alaska oil spill planning
21 criteria; and

22 “(ii) gathering input concerning such
23 planning criteria from Federal agencies,
24 State and local governments, Tribes, and

1 *relevant industry and nongovernmental en-*
2 *tities.*

3 “(B) *ASSESSMENTS.*—*Not less frequently*
4 *than once every 5 years, the Program Manager*
5 *shall—*

6 “(i) *assess whether such existing plan-*
7 *ning criteria adequately meet the needs of*
8 *vessels operating in the geographic area;*
9 *and*

10 “(ii) *identify methods for advancing*
11 *response capability so as to achieve, with*
12 *respect to a vessel, compliance with national*
13 *planning criteria.*

14 “(C) *ONSITE VERIFICATIONS.*—*The Pro-*
15 *gram Manager shall address the relatively small*
16 *number and limited nature of verifications of re-*
17 *sponse capabilities for vessel response plans by*
18 *increasing, within the Seventeenth Coast Guard*
19 *District, the quantity and frequency of onsite*
20 *verifications of the providers identified in vessel*
21 *response plans.*

22 “(c) *TRAINING.*—*The Commandant shall enhance the*
23 *knowledge and proficiency of Coast Guard personnel with*
24 *respect to the Program by—*

1 “(1) *developing formalized training on the Pro-*
2 *gram that, at a minimum—*

3 “(A) *provides in-depth analysis of—*

4 “(i) *the national planning criteria de-*
5 *scribed in part 155 of title 33, Code of Fed-*
6 *eral Regulations (as in effect on the date of*
7 *enactment of this section);*

8 “(ii) *alternative planning criteria;*

9 “(iii) *Western Alaska oil spill plan-*
10 *ning criteria;*

11 “(iv) *Captain of the Port and Federal*
12 *On-Scene Coordinator authorities related to*
13 *activation of a vessel response plan;*

14 “(v) *the responsibilities of vessel own-*
15 *ers and operators in preparing a vessel re-*
16 *sponse plan for submission; and*

17 “(vi) *responsibilities of the Area Com-*
18 *mittee, including risk analysis, response ca-*
19 *pability, and development of alternative*
20 *planning criteria;*

21 “(B) *explains the approval processes of ves-*
22 *sel response plans that involve alternative plan-*
23 *ning criteria or Western Alaska oil spill plan-*
24 *ning criteria; and*

1 “(C) provides instruction on the processes
2 involved in carrying out the actions described in
3 paragraphs (9)(D) and (9)(F) of section 311(j)
4 of the Federal Water Pollution Control Act (33
5 U.S.C. 1321(j)), including instruction on car-
6 rying out such actions—

7 “(i) in any geographic area in the
8 United States; and

9 “(ii) specifically in the Seventeenth
10 Coast Guard District; and

11 “(2) providing such training to all Coast Guard
12 personnel involved in the Program.

13 “(d) DEFINITIONS.—In this section:

14 “(1) ALTERNATIVE PLANNING CRITERIA.—The
15 term ‘alternative planning criteria’ means criteria
16 submitted under section 155.1065 or 155.5067 of title
17 33, Code of Federal Regulations (as in effect on the
18 date of enactment of this section), for vessel response
19 plans.

20 “(2) TRIBE.—The term ‘Tribe’ has the meaning
21 given the term ‘Indian Tribe’ in section 4 of the In-
22 dian Self-Determination and Education Assistance
23 Act (25 U.S.C. 5304).

24 “(3) VESSEL RESPONSE PLAN.—The term ‘vessel
25 response plan’ means a plan required to be submitted

1 *by the owner or operator of a tank vessel or a*
 2 *nontank vessel under regulations issued by the Presi-*
 3 *dent under section 311(j)(5) of the Federal Water Pol-*
 4 *lution Control Act (33 U.S.C. 1321(j)(5)).*

5 “(4) WESTERN ALASKA OIL SPILL PLANNING CRI-
 6 TERIA.—The term ‘Western Alaska oil spill planning
 7 criteria’ means the criteria required to be established
 8 under paragraph (9) of section 311(j) of the Federal
 9 Water Pollution Control Act (33 U.S.C. 1321(j)).”.

10 (2) CLERICAL AMENDMENT.—The analysis for
 11 chapter 3 of title 14, United States Code, is amended
 12 by adding at the end the following:

“323. Western Alaska Oil Spill Planning Criteria Program.”.

13 (b) WESTERN ALASKA OIL SPILL PLANNING CRI-
 14 TERIA.—

15 (1) AMENDMENT.—Section 311(j) of the Federal
 16 Water Pollution Control Act (33 U.S.C. 1321(j)) is
 17 amended by adding at the end the following:

18 “(9) WESTERN ALASKA OIL SPILL PLANNING CRI-
 19 TERIA PROGRAM.—

20 “(A) DEFINITIONS.—In this paragraph:

21 “(i) ALTERNATIVE PLANNING CRI-
 22 TERIA.—The term ‘alternative planning cri-
 23 teria’ means criteria submitted under sec-
 24 tion 155.1065 or 155.5067 of title 33, Code
 25 of Federal Regulations (as in effect on the

1 *date of enactment of this paragraph), for*
2 *vessel response plans.*

3 “(ii) *PRINCE WILLIAM SOUND CAPTAIN*
4 *OF THE PORT ZONE.*—*The term ‘Prince*
5 *William Sound Captain of the Port Zone’*
6 *means the area described in section 3.85–*
7 *15(b) of title 33, Code of Federal Regula-*
8 *tions (or successor regulations).*

9 “(iii) *SECRETARY.*—*The term ‘Sec-*
10 *retary’ means the Secretary of the depart-*
11 *ment in which the Coast Guard is oper-*
12 *ating.*

13 “(iv) *VESSEL RESPONSE PLAN.*—*The*
14 *term ‘vessel response plan’ means a plan re-*
15 *quired to be submitted by the owner or oper-*
16 *ator of a tank vessel or a nontank vessel*
17 *under regulations issued by the President*
18 *under paragraph (5).*

19 “(v) *WESTERN ALASKA CAPTAIN OF*
20 *THE PORT ZONE.*—*The term ‘Western Alas-*
21 *ka Captain of the Port Zone’ means the*
22 *area described in section 3.85–15(a) of title*
23 *33, Code of Federal Regulations (as in effect*
24 *on the date of enactment of this paragraph).*

1 “(B) *REQUIREMENT.*—*Except as provided*
2 *in subparagraph (I), for any part of the area of*
3 *responsibility of the Western Alaska Captain of*
4 *the Port Zone or the Prince William Sound Cap-*
5 *tain of the Port Zone for which the Secretary has*
6 *determined that the national planning criteria*
7 *established pursuant to this subsection are inap-*
8 *propriate for a vessel operating in such area, a*
9 *vessel response plan with respect to a discharge*
10 *of oil for such a vessel shall comply with the*
11 *Western Alaska oil spill planning criteria estab-*
12 *lished under subparagraph (D)(i).*

13 “(C) *RELATION TO NATIONAL PLANNING*
14 *CRITERIA.*—*The Western Alaska oil spill plan-*
15 *ning criteria established under subparagraph*
16 *(D)(i) shall, with respect to a discharge of oil*
17 *from a vessel described in subparagraph (B),*
18 *apply in lieu of any alternative planning cri-*
19 *teria accepted for vessels operating, prior to the*
20 *date on which the Western Alaska oil spill plan-*
21 *ning criteria are established, in any part of the*
22 *area of responsibility of the Western Alaska Cap-*
23 *tain of the Port Zone or the Prince William*
24 *Sound Captain of the Port Zone for which the*
25 *Secretary has determined that the national plan-*

1 *ning criteria established pursuant to this sub-*
2 *section are inappropriate for a vessel operating*
3 *in such area.*

4 “(D) *ESTABLISHMENT OF WESTERN ALASKA*
5 *OIL SPILL PLANNING CRITERIA.—*

6 “(i) *IN GENERAL.—The President, act-*
7 *ing through the Commandant, in consulta-*
8 *tion with the Western Alaska Oil Spill Cri-*
9 *teria Program Manager selected under sec-*
10 *tion 323 of title 14, United States Code,*
11 *shall establish—*

12 “(I) *Western Alaska oil spill plan-*
13 *ning criteria for a worst case discharge*
14 *of oil, and a substantial threat of such*
15 *a discharge, within any part of the*
16 *area of responsibility of the Western*
17 *Alaska Captain of the Port Zone or*
18 *Prince William Sound Captain of the*
19 *Port Zone for which the Secretary has*
20 *determined that the national planning*
21 *criteria established pursuant to this*
22 *subsection are inappropriate for a ves-*
23 *sel operating in such area; and*

24 “(II) *standardized submission, re-*
25 *view, 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 estab-
11 *lishing 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 title*
21 *14, United States Code, may develop*
22 *subregions for which planning criteria*
23 *may differ from planning criteria for*
24 *other subregions in the Western Alaska*
25 *Captain of the Port Zone.*

1 “(II) *LIMITATION.*—Any planning
2 *criteria for a subregion developed*
3 *under this clause may not be less strin-*
4 *gent than the Western Alaska oil spill*
5 *planning criteria established under*
6 *clause (i).*

7 “(iii) *ASSESSMENT.*—

8 “(I) *IN GENERAL.*—Prior to devel-
9 *oping a subregion, the President, act-*
10 *ing through the Commandant, shall*
11 *conduct an assessment on any poten-*
12 *tial impacts to the entire Western Alas-*
13 *ka Captain of the Port Zone to include*
14 *quantity and availability of response*
15 *resources in the proposed subregion*
16 *and in surrounding areas and any*
17 *changes or impacts to surrounding*
18 *areas resulting in the development of a*
19 *subregion with different standards.*

20 “(II) *CONSULTATION.*—In con-
21 *ducting an assessment under this*
22 *clause, the President, acting through*
23 *the Commandant, shall consult with*
24 *State and local governments, Tribes (as*
25 *defined in section 323 of title 14,*

1 *United States Code*), the owners and
2 operators that would operate under the
3 proposed subregions, oil spill removal
4 organizations, Alaska Native organiza-
5 tions, and environmental nongovern-
6 mental organizations, and shall take
7 into account any experience with the
8 prior use of subregions within the
9 State of Alaska.

10 “(III) *SUBMISSION*.—The Presi-
11 dent, acting through the Commandant,
12 shall submit the results of an assess-
13 ment conducted under this clause to the
14 Committee on Transportation and In-
15 frastructure of the House of Represent-
16 atives and the Committee on Com-
17 merce, Science, and Transportation of
18 the Senate.

19 “(E) *INCLUSIONS*.—

20 “(i) *REQUIREMENTS*.—The Western
21 Alaska oil spill planning criteria estab-
22 lished under subparagraph (D)(i) shall in-
23 clude planning criteria for the following:

24 “(I) *Mechanical oil spill response*
25 resources that are required to be lo-

1 *cated within any part of the area of*
2 *responsibility of the Western Alaska*
3 *Captain of the Port Zone or the Prince*
4 *William Sound Captain of the Port*
5 *Zone for which the Secretary has deter-*
6 *mined that the national planning cri-*
7 *teria established pursuant to this sub-*
8 *section are inappropriate for a vessel*
9 *operating in such area.*

10 *“(II) Response times for mobiliza-*
11 *tion of oil spill response resources and*
12 *arrival on the scene of a worst case*
13 *discharge of oil, or substantial threat of*
14 *such a discharge, occurring within*
15 *such part of such area.*

16 *“(III) Pre-identified vessels for oil*
17 *spill response that are capable of oper-*
18 *ating in the ocean environment.*

19 *“(IV) Ensuring the availability of*
20 *at least 1 oil spill removal organiza-*
21 *tion that is classified by the Coast*
22 *Guard and that—*

23 *“(aa) is capable of respond-*
24 *ing in all operating environments*
25 *in such part of such area;*

1 “(bb) controls oil spill re-
2 sponse resources of dedicated and
3 nondedicated resources within
4 such part of such area, through
5 ownership, contracts, agreements,
6 or other means approved by the
7 President, sufficient—

8 “(AA) to mobilize and
9 sustain a response to a worst
10 case discharge of oil; and

11 “(BB) to contain, re-
12 cover, and temporarily store
13 discharged oil;

14 “(cc) has pre-positioned oil
15 spill response resources in stra-
16 tegic locations throughout such
17 part of such area in a manner
18 that ensures the ability to support
19 response personnel, marine oper-
20 ations, air cargo, or other related
21 logistics infrastructure;

22 “(dd) has temporary storage
23 capability using both dedicated
24 and non-dedicated assets located
25 within such part of such area;

1 “(ee) has non-mechanical oil
2 spill response resources capable of
3 responding to a discharge of per-
4 sistent oil and a discharge of non-
5 persistent oil, whether the dis-
6 charged oil was carried by a ves-
7 sel as fuel or cargo; and

8 “(ff) has wildlife response re-
9 sources for primary, secondary,
10 and tertiary responses to support
11 carcass collection, sampling, deter-
12 rence, rescue, and rehabilitation of
13 birds, sea turtles, marine mam-
14 mals, fishery resources, and other
15 wildlife.

16 “(V) With respect to tank barges
17 carrying nonpersistent oil in bulk as
18 cargo, oil spill response resources that
19 are required to be carried on board.

20 “(VI) Specifying a minimum
21 length of time that approval of a vessel
22 response plan under this paragraph is
23 valid.

24 “(VII) Managing wildlife protec-
25 tion and rehabilitation, including

1 *identified wildlife protection and reha-*
2 *ilitation resources in that area.*

3 “(ii) *ADDITIONAL CONSIDERATIONS.—*
4 *The Western Alaska oil spill planning cri-*
5 *teria established under subparagraph (D)(i)*
6 *may include planning criteria for the fol-*
7 *lowing:*

8 “(I) *Vessel routing measures con-*
9 *sistent with international routing*
10 *measure deviation protocols.*

11 “(II) *Maintenance of real-time*
12 *continuous vessel tracking, monitoring,*
13 *and engagement protocols with the*
14 *ability to detect and address vessel op-*
15 *eration anomalies.*

16 “(F) *REQUIREMENT FOR APPROVAL.—The*
17 *President may approve a vessel response plan for*
18 *a vessel under this paragraph only if the owner*
19 *or operator of the vessel demonstrates the avail-*
20 *ability of the oil spill response resources required*
21 *to be included in the vessel response plan under*
22 *the Western Alaska oil spill planning criteria es-*
23 *tablished under subparagraph (D)(i).*

24 “(G) *PERIODIC AUDITS.—The Secretary*
25 *shall conduct periodic audits to ensure compli-*

1 *ance of vessel response plans and oil spill re-*
2 *moval organizations within the Western Alaska*
3 *Captain of the Port Zone and the Prince Wil-*
4 *liam Sound Captain of the Port Zone with the*
5 *Western Alaska oil spill planning criteria estab-*
6 *lished under subparagraph (D)(i).*

7 “(H) *REVIEW OF DETERMINATION.*—Not
8 *less frequently than once every 5 years, the Sec-*
9 *retary shall review each determination of the*
10 *Secretary under subparagraph (B) that the na-*
11 *tional planning criteria established pursuant to*
12 *this subsection are inappropriate for a vessel op-*
13 *erating in the area of responsibility of the West-*
14 *ern Alaska Captain of the Port Zone and the*
15 *Prince William Sound Captain of the Port Zone.*

16 “(I) *VESSELS IN COOK INLET.*—Unless oth-
17 *erwise authorized by the Secretary, a vessel may*
18 *only operate in Cook Inlet, Alaska, under a ves-*
19 *sel response plan approved under paragraph (5)*
20 *that meets the requirements of the national plan-*
21 *ning criteria established pursuant to this sub-*
22 *section.*

23 “(J) *SAVINGS PROVISIONS.*—Nothing in this
24 *paragraph affects—*

1 “(i) the requirements under this sub-
2 section applicable to vessel response plans
3 for vessels operating within the area of re-
4 sponsibility of the Western Alaska Captain
5 of the Port Zone, within Cook Inlet, Alaska;

6 “(ii) 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 Prince William Sound
10 Captain of the Port Zone that are subject to
11 section 5005 of the Oil Pollution Act of
12 1990 (33 U.S.C. 2735); or

13 “(iii) the authority of a Federal On-
14 Scene Coordinator to use any available re-
15 sources when responding to an oil spill.”.

16 (2) *ESTABLISHMENT OF WESTERN ALASKA OIL*
17 *SPILL PLANNING CRITERIA.*—

18 (A) *DEADLINE.*—Not later than 2 years
19 after the date of enactment of this Act, the Presi-
20 dent shall establish the Western Alaska oil spill
21 planning criteria required to be established
22 under paragraph (9)(D)(i) of section 311(j) of
23 the Federal Water Pollution Control Act (33
24 U.S.C. 1321(j)).

1 (B) *CONSULTATION.*—*In establishing the*
2 *Western Alaska oil spill planning criteria de-*
3 *scribed in subparagraph (A), the President shall*
4 *consult with the Federal agencies, State and*
5 *local governments, Tribes (as defined in section*
6 *323 of title 14, United States Code), the owners*
7 *and operators that would be subject to such plan-*
8 *ning criteria, oil spill removal organizations,*
9 *Alaska Native organizations, and environmental*
10 *nongovernmental organizations.*

11 (C) *CONGRESSIONAL REPORT.*—*Not later*
12 *than 2 years after the date of enactment of this*
13 *Act, the Secretary shall submit to Congress a re-*
14 *port describing the status of implementation of*
15 *paragraph (9) of section 311(j) of the Federal*
16 *Water Pollution Control Act (33 U.S.C. 1321(j)).*

17 **SEC. 11310. COAST GUARD CLAIMS PROCESSING COSTS.**

18 *Section 1012(a)(4) of the Oil Pollution Act of 1990 (33*
19 *U.S.C. 2712(a)(4)) is amended by striking “damages;” and*
20 *inserting “damages, including, in the case of a spill of na-*
21 *tional significance that results in extraordinary Coast*
22 *Guard claims processing activities, the administrative and*
23 *personnel costs of the Coast Guard to process such claims*
24 *(including the costs of commercial claims processing, expert*
25 *services, training, and technical services), subject to the con-*

1 *dition that the Coast Guard shall submit to Congress a re-*
2 *port describing each spill of national significance not later*
3 *than 30 days after the date on which the Coast Guard deter-*
4 *mines it necessary to process such claims;”.*

5 **SEC. 11311. CALCULATION OF INTEREST ON DEBT OWED TO**
6 **NATIONAL POLLUTION FUND.**

7 *Section 1005(b)(4) of the Oil Pollution Act of 1990 (33*
8 *U.S.C. 2705(b)(4)) is amended—*

9 *(1) by striking “The interest paid” and inserting*
10 *the following:*

11 *“(A) IN GENERAL.—The interest paid for*
12 *claims, other than Federal Government cost re-*
13 *covery claims,”; and*

14 *(2) by adding at the end the following:*

15 *“(B) FEDERAL COST RECOVERY CLAIMS.—*
16 *The interest paid for Federal Government cost*
17 *recovery claims under this section shall be cal-*
18 *culated in accordance with section 3717 of title*
19 *31, United States Code.”.*

20 **SEC. 11312. PER-INCIDENT LIMITATION.**

21 *Subparagraph (A) of section 9509(c)(2) of the Internal*
22 *Revenue Code of 1986 is amended—*

23 *(1) in clause (i) by striking “\$1,000,000,000”*
24 *and inserting “\$1,500,000,000”;*

1 (2) *in clause (ii) by striking “\$500,000,000” and*
2 *inserting “\$750,000,000”; and*

3 (3) *in the heading by striking “\$1,000,000,000”*
4 *and inserting “\$1,500,000,000”.*

5 **SEC. 11313. ACCESS TO OIL SPILL LIABILITY TRUST FUND.**

6 *Section 6002 of the Oil Pollution Act of 1990 (33*
7 *U.S.C. 2752) is amended by striking subsection (b) and in-*
8 *serting the following:*

9 “(b) *EXCEPTIONS.—*

10 “(1) *IN GENERAL.—*Subsection (a) shall not
11 *apply to—*

12 “(A) *section 1006(f), 1012(a)(4), or 5006; or*

13 “(B) *an amount, which may not exceed*
14 *\$50,000,000 in any fiscal year, made available*
15 *by the President from the Fund—*

16 “(i) *to carry out section 311(c) of the*
17 *Federal Water Pollution Control Act (33*
18 *U.S.C. 1321(c)); and*

19 “(ii) *to initiate the assessment of nat-*
20 *ural resources damages required under sec-*
21 *tion 1006.*

22 “(2) *FUND ADVANCES.—*

23 “(A) *IN GENERAL.—*To the extent that the
24 *amount described in subparagraph (B) of para-*
25 *graph (1) is not adequate to carry out the activi-*

1 *ties described in such subparagraph, the Coast*
2 *Guard may obtain 1 or more advances from the*
3 *Fund as may be necessary, up to a maximum of*
4 *\$100,000,000 for each advance, with the total*
5 *amount of advances not to exceed the amounts*
6 *available under section 9509(c)(2) of the Internal*
7 *Revenue Code of 1986.*

8 “(B) *NOTIFICATION TO CONGRESS.*—*Not*
9 *later than 30 days after the date on which the*
10 *Coast Guard obtains an advance under subpara-*
11 *graph (A), the Coast Guard shall notify Congress*
12 *of—*

13 *“(i) the amount advanced; and*

14 *“(ii) the facts and circumstances that*
15 *necessitated the advance.*

16 “(C) *REPAYMENT.*—*Amounts advanced*
17 *under this paragraph shall be repaid to the*
18 *Fund when, and to the extent that, removal costs*
19 *are recovered by the Coast Guard from respon-*
20 *sible parties for the discharge or substantial*
21 *threat of discharge.*

22 “(3) *AVAILABILITY.*—*Amounts to which this sub-*
23 *section applies shall remain available until ex-*
24 *pendent.”.*

1 **SEC. 11314. COST-REIMBURSABLE AGREEMENTS.**

2 *Section 1012 of the Oil Pollution Act of 1990 (33*
3 *U.S.C. 2712) is amended—*

4 *(1) in subsection (a)(1)(B) by striking “by a*
5 *Governor or designated State official” and inserting*
6 *“by a State, a political subdivision of a State, or an*
7 *Indian tribe, pursuant to a cost-reimbursable agree-*
8 *ment”;*

9 *(2) by striking subsections (d) and (e) and in-*
10 *serting the following:*

11 *“(d) COST-REIMBURSABLE AGREEMENT.—*

12 *“(1) IN GENERAL.—In carrying out section*
13 *311(c) of the Federal Water Pollution Control Act (33*
14 *U.S.C. 1321(c)), the President may enter into cost-re-*
15 *imbursable agreements with a State, a political sub-*
16 *division of a State, or an Indian tribe to obligate the*
17 *Fund for the payment of removal costs consistent with*
18 *the National Contingency Plan.*

19 *“(2) INAPPLICABILITY.—Chapter 63 and section*
20 *1535 of title 31, United States Code shall not apply*
21 *to a cost-reimbursable agreement entered into under*
22 *this subsection.”; and*

23 *(3) by redesignating subsections (f), (h), (i), (j),*
24 *(k), and (l) as subsections (e), (f), (g), (h), (i), and*
25 *(j), respectively.*

1 **SEC. 11315. OIL SPILL RESPONSE REVIEW.**

2 (a) *IN GENERAL.*—Subject to the availability of appro-
3 priations, the Commandant shall develop and carry out a
4 program—

5 (1) *to increase collection and improve the quality*
6 *of incident data on oil spill location and response ca-*
7 *pability by periodically evaluating the data, docu-*
8 *mentation, and analysis of—*

9 (A) *Coast Guard-approved vessel response*
10 *plans, including vessel response plan audits and*
11 *assessments;*

12 (B) *oil spill response drills conducted under*
13 *section 311(j)(7) of the Federal Water Pollution*
14 *Control Act (33 U.S.C. 1321(j)(7)) that occur*
15 *within the Marine Transportation System; and*

16 (C) *responses to oil spill incidents that re-*
17 *quire mobilization of contracted response re-*
18 *sources;*

19 (2) *to improve the effectiveness of vessel response*
20 *plans by—*

21 (A) *systematically reviewing the capacity of*
22 *an oil spill response organization identified in a*
23 *vessel response plan to provide the specific re-*
24 *sponse resources, such as private personnel,*
25 *equipment, other vessels identified in such vessel*
26 *response plan; and*

1 (B) approving a vessel response plan only
2 after confirming the identified oil spill response
3 organization has the capacity to provide such re-
4 sponse resources;

5 (3) to update, not less frequently than annually,
6 information contained in the Coast Guard Response
7 Resource Inventory and other Coast Guard tools used
8 to document the availability and status of oil spill re-
9 sponse equipment, so as to ensure that such informa-
10 tion remains current; and

11 (4) subject to section 552 of title 5, United States
12 Code (commonly known as the “Freedom of Informa-
13 tion Act”), to make data collected under paragraph
14 (1) available to the public.

15 (b) *POLICY*.—Not later than 1 year after the date of
16 enactment of this Act, the Commandant shall issue a pol-
17 icy—

18 (1) to establish processes to maintain the pro-
19 gram under subsection (a) and support Coast Guard
20 oil spill prevention and response activities, including
21 by incorporating oil spill incident data from after-ac-
22 tion oil spill reports and data ascertained from vessel
23 response plan exercises and audits into—

24 (A) review and approval process standards
25 and metrics;

1 (B) *alternative planning criteria review*
2 *processes;*

3 (C) *Area Contingency Plan development;*

4 (D) *risk assessments developed under section*
5 *70001 of title 46, United States Code, including*
6 *lessons learned from reportable marine casual-*
7 *ties;*

8 (E) *processes and standards which mitigate*
9 *the impact of military personnel rotations in*
10 *Coast Guard field units on knowledge and*
11 *awareness of vessel response plan requirements,*
12 *including knowledge relating to the evaluation of*
13 *proposed alternatives to national planning re-*
14 *quirements; and*

15 (F) *processes and standards which evaluate*
16 *the consequences of reporting inaccurate data in*
17 *vessel response plans submitted to the Com-*
18 *mandant pursuant to part 300 of title 40, Code*
19 *of Federal Regulations, and submitted for storage*
20 *in the Marine Information for Safety and Law*
21 *Enforcement database pursuant to section*
22 *300.300 of such title (or any successor regula-*
23 *tion);*

24 (2) *to standardize and develop tools, training,*
25 *and other relevant guidance that may be shared with*

1 *vessel owners and operators to assist with accurately*
2 *calculating and measuring the performance and via-*
3 *bility of proposed alternatives to national planning*
4 *criteria requirements and Area Contingency Plans*
5 *administered by the Coast Guard;*

6 *(3) to improve training of Coast Guard per-*
7 *sonnel to ensure continuity of planning activities*
8 *under this section, including by identifying ways in*
9 *which civilian staffing may improve the continuity of*
10 *operations; and*

11 *(4) to increase Federal Government engagement*
12 *with State, local, and Tribal governments and stake-*
13 *holders so as to strengthen coordination and efficiency*
14 *of oil spill responses.*

15 *(c) PERIODIC UPDATES.—Not less frequently than*
16 *every 5 years, the Commandant shall update the processes*
17 *established under subsection (b)(1) to incorporate relevant*
18 *analyses of—*

19 *(1) incident data on oil spill location and re-*
20 *sponse quality;*

21 *(2) oil spill risk assessments;*

22 *(3) oil spill response effectiveness and the effects*
23 *of such response on the environment;*

1 (4) *oil spill response drills conducted under sec-*
2 *tion 311(j)(7) of the Federal Water Pollution Control*
3 *Act (33 U.S.C. 1321(j)(7));*

4 (5) *marine casualties reported to the Coast*
5 *Guard; and*

6 (6) *near miss incidents documented by a vessel*
7 *traffic service center (as such terms are defined in sec-*
8 *tions 70001(m) of title 46, United States Code).*

9 (d) *REPORT.—*

10 (1) *IN GENERAL.—Not later than 1 year after*
11 *the date of enactment of this Act, and annually there-*
12 *after for 5 years, the Commandant shall provide to*
13 *the Committee on Commerce, Science, and Transpor-*
14 *tation of the Senate and the Committee on Transpor-*
15 *tation and Infrastructure of the House of Representa-*
16 *tives a briefing on the status of ongoing and planned*
17 *efforts to improve the effectiveness and oversight of the*
18 *program established under subsection (a) and vessel*
19 *response plan approvals.*

20 (2) *PUBLIC AVAILABILITY.—The Commandant*
21 *shall publish the briefing required under paragraph*
22 *(1) on a publicly accessible website of the Coast*
23 *Guard.*

1 **SEC. 11316. ADDITIONAL EXCEPTIONS TO REGULATIONS**
2 **FOR TOWING VESSELS.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall review
5 existing Coast Guard policies with respect to exceptions to
6 the applicability of subchapter M of chapter I of title 46,
7 Code of Federal Regulations (or successor regulations),
8 for—

9 (1) *an oil spill response vessel, or a vessel of op-*
10 *portunity, while such vessel is—*

11 (A) *towing boom for oil spill response; or*

12 (B) *participating in an oil response exer-*
13 *cise; and*

14 (2) *a fishing vessel while that vessel is operating*
15 *as a vessel of opportunity.*

16 (b) *POLICY.*—Not later than 180 days after the conclu-
17 sion of the review required under subsection (a), the Sec-
18 retary shall revise or issue any necessary policy to clarify
19 the applicability of subchapter M of chapter I of title 46,
20 Code of Federal Regulations (or successor regulations) to
21 the vessels described in subsection (a). Such a policy shall
22 ensure safe and effective operation of such vessels.

23 (c) *DEFINITIONS.*—In this section:

24 (1) *FISHING VESSEL; OIL SPILL RESPONSE VES-*
25 *SEL.*—The terms “fishing vessel” and “oil spill re-

1 *response vessel” have the meanings given such terms in*
2 *section 2101 of title 46, United States Code.*

3 (2) *VESSEL OF OPPORTUNITY.—The term “vessel*
4 *of opportunity” means a vessel engaged in spill re-*
5 *sponse activities that is normally and substantially*
6 *involved in activities other than spill response and*
7 *not a vessel carrying oil as a primary cargo.*

8 **SEC. 11317. PORT COORDINATION COUNCIL FOR POINT**
9 **SPENCER.**

10 *Section 541 of the Coast Guard Authorization Act of*
11 *2016 (Public Law 114–120) is amended—*

12 (1) *in subsection (b)(2) by striking “BSNC” and*
13 *inserting the following: “BSNC (to serve as Council*
14 *Chair).*

15 (3) *The Denali Commission.*

16 (4) *An oil spill removal organization that*
17 *serves the area in which such Port is located.*

18 (5) *A salvage and marine firefighting organiza-*
19 *tion that serves the area in which such Port is lo-*
20 *cated.”; and*

21 (2) *in subsection (c)—*

22 (A) *in paragraph (1)—*

23 (i) *in subparagraph (B) by striking*
24 *the semicolon and inserting “; and”;*

1 (ii) by striking “; and” and inserting
 2 the following: “at Point Spencer in support
 3 of the activities for which Congress finds a
 4 compelling need in section 531 of this sub-
 5 title.”; and

6 (iii) by striking subparagraph (D);
 7 and

8 (B) by striking paragraph (3) and inserting
 9 the following:

10 “(3) Facilitate coordination among members of
 11 the Council on the development and use of the land
 12 and coastline of Point Spencer, as such development
 13 and use relate to activities of the Council at the Port
 14 of Point Spencer.”.

15 **Subtitle C—Environmental**
 16 **Compliance**

17 **SEC. 11318. PROVIDING REQUIREMENTS FOR VESSELS AN-**
 18 **CHORED IN ESTABLISHED ANCHORAGE**
 19 **GROUNDS.**

20 (a) *IN GENERAL.*—Subchapter I of chapter 700 of title
 21 46, United States Code, is amended by adding at the end
 22 the following:

23 **“§ 70007. Anchorage grounds**

24 “(a) *ANCHORAGE GROUNDS.*—

1 “(1) *ESTABLISHMENT.*—*The Secretary of the de-*
2 *partment in which the Coast Guard is operating shall*
3 *define and establish anchorage grounds in the navi-*
4 *gable waters of the United States for vessels operating*
5 *in such waters.*

6 “(2) *RELEVANT FACTORS FOR ESTABLISH-*
7 *MENT.*—*In carrying out paragraph (1), the Secretary*
8 *shall take into account all relevant factors concerning*
9 *navigational safety, protection of the marine environ-*
10 *ment, proximity to undersea pipelines and cables,*
11 *safe and efficient use of Marine Transportation Sys-*
12 *tem, and national security.*

13 “(b) *VESSEL REQUIREMENTS.*—*Vessels, of certain sizes*
14 *or type determined by the Secretary, shall—*

15 “(1) *set and maintain an anchor alarm for the*
16 *duration of an anchorage;*

17 “(2) *comply with any directions or orders issued*
18 *by the Captain of the Port; and*

19 “(3) *comply with any applicable anchorage regu-*
20 *lations.*

21 “(c) *PROHIBITIONS.*—*A vessel may not—*

22 “(1) *anchor in any Federal navigation channel*
23 *unless authorized or directed to by the Captain of the*
24 *Port;*

1 “(2) anchor in near proximity, within distances
2 determined by the Coast Guard, to an undersea pipe-
3 line or cable, unless authorized or directed to by the
4 Captain of the Port; and

5 “(3) anchor or remain anchored in an anchorage
6 ground during any period in which the Captain of
7 the Port orders closure of the anchorage ground due
8 to inclement weather, navigational hazard, a threat to
9 the environment, or other safety or security concern.

10 “(d) SAFETY EXCEPTION.—Nothing in this section
11 shall be construed to prevent a vessel from taking actions
12 necessary to maintain the safety of the vessel or to prevent
13 the loss of life or property.”.

14 (b) REGULATORY REVIEW.—

15 (1) REVIEW REQUIRED.—Not later than 1 year
16 after the date of enactment of this Act, the Secretary
17 shall review existing policies, final agency actions,
18 regulations, or other rules relating to anchorage pro-
19 mulgated under section 70006 of title 46, United
20 States Code and—

21 (A) identify any such regulations or rules
22 that may need modification or repeal—

23 (i) in the interest of marine safety, se-
24 curity, and environmental concerns, taking

1 *into account undersea pipelines, cables, or*
2 *other infrastructure; or*

3 *(ii) to implement the amendments*
4 *made by this section; and*

5 *(B) complete a cost-benefit analysis for any*
6 *modification or repeal identified under para-*
7 *graph (1).*

8 (2) *BRIEFING.*—*Upon completion of the review*
9 *under paragraph (1), but not later than 2 years after*
10 *the date of enactment of this Act, the Secretary shall*
11 *provide a briefing to the Committee on Commerce,*
12 *Science, and Transportation of the Senate and the*
13 *Committee on Transportation and Infrastructure of*
14 *the House of Representatives that summarizes such*
15 *review.*

16 (c) *SAVINGS CLAUSE.*—*Nothing in this section shall*
17 *limit any authority available, as of the date of enactment*
18 *of this Act, to the captain of a port with respect to safety*
19 *measures or any other authority as necessary for the safety*
20 *of vessels located in anchorage grounds in the navigable*
21 *waters of the United States.*

22 (d) *CLERICAL AMENDMENT.*—*The analysis for chapter*
23 *700 of title 46, United States Code, is amended by inserting*
24 *after the item relating to section 70006 the following:*

“70007. *Anchorage grounds.*”.

1 (e) *APPLICABILITY OF REGULATIONS.*—*The amend-*
2 *ments made by subsection (a) may not be construed to alter*
3 *any existing rules, regulations, or final agency actions*
4 *issued under section 70006 of title 46, United States Code,*
5 *as in effect on the day before the date of enactment of this*
6 *Act, until all regulations required under subsection (b) take*
7 *effect.*

8 **SEC. 11319. STUDY ON IMPACTS ON SHIPPING AND COM-**
9 **MERCIAL, TRIBAL, AND RECREATIONAL FISH-**
10 **ERIES FROM DEVELOPMENT OF RENEWABLE**
11 **ENERGY ON WEST COAST.**

12 (a) *STUDY.*—*Not later than 180 days after the date*
13 *of enactment of this Act, the Secretary, the Secretary of the*
14 *Interior, and the Under Secretary of Commerce for Oceans*
15 *and Atmosphere, shall seek to enter into an agreement with*
16 *the National Academies of Science, Engineering, and Medi-*
17 *cine under which the National Academy of Sciences, Engi-*
18 *neering, and Medicine shall carry out a study to—*

19 (1) *identify, document, and analyze—*

20 (A) *historic and current, as of the date of*
21 *the study, Tribal, commercial, and recreational*
22 *fishing grounds, as well as areas where fish*
23 *stocks are likely to shift in the future in all cov-*
24 *ered waters;*

1 (B) usual and accustomed fishing areas in
2 all covered waters;

3 (C) historic, current, and potential future
4 shipping lanes, based on projected growth in
5 shipping traffic in all covered waters;

6 (D) current and expected Coast Guard oper-
7 ations relevant to commercial fishing activities,
8 including search and rescue, radar, navigation,
9 communications, and safety within and near re-
10 newable energy sites; and

11 (E) key types of data needed to properly
12 site renewable energy sites on the West Coast,
13 with regard to assessing and mitigating conflicts;

14 (2) analyze—

15 (A) methods used to manage fishing, ship-
16 ping, and other maritime activities; and

17 (B) potential future interactions between
18 such activities and the placement of renewable
19 energy infrastructure and the associated con-
20 struction, maintenance, and operation of such
21 infrastructure, including potential benefits and
22 methods of mitigating adverse impacts; and

23 (3) review the current decision-making process
24 for offshore wind in covered waters, and outline rec-
25 ommendations for governmental consideration of all

1 *impacted coastal communities, particularly Tribal*
2 *governments and fisheries communities, in the deci-*
3 *sion-making process for offshore wind in covered*
4 *waters, including recommendations for—*

5 *(A) ensuring the appropriate governmental*
6 *consideration of potential benefits of offshore*
7 *wind in covered waters; and*

8 *(B) risk reduction and mitigation of ad-*
9 *verse impacts on Coast Guard operations rel-*
10 *evant to commercial fishing activities.*

11 *(b) SUBMISSION.—Not later than 1 year after com-*
12 *mencing the study under subsection (a), the Secretary*
13 *shall—*

14 *(1) submit the study to the Committees on Com-*
15 *merce, Science, and Transportation, and Energy and*
16 *Natural Resources of the Senate and the Committees*
17 *on Transportation and Infrastructure, Natural Re-*
18 *sources, and Energy and Commerce of the House of*
19 *Representatives, including the review and outline pro-*
20 *vided under subsection (a)(3); and*

21 *(2) make the study publicly available.*

22 *(c) DEFINITIONS.—In this section:*

23 *(1) COVERED WATERS.—The term “covered*
24 *waters” means Federal or State waters off of the Ca-*
25 *nadian border and out to the furthest extent of the ex-*

1 *clusive economic zone along the West Coast of the*
2 *United States.*

3 (2) *EXCLUSIVE ECONOMIC ZONE.*—*The term “ex-*
4 *clusive economic zone” has the meaning given such*
5 *term in section 107 of title 46, United States Code.*

6 **SEC. 11320. USE OF DEVICES BROADCASTING ON AIS FOR**
7 **PURPOSES OF MARKING FISHING GEAR.**

8 *The Secretary shall, within the Eleventh Coast Guard*
9 *District, Thirteenth Coast Guard District, Fourteenth Coast*
10 *Guard District, and Seventeenth Coast Guard District, sus-*
11 *pend enforcement of individuals using automatic identifica-*
12 *tion systems devices to mark fishing equipment during the*
13 *period beginning on the date of enactment of this Act and*
14 *ending on the earlier of—*

15 (1) *the date that is 2 years after such date of en-*
16 *actment; or*

17 (2) *the date on which the Federal Communica-*
18 *tions Commission promulgates a final rule to author-*
19 *ize a device used to mark fishing equipment to oper-*
20 *ate in radio frequencies assigned for Automatic Iden-*
21 *tification System stations.*

22 ***Subtitle D—Environmental Issues***

23 **SEC. 11321. NOTIFICATION OF COMMUNICATION OUTAGES.**

24 (a) *UPGRADES TO RESCUE 21 SYSTEM IN ALASKA.*—
25 *Not later than August 30, 2023, the Commandant shall en-*

1 *sure the timely upgrade of the Rescue 21 system in Alaska*
2 *so as to achieve 98 percent operational availability of re-*
3 *mote fixed facility sites.*

4 *(b) PLAN TO REDUCE OUTAGES.—*

5 *(1) IN GENERAL.—Not later than 180 days after*
6 *the date of enactment of this Act, the Commandant*
7 *shall develop an operations and maintenance plan for*
8 *the Rescue 21 system in Alaska that anticipates*
9 *maintenance needs so as to reduce Rescue 21 system*
10 *outages to the maximum extent practicable.*

11 *(2) PUBLIC AVAILABILITY.—The plan required*
12 *under paragraph (1) shall be made available to the*
13 *public on a publicly accessible website.*

14 *(c) REPORT REQUIRED.—Not later than 180 days*
15 *after the date of enactment of this Act, the Commandant*
16 *shall submit to the Committee on Commerce, Science, and*
17 *Transportation of the Senate and the Committee on Trans-*
18 *portation and Infrastructure of the House of Representa-*
19 *tives a report that—*

20 *(1) contains a plan for the Coast Guard to no-*
21 *tify mariners of radio outages for towers owned and*
22 *operated by the Seventeenth Coast Guard District;*

23 *(2) addresses in such plan how the Seventeenth*
24 *Coast Guard will—*

1 (A) disseminate updates regarding outages
2 on social media not less frequently than every 48
3 hours;

4 (B) provide updates on a publicly accessible
5 website not less frequently than every 48 hours;

6 (C) develop methods for notifying mariners
7 in areas in which cellular connectivity does not
8 exist; and

9 (D) develop and advertise a web-based com-
10 munications update hub on AM/FM radio for
11 mariners; and

12 (3) identifies technology gaps that need to be
13 mitigated in order to implement the plan and pro-
14 vides a budgetary assessment necessary to implement
15 the plan.

16 (d) *CONTINGENCY PLAN.*—

17 (1) *IN GENERAL.*—Not later than 180 days after
18 the date of enactment of this Act, the Commandant
19 shall, in collaboration with relevant Federal, State,
20 Tribal, and other relevant entities (including the
21 North Pacific Fishery Management Council, the Na-
22 tional Oceanic and Atmospheric Administration
23 Weather Service, the National Oceanic and Atmos-
24 pheric Administration Fisheries Service, agencies of
25 the State of Alaska, local radio stations, and stake-

1 holders), establish a contingency plan to ensure that
2 notifications of an outage of the Rescue 21 system in
3 Alaska are broadly disseminated in advance of such
4 an outage.

5 (2) *ELEMENTS.*—The contingency plan required
6 under paragraph (1) shall require the Coast Guard
7 to—

8 (A) disseminate updates regarding outages
9 of the Rescue 21 system in Alaska on social
10 media not less frequently than every 48 hours
11 during an outage;

12 (B) provide updates on a publicly accessible
13 website not less frequently than every 48 hours
14 during an outage;

15 (C) notify mariners in areas in which cel-
16 lular connectivity does not exist;

17 (D) develop and advertise a web-based com-
18 munications update hub on AM/FM radio for
19 mariners; and

20 (E) identify technology gaps necessary to
21 implement the plan and provides a budgetary
22 assessment necessary to implement the plan.

1 **SEC. 11322. IMPROVEMENTS TO COMMUNICATION WITH**
2 **FISHING INDUSTRY AND RELATED STAKE-**
3 **HOLDERS.**

4 (a) *IN GENERAL.*—*The Commandant, in coordination*
5 *with the National Commercial Fishing Safety Advisory*
6 *Committee established by section 15102 of title 46, United*
7 *States Code, shall develop a publicly accessible website that*
8 *contains all information related to fishing industry activi-*
9 *ties, including vessel safety, inspections, enforcement, haz-*
10 *ards, training, regulations (including proposed regula-*
11 *tions), outages of the Rescue 21 system in Alaska and simi-*
12 *lar outages, and any other fishing-related activities.*

13 (b) *AUTOMATIC COMMUNICATIONS.*—*The Commandant*
14 *shall provide methods for regular and automatic email com-*
15 *munications with stakeholders who elect, through the*
16 *website developed under subsection (a), to receive such com-*
17 *munications.*

18 **SEC. 11323. ADVANCE NOTIFICATION OF MILITARY OR**
19 **OTHER EXERCISES.**

20 *In consultation with the Secretary of Defense, the Sec-*
21 *retary of State, and commercial fishing industry partici-*
22 *pants, the Commandant shall develop and publish on a*
23 *publicly available website a plan for notifying United*
24 *States mariners and the operators of United States fishing*
25 *vessels in advance of—*

1 (1) *military exercises in the exclusive economic*
2 *zone (as defined in section 3 of the Magnuson-Stevens*
3 *Fishery Conservation and Management Act (16*
4 *U.S.C. 1802)); or*

5 (2) *other military activities that will impact rec-*
6 *reational or commercial activities.*

7 **SEC. 11324. MODIFICATIONS TO SPORT FISH RESTORATION**
8 **AND BOATING TRUST FUND ADMINISTRA-**
9 **TION.**

10 (a) *DINGELL-JOHNSON SPORT FISH RESTORATION*
11 *ACT AMENDMENTS.—*

12 (1) *AVAILABLE AMOUNTS.—Section 4(b)(1)(B)(i)*
13 *of the Dingell-Johnson Sport Fish Restoration Act (16*
14 *U.S.C. 777c(b)(1)(B)(i)) is amended to read as fol-*
15 *lows:*

16 *“(i) for the fiscal year that includes*
17 *November 15, 2021, the product obtained by*
18 *multiplying—*

19 *“(I) \$12,786,434; and*

20 *“(II) the change, relative to the*
21 *preceding fiscal year, in the Consumer*
22 *Price Index for All Urban Consumers*
23 *published by the Department of Labor;*
24 *and”.*

1 (2) *AUTHORIZED EXPENSES.*—Section 9(a) of
2 *the Dingell-Johnson Sport Fish Restoration Act* (16
3 *U.S.C. 777h(a)*) is amended—

4 (A) *in paragraph (7) by striking “full-*
5 *time”*; and

6 (B) *in paragraph (9) by striking “on a full-*
7 *time basis”*.

8 (b) *PITTMAN-ROBERTSON WILDLIFE RESTORATION*
9 *ACT AMENDMENTS.*—

10 (1) *AVAILABLE AMOUNTS.*—Section 4(a)(1)(B)(i)
11 *of the Pittman-Robertson Wildlife Restoration Act* (16
12 *U.S.C. 669c(a)(1)(B)(i)*) is amended to read as fol-
13 *lows:*

14 “*(i) for the fiscal year that includes*
15 *November 15, 2021, the product obtained by*
16 *multiplying—*

17 “*(I) \$12,786,434; and*

18 “*(II) the change, relative to the*
19 *preceding fiscal year, in the Consumer*
20 *Price Index for All Urban Consumers*
21 *published by the Department of Labor;*
22 *and”*.

23 (2) *AUTHORIZED EXPENSES.*—Section 9(a) of
24 *the Pittman-Robertson Wildlife Restoration Act* (16
25 *U.S.C. 669h(a)*) is amended—

1 (A) in paragraph (7) by striking “full-
2 time”; and

3 (B) in paragraph (9) by striking “on a full-
4 time basis”.

5 **SEC. 11325. LOAD LINES.**

6 (a) *APPLICATION TO CERTAIN VESSELS.*—During the
7 period beginning on the date of enactment of this Act and
8 ending on the date that is 3 years after the date on which
9 the report required under subsection (b) is submitted, the
10 load line requirements of chapter 51 of title 46, United
11 States Code, shall not apply to covered fishing vessels.

12 (b) *GAO REPORT.*—

13 (1) *IN GENERAL.*—Not later than 12 months
14 after the date of enactment of this Act, the Comp-
15 troller General of the United States shall submit to
16 the Committee on Commerce, Science, and Transpor-
17 tation of the Senate and the Committee on Transpor-
18 tation and Infrastructure of the House of Representa-
19 tives—

20 (A) a report on the safety and seaworthiness
21 of vessels described in section 5102(b)(5) of title
22 46, United States Code; and

23 (B) recommendations for exempting certain
24 vessels from the load line requirements under
25 chapter 51 of title 46 of such Code.

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

3 (A) *An assessment of stability requirements*
4 *of vessels referenced in section 5102(b)(5) of title*
5 *46, United States Code.*

6 (B) *An analysis of vessel casualties, mis-*
7 *haps, or other safety information relevant to load*
8 *line requirements when a vessel is operating*
9 *part-time as a fish tender vessel.*

10 (C) *An assessment of any other safety infor-*
11 *mation as the Comptroller General determines*
12 *appropriate.*

13 (D) *A list of all vessels that, as of the date*
14 *of the report—*

15 (i) *are covered under section*
16 *5102(b)(5) of title 46, United States Code;*

17 (ii) *are acting as part-time fish tender*
18 *vessels; and*

19 (iii) *are subject to any captain of the*
20 *port zone subject to the oversight of the*
21 *Commandant.*

22 (3) *CONSULTATION.*—*In preparing the report re-*
23 *quired under paragraph (1), the Comptroller General*
24 *shall consider consultation with, at a minimum, the*
25 *maritime industry, including—*

1 (A) *relevant Federal, State, and Tribal*
2 *maritime associations and groups; and*

3 (B) *relevant federally funded research insti-*
4 *tutions, nongovernmental organizations, and*
5 *academia.*

6 (c) *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 safety*
10 *of covered fishing vessels.*

11 (d) *DEFINITION OF COVERED FISHING VESSEL.—In*
12 *this section, the term “covered fishing vessel” means a vessel*
13 *that operates exclusively in one, or both, of the Thirteenth*
14 *and Seventeenth Coast Guard Districts and that—*

15 (1) *was constructed, under construction, or*
16 *under contract to be constructed as a fish tender vessel*
17 *before January 1, 1980;*

18 (2) *was converted for use as a fish tender vessel*
19 *before January 1, 2022, and—*

20 (A) *has a valid stability letter issued in ac-*
21 *cordance with regulations prescribed under chap-*
22 *ter 51 of title 46, United States Code; and*

23 (B) *the hull and internal structure of the*
24 *vessel has been verified as suitable for intended*
25 *service as examined by a marine surveyor of an*

1 *organization accepted by the Secretary two times*
2 *in the past five years with no interval of more*
3 *than three years between such examinations; or*
4 (3) *operates part-time as a fish tender vessel for*
5 *a period of less than 180 days.*

6 **SEC. 11326. ACTIONS BY NATIONAL MARINE FISHERIES**
7 **SERVICE TO INCREASE ENERGY PRODUC-**
8 **TION.**

9 (a) *IN GENERAL.—The National Marine Fisheries*
10 *Service shall, immediately upon the enactment of this Act,*
11 *take action to address the outstanding backlog of letters of*
12 *authorization for the Gulf of Mexico.*

13 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
14 *that the National Marine Fisheries Service should—*

15 (1) *take immediate action to issue a rule that al-*
16 *lows the Service to approve outstanding and future*
17 *applications for letters of authorization consistent*
18 *with the permitting activities of the Service; and*

19 (2) *on or after the effective date of such rule,*
20 *prioritize the consideration of applications in a man-*
21 *ner that is consistent with applicable Federal law.*

22 **SEC. 11327. AQUATIC NUISANCE SPECIES TASK FORCE.**

23 (a) *RECREATIONAL VESSEL DEFINED.—Section 1003*
24 *of the Nonindigenous Aquatic Nuisance Prevention and*
25 *Control Act of 1990 (16 U.S.C. 4702) is amended—*

1 (1) *by redesignating paragraphs (13) through*
2 *(17) as paragraphs (15) through (19), respectively;*
3 *and*

4 (2) *by inserting after paragraph (12) the fol-*
5 *lowing:*

6 “(13) ‘State’ means each of the several States, the
7 District of Columbia, American Samoa, Guam, Puer-
8 to Rico, the Northern Mariana Islands, and the Vir-
9 gin Islands of the United States;

10 “(14) ‘recreational vessel’ has the meaning given
11 that term in section 502 of the Federal Water Pollu-
12 tion Control Act (33 U.S.C. 1362);”.

13 (b) *OBSERVERS.*—Section 1201 of the Nonindigenous
14 Aquatic Nuisance Prevention and Control Act of 1990 (16
15 U.S.C. 4721) is amended by adding at the end the following:

16 “(g) *OBSERVERS.*—The chairpersons designated under
17 subsection (d) may invite representatives of nongovern-
18 mental entities to participate as observers of the Task
19 Force.”.

20 (c) *AQUATIC NUISANCE SPECIES TASK FORCE.*—Sec-
21 tion 1201(b) of the Nonindigenous Aquatic Nuisance Pre-
22 vention and Control Act of 1990 (16 U.S.C. 4721(b)) is
23 amended—

24 (1) *in paragraph (6) by striking “and” at the*
25 *end;*

1 (2) *by redesignating paragraph (7) as para-*
2 *graph (10); and*

3 (3) *by inserting after paragraph (6) the fol-*
4 *lowing:*

5 “*(7) the Director of the National Park Service;*

6 “*(8) the Director of the Bureau of Land Manage-*
7 *ment;*

8 “*(9) the Commissioner of Reclamation; and*”.

9 (d) *AQUATIC NUISANCE SPECIES PROGRAM.—Section*
10 *1202 of the Nonindigenous Aquatic Nuisance Prevention*
11 *and Control Act of 1990 (16 U.S.C. 4722) is amended—*

12 (1) *in subsection (e) by adding at the end the fol-*
13 *lowing:*

14 “*(4) TECHNICAL ASSISTANCE AND RECOMMENDA-*
15 *TIONS.—The Task Force may provide technical assist-*
16 *ance and recommendations for best practices to an*
17 *agency or entity engaged in vessel inspections or de-*
18 *contaminations for the purpose of—*

19 “*(A) effectively managing and controlling*
20 *the movement of aquatic nuisance species into,*
21 *within, or out of water of the United States; 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 sustain*
9 *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 en-*
15 *actment of the Don Young Coast Guard Authorization*
16 *Act of 2022, the Task Force shall submit a report to*
17 *Congress recommending legislative, programmatic, or*
18 *regulatory changes to eliminate remaining gaps in*
19 *authorities between members of the Task Force to ef-*
20 *fectively manage and control the movement of aquatic*
21 *nuisance species.*”.

22 (e) *TECHNICAL CORRECTIONS AND CONFORMING*
23 *AMENDMENTS.*—*The Nonindigenous Aquatic Nuisance Pre-*
24 *vention and Control Act of 1990 (16 U.S.C. 4701 et seq.)*
25 *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 “and”*
7 *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 head-*
11 *ing by striking “ADMINISRATIVE” and inserting “AD-*
12 *MINISTRATIVE”;* *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 fiscal*
19 *years 2018 through 2021” and inserting “fiscal year*
20 *2023”;* *and*

21 (2) *in subsection (j)(4) by striking “each of fiscal*
22 *years 2018 through 2021” and inserting “fiscal year*
23 *2023”.*

24 (b) *AUTHORIZATION OF APPROPRIATIONS.—Section 9*
25 *of the Maritime Debris Act (33 U.S.C. 1958) is amended—*

1 (1) *in subsection (a) by striking “each of fiscal*
2 *years 2018 through 2022” and inserting “fiscal year*
3 *2023”; and*

4 (2) *in subsection (b) by striking “2702(1)” and*
5 *inserting “4902(1)”.*

6 ***Subtitle E—Illegal Fishing and***
7 ***Forced Labor Prevention***

8 ***SEC. 11329. DEFINITIONS.***

9 *In this subtitle:*

10 (1) *FORCED LABOR.—The term “forced labor”*
11 *means any labor or service provided for or obtained*
12 *by any means described in section 1589(a) of title 18,*
13 *United States Code.*

14 (2) *HUMAN TRAFFICKING.—The term “human*
15 *trafficking” has the meaning given the term “severe*
16 *forms of trafficking in persons” in section 103 of the*
17 *Trafficking Victims Protection Act of 2000 (22 U.S.C.*
18 *7102).*

19 (3) *ILLEGAL, UNREPORTED, OR UNREGULATED*
20 *FISHING.—The term “illegal, unreported, or unregu-*
21 *lated fishing” has the meaning given such term in the*
22 *implementing regulations or any subsequent regula-*
23 *tions issued pursuant to section 609(e) of the High*
24 *Seas Driftnet Fishing Moratorium Protection Act (16*
25 *U.S.C. 1826j(e)).*

1 (4) *OPPRESSIVE CHILD LABOR.*—The term “op-
2 pressive child labor” has the meaning given such term
3 in section 3 of the Fair Labor Standards Act of 1938
4 (29 U.S.C. 203).

5 (5) *SEAFOOD.*—The term “seafood” means all
6 marine animal and plant life meant for consumption
7 as food other than marine mammals and birds, in-
8 cluding fish, shellfish, shellfish products, and proc-
9 essed fish.

10 (6) *SEAFOOD IMPORT MONITORING PROGRAM.*—
11 The term “Seafood Import Monitoring Program”
12 means the Seafood Traceability Program established
13 in subpart Q of part 300 of title 50, Code of Federal
14 Regulations (or any successor regulation).

15 (7) *SECRETARY.*—The term “Secretary” means
16 the Secretary of Commerce, acting through the Under
17 Secretary of Commerce for Oceans and Atmosphere.

18 **CHAPTER 1—COMBATING HUMAN TRAF-**
19 **FICKING THROUGH SEAFOOD IMPORT**
20 **MONITORING**

21 **SEC. 11330. ENHANCEMENT OF SEAFOOD IMPORT MONI-**
22 **TORING PROGRAM MESSAGE SET IN AUTO-**
23 **MATED COMMERCIAL ENVIRONMENT SYSTEM.**

24 The Secretary, in coordination with the Commissioner
25 of U.S. Customs and Border Protection, shall, not later

1 *than 6 months after the date of enactment of this Act, de-*
2 *velop a strategy to improve the quality and verifiability*
3 *of already collected Seafood Import Monitoring Program*
4 *Message Set data elements in the Automated Commercial*
5 *Environment system. Such strategy shall prioritize the use*
6 *of enumerated data types, such as checkboxes, dropdown*
7 *menus, or radio buttons, and any additional elements the*
8 *Administrator of the National Oceanic and Atmospheric*
9 *Administration finds appropriate.*

10 **SEC. 11331. DATA SHARING AND AGGREGATION.**

11 *(a) INTERAGENCY WORKING GROUP ON ILLEGAL, UN-*
12 *REPORTED, OR UNREGULATED FISHING.—Section 3551(c)*
13 *of the Maritime SAFE Act (16 U.S.C. 8031(c)) is amend-*
14 *ed—*

15 *(1) by redesignating paragraphs (4) through (13)*
16 *as paragraphs (5) through (14), respectively; and*

17 *(2) by inserting after paragraph (3) the fol-*
18 *lowing:*

19 *“(4) maximizing the utility of the import data*
20 *collected by the members of the Working Group by*
21 *harmonizing data standards and entry fields;”.*

22 *(b) PROHIBITION ON AGGREGATED CATCH DATA FOR*
23 *CERTAIN SPECIES.—Beginning not later than 1 year after*
24 *the date of enactment of this Act, for the purposes of compli-*
25 *ance with respect to Northern red snapper under the Sea-*

1 *food Import Monitoring Program, the Secretary may not*
2 *allow an aggregated harvest report of such species, regard-*
3 *less of vessel size.*

4 **SEC. 11332. IMPORT AUDITS.**

5 (a) *AUDIT PROCEDURES.*—*The Secretary shall, not*
6 *later than 1 year after the date of enactment of this Act,*
7 *implement procedures to audit information and supporting*
8 *records of sufficient numbers of imports of seafood and sea-*
9 *food products subject to the Seafood Import Monitoring Pro-*
10 *gram to support statistically robust conclusions that the*
11 *samples audited are representative of all seafood imports*
12 *covered by the Seafood Import Monitoring Program with*
13 *respect to a given year.*

14 (b) *EXPANSION OF MARINE FORENSICS LABORA-*
15 *TORY.*—*The Secretary shall, not later than 1 year after the*
16 *date of enactment of this Act, begin the process of expanding*
17 *the National Oceanic and Atmospheric Administration’s*
18 *Marine Forensics Laboratory, including by establishing suf-*
19 *ficient capacity for the development and deployment of*
20 *rapid, and follow-up, analysis of field-based tests focused*
21 *on identifying Seafood Import Monitoring Program species,*
22 *and prioritizing such species at high risk of illegal, unre-*
23 *ported, or unregulated fishing and seafood fraud.*

24 (c) *ANNUAL REVISION.*—*In developing the procedures*
25 *required in subsection (a), the Secretary shall use predictive*

1 *analytics to inform whether to revise such procedures to*
2 *prioritize for audit those imports originating from na-*
3 *tions—*

4 (1) *identified pursuant to section 609(a) or*
5 *610(a) of the High Seas Driftnet Fishing Moratorium*
6 *Protection Act (16 U.S.C. 1826j(a) or 1826k(a)) that*
7 *have not yet received a subsequent positive certifi-*
8 *cation pursuant to section 609(d) or 610(e) of such*
9 *Act, respectively;*

10 (2) *identified by an appropriate regional fishery*
11 *management organization as being the flag state or*
12 *landing location of vessels identified by other nations*
13 *or regional fisheries management organizations as en-*
14 *gaging in illegal, unreported, or unregulated fishing;*

15 (3) *identified as having human trafficking or*
16 *forced labor in any part of the seafood supply chain,*
17 *including on vessels flagged in such nation, and in-*
18 *cluding feed for cultured production, in the most re-*
19 *cent Trafficking in Persons Report issued by the De-*
20 *partment of State in accordance with the Trafficking*
21 *Victims Protection Act of 2000 (22 U.S.C. 7101 et*
22 *seq.);*

23 (4) *identified as producing goods that contain*
24 *seafood using forced labor or oppressive child labor in*
25 *the most recent List of Goods Produced by Child*

1 *Labor or Forced Labor in accordance with the Traf-*
2 *fficking Victims Protection Act (22 U.S.C. 7101 et*
3 *seq.); and*

4 *(5) identified as at risk for human trafficking,*
5 *including forced labor, in their seafood catching and*
6 *processing industries by the report required under sec-*
7 *tion 3563 of the Maritime SAFE Act (Public Law*
8 *116–92).*

9 **SEC. 11333. AVAILABILITY OF FISHERIES INFORMATION.**

10 *Section 402(b)(1) of the Magnuson-Stevens Fishery*
11 *Conservation and Management Act (16 U.S.C. 1881a(b)(1))*
12 *is amended—*

13 *(1) in subparagraph (G) by striking “or” after*
14 *the semicolon;*

15 *(2) in subparagraph (H) by striking the period*
16 *at the end of such subparagraph and inserting “; or”;*
17 *and*

18 *(3) by adding at the end the following:*

19 *“(I) to Federal agencies, to the extent nec-*
20 *essary and appropriate, to administer Federal*
21 *programs established to combat illegal, unre-*
22 *ported, or unregulated fishing or forced labor (as*
23 *such terms are defined in section 11329 of the*
24 *Don Young Coast Guard Authorization Act of*
25 *2022), which shall not include an authorization*

1 *for such agencies to release data to the public un-*
2 *less such release is related to enforcement.”.*

3 **SEC. 11334. REPORT ON SEAFOOD IMPORT MONITORING**
4 **PROGRAM.**

5 *(a) REPORT TO CONGRESS AND PUBLIC AVAILABILITY*
6 *OF REPORTS.—The Secretary shall, not later than 120 days*
7 *after the end of each fiscal year, submit to the Committee*
8 *on Commerce, Science, and Transportation and the Com-*
9 *mittee on Finance of the Senate and the Committee on Nat-*
10 *ural Resources and the Committee on Financial Services*
11 *of the House of Representatives a report that summarizes*
12 *the National Marine Fisheries Service’s efforts to prevent*
13 *the importation of seafood harvested through illegal, unre-*
14 *ported, or unregulated fishing, particularly with respect to*
15 *seafood harvested, produced, processed, or manufactured by*
16 *forced labor. Each such report shall be made publicly avail-*
17 *able on the website of the National Oceanic and Atmos-*
18 *pheric Administration.*

19 *(b) CONTENTS.—Each report submitted under sub-*
20 *section (a) shall include—*

21 *(1) the volume and value of seafood species sub-*
22 *ject to the Seafood Import Monitoring Program, re-*
23 *ported by 10-digit Harmonized Tariff Schedule of the*
24 *United States codes, imported during the previous fis-*
25 *cal year;*

1 (2) *the enforcement activities and priorities of*
2 *the National Marine Fisheries Service with respect to*
3 *implementing the requirements under the Seafood Im-*
4 *port Monitoring Program;*

5 (3) *the percentage of import shipments subject to*
6 *the Seafood Import Monitoring Program selected for*
7 *inspection or the information or records supporting*
8 *entry selected for audit, as described in section*
9 *300.324(d) of title 50, Code of Federal Regulations;*

10 (4) *the number and types of instances of non-*
11 *compliance with the requirements of the Seafood Im-*
12 *port Monitoring Program;*

13 (5) *the number and types of instances of viola-*
14 *tions of State or Federal law discovered through the*
15 *Seafood Import Monitoring Program;*

16 (6) *the seafood species with respect to which vio-*
17 *lations described in paragraphs (4) and (5) were most*
18 *prevalent;*

19 (7) *the location of catch or harvest with respect*
20 *to which violations described in paragraphs (4) and*
21 *(5) were most prevalent;*

22 (8) *the additional tools, such as high perform-*
23 *ance computing and associated costs, that the Sec-*
24 *retary needs to improve the efficacy of the Seafood*
25 *Import Monitoring Program; and*

1 (9) *such other information as the Secretary con-*
2 *siders appropriate with respect to monitoring and en-*
3 *forcing compliance with the Seafood Import Moni-*
4 *toring Program.*

5 **SEC. 11335. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated to the Commis-*
7 *sioner of U.S. Customs and Border Protection to carry out*
8 *enforcement actions pursuant to section 307 of the Tariff*
9 *Act of 1930 (19 U.S.C. 1307) \$20,000,000 for each of fiscal*
10 *years 2023 through 2027.*

11 **CHAPTER 2—STRENGTHENING INTER-**
12 **NATIONAL FISHERIES MANAGEMENT**
13 **TO COMBAT HUMAN TRAFFICKING**

14 **SEC. 11336. DENIAL OF PORT PRIVILEGES.**

15 *Section 101(a)(2) of the High Seas Driftnet Fisheries*
16 *Enforcement Act (16 U.S.C. 1826a(a)(2)) is amended to*
17 *read as follows:*

18 “(2) **DENIAL OF PORT PRIVILEGES.**—*The Sec-*
19 *retary of Homeland Security shall, in accordance*
20 *with international law—*

21 “(A) *withhold or revoke the clearance re-*
22 *quired by section 60105 of title 46, United States*
23 *Code, for any large-scale driftnet fishing vessel of*
24 *a nation that receives a negative certification*
25 *under section 609(d) or 610(c) of the High Seas*

1 *Driftnet Fishing Moratorium Protection Act (16*
2 *U.S.C. 1826j(d) or 1826k(c)), or fishing vessels of*
3 *a nation that has been listed pursuant to section*
4 *609(b) or section 610(a) of such Act (16 U.S.C.*
5 *1826j(b) or 1826k(a)) in 2 or more consecutive*
6 *reports for the same type of fisheries activity, as*
7 *described under section 607 of such Act (16*
8 *U.S.C. 1826h), until a positive certification has*
9 *been received;*

10 “(B) withhold or revoke the clearance re-
11 *quired by section 60105 of title 46, United States*
12 *Code, for fishing vessels of a nation that has been*
13 *listed pursuant to section 609(a) or 610(a) of the*
14 *High Seas Driftnet Fishing Moratorium Protec-*
15 *tion Act (16 U.S.C. 1826j(a) or 1826k(a)) in 2*
16 *or more consecutive reports as described under*
17 *section 607 of such Act (16 U.S.C. 1826h); and*

18 “(C) deny entry of that vessel to any place
19 *in the United States and to the navigable waters*
20 *of the United States, except for the purposes of*
21 *inspecting such vessel, conducting an investiga-*
22 *tion, or taking other appropriate enforcement ac-*
23 *tion.”.*

1 **SEC. 11337. IDENTIFICATION AND CERTIFICATION CRI-**
2 **TERIA.**

3 (a) *DENIAL OF PORT PRIVILEGES.*—Section 609(a) of
4 *the High Seas Driftnet Fishing Moratorium Protection Act*
5 *(16 U.S.C. 1826j(a)) is amended—*

6 (1) *by striking paragraph (2) and inserting the*
7 *following:*

8 “(2) *FOR ACTIONS OF A NATION.*—*The Secretary*
9 *shall identify, and list in such report, a nation engag-*
10 *ing in or endorsing illegal, unreported, or unregulated*
11 *fishing. In determining which nations to list in such*
12 *report, the Secretary shall consider the following:*

13 “(A) *Any nation that is violating, or has*
14 *violated at any point during the 3 years pre-*
15 *ceding the date of the determination, conserva-*
16 *tion and management measures, including catch*
17 *and other data reporting obligations and re-*
18 *quirements, required under an international*
19 *fishery management agreement to which the*
20 *United States is a party.*

21 “(B) *Any nation that is failing, or has*
22 *failed in the 3-year period preceding the date of*
23 *the determination, to effectively address or regu-*
24 *late illegal, unreported, or unregulated fishing*
25 *within its fleets in any areas where its vessels*
26 *are fishing.*

1 “(C) Any nation that fails to discharge du-
2 ties incumbent upon it under international law
3 or practice as a flag, port, or coastal state to
4 take action to prevent, deter, and eliminate ille-
5 gal, unreported, or unregulated fishing.

6 “(D) Any nation that has been identified as
7 producing for export to the United States sea-
8 food-related goods through forced labor or oppres-
9 sive child labor (as those terms are defined in
10 section 11329 of the Don Young Coast Guard
11 Authorization Act of 2022) in the most recent
12 List of Goods Produced by Child Labor or
13 Forced Labor in accordance with the Trafficking
14 Victims Protection Act of 2000 (22 U.S.C. 7101
15 et seq.).”; and

16 (2) by adding at the end the following:

17 “(4) *TIMING.*—The Secretary shall make an
18 identification under paragraph (1) or (2) at any time
19 that the Secretary has sufficient information to make
20 such identification.”.

21 (b) *ILLEGAL, UNREPORTED, OR UNREGULATED CER-*
22 *TIFICATION DETERMINATION.*—Section 609 of the High
23 Seas Driftnet Fishing Moratorium Protection Act (16
24 U.S.C. 1826j) is amended—

1 (1) *in subsection (d) by striking paragraph (3)*
2 *and inserting the following:*

3 “(3) *EFFECT OF CERTIFICATION DETERMINA-*
4 *TION.—*

5 “(A) *EFFECT OF NEGATIVE CERTIFI-*
6 *CATION.—The provisions of subsection (a) and*
7 *paragraphs (3) and (4) of subsection (b) of sec-*
8 *tion 101 of the High Seas Driftnet Fisheries En-*
9 *forcement Act (16 U.S.C. 1826a(a) and (b)(3)*
10 *and (4)) shall apply to any nation that, after*
11 *being identified and notified under subsection (b)*
12 *has failed to take the appropriate corrective ac-*
13 *tions for which the Secretary has issued a nega-*
14 *tive certification under this subsection.*

15 “(B) *EFFECT OF POSITIVE CERTIFI-*
16 *CATION.—The provisions of subsection (a) and*
17 *paragraphs (3) and (4) of subsection (b) of sec-*
18 *tion 101 of the High Seas Driftnet Fisheries En-*
19 *forcement Act (16 U.S.C. 1826a(a) and (b)(3)*
20 *and (4)) shall not apply to any nation identified*
21 *under subsection (a) for which the Secretary has*
22 *issued a positive certification under this sub-*
23 *section.”;*

24 (2) *by redesignating subsections (e) and (f) as*
25 *subsections (f) and (g), respectively; and*

1 (3) *by inserting after subsection (d) the fol-*
2 *lowing:*

3 “(e) *RECORDKEEPING REQUIREMENTS.—The Sec-*
4 *retary shall ensure that seafood or seafood products author-*
5 *ized for entry under this section are imported consistent*
6 *with the reporting and the recordkeeping requirements of*
7 *the Seafood Import Monitoring Program described in part*
8 *300.324(b) of title 50, Code of Federal Regulations (or any*
9 *successor regulation).”.*

10 **SEC. 11338. EQUIVALENT CONSERVATION MEASURES.**

11 (a) *IDENTIFICATION.—Section 610(a) of the High Seas*
12 *Driftnet Fishing Moratorium Protection Act (16 U.S.C.*
13 *1826k(a)) is amended to read as follows:*

14 “(a) *IDENTIFICATION.—*

15 “(1) *IN GENERAL.—The Secretary shall identify*
16 *and list in the report under section 607—*

17 “(A) *a nation if—*

18 “(i) *any fishing vessel of that nation is*
19 *engaged, or has been engaged during the 3*
20 *years preceding the date of the determina-*
21 *tion, in fishing activities or practices on the*
22 *high seas or within the exclusive economic*
23 *zone of any nation, that have resulted in*
24 *bycatch of a protected living marine re-*
25 *source; and*

1 “(i) *the vessel’s flag state has not*
2 *adopted, implemented, and enforced a regu-*
3 *latory program governing such fishing de-*
4 *signed to end or reduce such bycatch that is*
5 *comparable in effectiveness to the regulatory*
6 *program of the United States, taking into*
7 *account differing conditions; and*

8 “(B) *a nation if—*

9 “(i) *any fishing vessel of that nation is*
10 *engaged, or has engaged during the 3 years*
11 *preceding the date of the determination, in*
12 *fishing activities on the high seas or within*
13 *the exclusive economic zone of another na-*
14 *tion that target or incidentally catch sharks;*
15 *and*

16 “(ii) *the vessel’s flag state has not*
17 *adopted, implemented, and enforced a regu-*
18 *latory program to provide for the conserva-*
19 *tion of sharks, including measures to pro-*
20 *hibit removal of any of the fins of a shark,*
21 *including the tail, before landing the shark*
22 *in port, that is comparable to that of the*
23 *United States.*

24 “(2) *TIMING.—The Secretary shall make an*
25 *identification under paragraph (1) at any time that*

1 *the Secretary has sufficient information to make such*
2 *identification.”.*

3 **(b) CONSULTATION AND NEGOTIATION.**—*Section*
4 *610(b) of the High Seas Driftnet Fishing Moratorium Pro-*
5 *tection Act (16 U.S.C. 1826k(b)) is amended to read as fol-*
6 *lows:*

7 **“(b) CONSULTATION AND NEGOTIATION.**—*The Sec-*
8 *retary of State, acting in consultation with the Secretary,*
9 *shall—*

10 *“(1) notify, as soon as practicable, the President*
11 *and nations that are engaged in, or that have any*
12 *fishing vessels engaged in, fishing activities or prac-*
13 *tices described in subsection (a), about the provisions*
14 *of this Act;*

15 *“(2) initiate discussions as soon as practicable*
16 *with all foreign nations that are engaged in, or a*
17 *fishing vessel of which has engaged in, fishing activi-*
18 *ties described in subsection (a), for the purpose of en-*
19 *tering into bilateral and multilateral treaties with*
20 *such nations to protect such species and to address*
21 *any underlying failings or gaps that may have con-*
22 *tributed to identification under this Act;*

23 *“(3) seek agreements calling for international re-*
24 *strictions on fishing activities or practices described*
25 *in subsection (a) through the United Nations, the*

1 *Committee on Fisheries of the Food and Agriculture*
2 *Organization of the United Nations, and appropriate*
3 *international fishery management bodies; and*

4 “(4) *initiate the amendment of any existing*
5 *international treaty for the protection and conserva-*
6 *tion of such species to which the United States is a*
7 *party in order to make such treaty consistent with the*
8 *purposes and policies of this section.”.*

9 (c) *CONSERVATION CERTIFICATION PROCEDURE.—*
10 *Section 610(c) of the High Seas Driftnet Fishing Morato-*
11 *rium Protection Act (16 U.S.C. 1826k(c)) is amended—*

12 (1) *in paragraph (2) by inserting “the public*
13 *and” after “comment by”;*

14 (2) *in paragraph (4)—*

15 (A) *in subparagraph (A) by striking “and”*
16 *after the semicolon;*

17 (B) *in subparagraph (B) by striking the pe-*
18 *riod at the end and inserting “; and”; and*

19 (C) *by adding at the end the following:*

20 “(C) *ensure that any such fish or fish prod-*
21 *ucts authorized for entry under this section are*
22 *imported consistent with the reporting and the*
23 *recordkeeping requirements of the Seafood Im-*
24 *port Monitoring Program established in subpart*

1 *Q of part 300 of title 50, Code of Federal Regu-*
2 *lations (or any successor regulation).”; and*

3 *(3) in paragraph (5) by striking “(except to the*
4 *extent that such provisions apply to sport fishing*
5 *equipment or fish or fish products not caught by the*
6 *vessels engaged in illegal, unreported, or unregulated*
7 *fishing)”.*

8 *(d) DEFINITION OF PROTECTED LIVING MARINE RE-*
9 *SOURCE.—Section 610(e) of the High Seas Driftnet Fishing*
10 *Moratorium Protection Act (16 U.S.C. 1826k(e)) is amend-*
11 *ed by striking paragraph (1) and inserting the following:*

12 *“(1) except as provided in paragraph (2), means*
13 *nontarget fish, sea turtles, or marine mammals that*
14 *are protected under United States law or inter-*
15 *national agreement, including—*

16 *“(A) the Marine Mammal Protection Act of*
17 *1972 (16 U.S.C. 1361 et seq.);*

18 *“(B) the Endangered Species Act of 1973*
19 *(16 U.S.C. 1531 et seq.);*

20 *“(C) the Shark Finning Prohibition Act (16*
21 *U.S.C. 1822 note); and*

22 *“(D) the Convention on International Trade*
23 *in Endangered Species of Wild Fauna and*
24 *Flora, done at Washington March 3, 1973 (27*
25 *UST 1087; TIAS 8249); but”.*

1 **SEC. 11339. CAPACITY BUILDING IN FOREIGN FISHERIES.**

2 (a) *IN GENERAL.*—*The Secretary, in consultation with*
3 *the heads of other Federal agencies, as appropriate, shall*
4 *develop and carry out with partner governments and civil*
5 *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, or*
10 *unregulated fishing, fraud, forced labor, bycatch, and*
11 *other conservation measures.*

12 (b) *CAPACITY BUILDING.*—*Section 3543(d) of the Mar-*
13 *itime 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 the*
22 *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 Con-
5 servation and Management Act (16 U.S.C. 1881b(b)) is
6 amended—

7 (1) in paragraph (3) by striking “and” after the
8 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 train-
14 ing to identify indicators of forced labor and human
15 trafficking (as such terms are defined in section
16 11329 of the Don Young Coast Guard Authorization
17 Act of 2022) and refer this information to appro-
18 priate authorities; and”.

19 **SEC. 11341. REGULATIONS.**

20 Not later than 1 year after the date of enactment of
21 this Act, the Secretary shall promulgate such regulations
22 as may be necessary to carry out this subtitle and the
23 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 less*
14 *than the amount of the fee otherwise chargeable for the at-*
15 *tendance of the first such child enrolled at the center, or*
16 *another fee as the Commandant determines appropriate,*
17 *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 appropriate*
2 *to ensure the health, safety, and welfare of the chil-*
3 *dren 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 chapter*
10 *29 of title 14, United States Code, is amended by*
11 *adding at the end the following:*

12 **“§ 2927. *Child care subsidy program***

13 “(a) *IN GENERAL.—*

14 “(1) *AUTHORITY.—The Commandant may oper-*
15 *ate a child care subsidy program to provide financial*
16 *assistance to eligible providers that provide child care*
17 *services or youth program services to members of the*
18 *Coast Guard, members of the Coast Guard with de-*
19 *pendents who are participating in the child care sub-*
20 *sidy program, and any other individual the Com-*
21 *mandant considers appropriate, if—*

22 “(A) *providing such financial assistance—*

23 “(i) *is in the best interests of the Coast*
24 *Guard; and*

1 “(ii) enables supplementation or ex-
2 pansion of the provision of Coast Guard
3 child care services, while not supplanting or
4 replacing Coast Guard child care services;
5 and

6 “(B) the Commandant ensures, to the extent
7 practicable, that the eligible provider is able to
8 comply, and does comply, with the regulations,
9 policies, and standards applicable to Coast
10 Guard child care services.

11 “(2) *ELIGIBLE PROVIDERS.*—A provider of child
12 care services or youth program services is eligible for
13 financial assistance under this section if the pro-
14 vider—

15 “(A) is licensed to provide such services
16 under applicable State and local law or meets all
17 applicable State and local health and safety re-
18 quirements 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 de-
25 velopment services;

1 “(II) provides such services in a
2 child development center owned and
3 operated by a private, not-for-profit or-
4 ganization;

5 “(III) provides a before-school or
6 after-school child care program in a
7 public school facility;

8 “(IV) conducts an otherwise feder-
9 ally 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 the
18 Commandant considers appropriate for meeting
19 the needs of members or civilian employees of the
20 Coast Guard.

21 “(3) *FINANCIAL ASSISTANCE FOR IN-HOME*
22 *CHILD CARE.*—

23 “(A) *IN GENERAL.*—*The Commandant may*
24 *provide financial assistance to members of the*

1 *Coast Guard who pay for services provided by*
2 *in-home child care providers.*

3 *“(B) REQUIREMENTS.—In carrying out*
4 *such program, the Commandant shall establish a*
5 *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 families*
11 *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 quali-*
18 *fications for available in-home child*
19 *care providers in the private sector;*
20 *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 mem-*
8 *ber or individual the Commandant considers appro-*
9 *priate by direct payment to such eligible member or*
10 *individual through monthly pay, direct deposit, or*
11 *other direct form of payment.*

12 “(2) *POLICY.*—*Not later than 180 days after the*
13 *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 such*
20 *member or individual, the Commandant may con-*
21 *tinue to provide financial assistance under the child*
22 *care subsidy program directly to an eligible provider*
23 *on behalf of such member or individual.*

24 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
25 *subsection may be construed to affect any preexisting*

1 *reimbursement arrangement between the Coast Guard*
2 *and a qualified provider.”.*

3 (B) *CLERICAL AMENDMENT.—The analysis*
4 *for chapter 29 of title 14, United States Code, is*
5 *amended by inserting after the item relating to*
6 *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 States*
14 *Code (referred to in this paragraph as the*
15 *“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 described*
22 *in section 2927(a)(3) of title 14, United*
23 *States Code, and including by providing*
24 *funds directly to such members instead of*
25 *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), the
8 Commandant shall consider in-home child care
9 services, care services such as supplemental care
10 for children with disabilities, and any other
11 child care delivery method the Commandant con-
12 siders appropriate.

13 (C) *REQUIREMENTS.*—In establishing ex-
14 panded eligible uses of funds for the program, the
15 Commandant shall ensure that such uses—

16 (i) are in the best interests of the Coast
17 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 pendents 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 in*
3 *this paragraph as the “manual”) that describes*
4 *the expanded eligible uses of the program.*

5 *(E) REPORT.—*

6 *(i) IN GENERAL.—Not later than 18*
7 *months after the date of the enactment of*
8 *this Act, the Commandant shall submit to*
9 *the Committee on Commerce, Science, and*
10 *Transportation of the Senate and the Com-*
11 *mittee on Transportation and Infrastruc-*
12 *ture of the House of Representatives a re-*
13 *port outlining the expansion of the pro-*
14 *gram.*

15 *(ii) ELEMENTS.—The report required*
16 *by clause (i) shall include the following:*

17 *(I) An analysis of the consider-*
18 *ations described in subparagraph (B).*

19 *(II) A description of the analysis*
20 *used to identify eligible uses that were*
21 *evaluated and incorporated into the*
22 *manual under subparagraph (D).*

23 *(III) A full analysis and justifica-*
24 *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 proposals*
6 *for legislative change, to meet the cur-*
7 *rent and anticipated future child care*
8 *subsidy demands of the Coast Guard.*

9 (V) *A description of the steps*
10 *taken to streamline enrollment policies,*
11 *practices, and requirements for eligible*
12 *child care providers in accordance with*
13 *paragraph (2)(A)(iii).*

14 **SEC. 11402. ARMED FORCES ACCESS TO COAST GUARD**
15 **CHILD DEVELOPMENT SERVICES.**

16 *Section 2922(a) of title 14, United States Code, is*
17 *amended to read as follows:*

18 “(a)(1) *The Commandant may make child develop-*
19 *ment services available, in such priority as the Com-*
20 *mandant considers to be appropriate and consistent with*
21 *readiness and resources and in the best interests of depend-*
22 *ents of members and civilian employees of the Coast Guard,*
23 *for—*

24 “(A) *members and civilian employees of the*
25 *Coast Guard;*

1 “(B) *surviving dependents of service members*
2 *who have died on active duty, if such dependents were*
3 *beneficiaries of a Coast Guard child development serv-*
4 *ice at the time of the death of such members;*

5 “(C) *members of the armed forces (as defined in*
6 *section 101(a) of title 10); and*

7 “(D) *Federal civilian employees.*

8 “(2) *Child development service benefits provided under*
9 *the authority of this section shall be in addition to benefits*
10 *provided under other laws.”.*

11 **SEC. 11403. CADET PREGNANCY POLICY IMPROVEMENTS.**

12 (a) *REGULATIONS REQUIRED.*—*Not later than 18*
13 *months after the date of enactment of this Act, the Sec-*
14 *retary, in consultation with the Secretary of Defense, shall*
15 *prescribe regulations for the Coast Guard Academy con-*
16 *sistent with regulations required to be promulgated by sec-*
17 *tion 559(a) of the National Defense Authorization Act of*
18 *2022 (Public Law 117–81).*

19 (b) *BRIEFING.*—*Not later than 180 days after the date*
20 *of the enactment of this Act, the Secretary shall provide to*
21 *the Committee on Commerce, Science, and Transportation*
22 *of the Senate and the Committee on Transportation and*
23 *Infrastructure of the House of Representatives a briefing on*
24 *the development of the regulations required by subsection*
25 *(a).*

1 **SEC. 11404. COMBAT-RELATED SPECIAL COMPENSATION.**

2 (a) *REPORT AND BRIEFING.*—Not later than 90 days
3 after the date of enactment of this Act, and every 180 days
4 thereafter until the date that is 5 years after the date on
5 which the initial report is submitted under this subsection,
6 the Commandant shall submit a report and provide an in-
7 person briefing to the Committee on Commerce, Science,
8 and Transportation of the Senate and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives on the implementation of section 221 of the
11 Coast Guard Authorization Act of 2016 (Public Law 114–
12 120; 10 U.S.C. 1413a note).

13 (b) *ELEMENTS.*—Each report and briefing required by
14 subsection (a) shall include the following:

15 (1) *A description of methods to educate members*
16 *and retirees on the combat-related special compensa-*
17 *tion program.*

18 (2) *Statistics regarding enrollment in such pro-*
19 *gram for members of the Coast Guard and Coast*
20 *Guard retirees.*

21 (3) *A summary of each of the following:*

22 (A) *Activities carried out relating to the*
23 *education of members of the Coast Guard par-*
24 *ticipating in the Transition Assistance Program*
25 *with respect to the combat-related special com-*
26 *ensation program.*

1 (B) *Activities carried out relating to the*
2 *education of members of the Coast Guard who*
3 *are engaged in missions in which they are sus-*
4 *ceptible to injuries that may result in qualifica-*
5 *tion for combat-related special compensation, in-*
6 *cluding flight school, the National Motor Lifeboat*
7 *School, deployable special forces, and other train-*
8 *ing programs as the Commandant considers ap-*
9 *propriate.*

10 (C) *Activities carried out relating to train-*
11 *ing physicians and physician assistants em-*
12 *ployed by the Coast Guard, or otherwise sta-*
13 *tioned in Coast Guard clinics, sickbays, or other*
14 *locations at which medical care is provided to*
15 *members of the Coast Guard, for the purpose of*
16 *ensuring, during medical examinations, appro-*
17 *priate counseling and documentation of symp-*
18 *toms, injuries, and the associated incident that*
19 *resulted in such injuries.*

20 (D) *Activities relating to the notification of*
21 *health service officers with respect to the combat-*
22 *related special compensation program.*

23 (4) *The written guidance provided to members of*
24 *the Coast Guard regarding necessary recordkeeping to*
25 *ensure eligibility for benefits under such program.*

1 (5) *Any other matter relating to combat-related*
2 *special compensation the Commandant considers ap-*
3 *propriate.*

4 (c) *DISABILITY DUE TO CHEMICAL OR HAZARDOUS*
5 *MATERIAL EXPOSURE.—Section 221(a) of the Coast Guard*
6 *Authorization Act of 2016 (Public Law 114–120; 10 U.S.C.*
7 *1413a note) is amended—*

8 (1) *in paragraph (1) by striking “department*
9 *is” and inserting “department in”; and*

10 (2) *in paragraph (2)—*

11 (A) *in the matter preceding subparagraph*

12 (A)—

13 (i) *by striking “and hazardous” and*
14 *inserting “hazardous”; and*

15 (ii) *by inserting “, or a duty in which*
16 *chemical or other hazardous material expo-*
17 *sure has occurred (such as during marine*
18 *inspections or pollution response activities)”*
19 *after “surfman”); and*

20 (B) *in subparagraph (B)—*

21 (i) *by striking “paragraph (1) or para-*
22 *graph (2) of”; and*

23 (ii) *by striking “, including—” and all*
24 *that follows through “search and rescue; or”*
25 *and inserting “; or”.*

1 **SEC. 11405. STUDY ON FOOD SECURITY.**

2 (a) *STUDY.*—

3 (1) *IN GENERAL.*—*The Commandant shall con-*
4 *duct a study on food insecurity among members of the*
5 *Coast Guard.*

6 (2) *ELEMENTS.*—*The study required under para-*
7 *graph (1) shall include the following:*

8 (A) *An analysis of the impact of food*
9 *deserts on members of the Coast Guard and their*
10 *dependents who live in areas with high costs of*
11 *living, including areas with high-density popu-*
12 *lations and rural areas.*

13 (B) *A comparison of—*

14 (i) *the current method used by the*
15 *Commandant to determine which areas are*
16 *considered to be high cost-of-living areas;*

17 (ii) *local-level indicators used by the*
18 *Bureau of Labor Statistics to determine a*
19 *cost of living that indicates buying power*
20 *and consumer spending in specific geo-*
21 *graphic areas; and*

22 (iii) *indicators of the cost of living*
23 *used by the Department of Agriculture in*
24 *market basket analyses and other measures*
25 *of the local or regional cost of food.*

1 (C) *An assessment of the accuracy of the*
2 *method and indicators described in subpara-*
3 *graph (B) in quantifying high cost of living in*
4 *low-data and remote areas.*

5 (D) *An assessment of the manner in which*
6 *data accuracy and availability affect the accu-*
7 *racy of cost-of-living allowance calculations and*
8 *other benefits, as the Commandant considers ap-*
9 *propriate.*

10 (E) *Recommendations—*

11 (i) *to improve access to high-quality,*
12 *affordable food within a reasonable distance*
13 *of Coast Guard units located in areas iden-*
14 *tified as food deserts;*

15 (ii) *to reduce transit costs for members*
16 *of the Coast Guard and their dependents*
17 *who are required to travel to access high-*
18 *quality, affordable food; and*

19 (iii) *for improving the accuracy of the*
20 *calculations referred to in subparagraph*
21 *(D).*

22 (F) *The estimated costs of implementing*
23 *each recommendation made under subparagraph*
24 *(E).*

25 (b) *PLAN.—*

1 (1) *IN GENERAL.*—The Commandant shall de-
2 velop a detailed plan to implement the recommenda-
3 tions of the study conducted under subsection (a).

4 (2) *REPORT.*—Not later than 1 year after date
5 of the enactment of this Act, the Commandant shall
6 provide 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 plan required under
10 paragraph (1), including the cost of implementation,
11 proposals for legislative change, and any other result
12 of the study the Commandant considers appropriate.

13 (c) *FOOD DESERT DEFINED.*—In this section, the term
14 “food desert” means an area, as determined by the Com-
15 mandant, in which it is difficult, even with a vehicle or
16 an otherwise-available mode of transportation, to obtain af-
17 fordable, high-quality fresh food in the immediate area in
18 which members of the Coast Guard serve and reside.

19 ***Subtitle B—Healthcare***

20 ***SEC. 11406. DEVELOPMENT OF MEDICAL STAFFING STAND-*** 21 ***ARDS FOR COAST GUARD.***

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 medical staffing standards for the Coast*
2 *Guard that are consistent with the recommendations of the*
3 *Comptroller General of the United States set forth in the*
4 *report titled “Coast Guard Health Care: Improvements*
5 *Needed for Determining Staffing Needs and Monitoring Ac-*
6 *cess to Care” and published in February 2022.*

7 (b) *INCLUSIONS.—In developing the standards under*
8 *subsection (a), the Commandant shall address and take into*
9 *consideration the following:*

10 (1) *Current and future operations of healthcare*
11 *personnel in support of Department of Homeland Se-*
12 *curity missions, including surge deployments for inci-*
13 *dent response.*

14 (2) *Staffing standards for specialized providers,*
15 *including flight surgeons, dentists, behavioral health*
16 *specialists, and physical therapists.*

17 (3) *Staffing levels of medical, dental, and behav-*
18 *ioral health providers for the Coast Guard who are—*

19 (A) *members of the Coast Guard;*

20 (B) *assigned to the Coast Guard from the*
21 *Public Health Service;*

22 (C) *Federal civilian employees; or*

23 (D) *contractors hired by the Coast Guard to*
24 *fill vacancies.*

1 (4) *Staffing levels at medical facilities for Coast*
2 *Guard units in remote locations.*

3 (5) *Any discrepancy between medical staffing*
4 *standards of the Department of Defense and medical*
5 *staffing standards of the Coast Guard.*

6 (c) *REVIEW BY COMPTROLLER GENERAL.*—*Not later*
7 *than 90 days after the Commandant completes the staffing*
8 *standards required by subsection (a), the Commandant*
9 *shall submit the standards to the Comptroller General, who*
10 *shall review the standards and provide recommendations to*
11 *the Commandant.*

12 (d) *REPORT TO CONGRESS.*—*Not later than 180 days*
13 *after developing the standards developed under subsection*
14 *(a), the Commandant shall submit to the Committee on*
15 *Commerce, Science, and Transportation of the Senate and*
16 *the Committee on Transportation and Infrastructure of the*
17 *House of Representatives a report on the standards devel-*
18 *oped under subsection (a) and the recommendations pro-*
19 *vided under subsection (c) that includes a plan and a de-*
20 *scription of the resources and budgetary needs required to*
21 *implement the standards.*

22 (e) *MODIFICATION, IMPLEMENTATION, AND PERIODIC*
23 *UPDATES.*—*The Commandant shall—*

24 (1) *modify such standards, as necessary, based*
25 *on the recommendations under subsection (c);*

1 (2) *implement the standards; and*

2 (3) *review and update the standards not less fre-*
3 *quently than every 4 years.*

4 **SEC. 11407. HEALTHCARE SYSTEM REVIEW AND STRATEGIC**
5 **PLAN.**

6 (a) *IN GENERAL.*—*Not later than 270 days after the*
7 *completion of the studies conducted by the Comptroller Gen-*
8 *eral of the United States under sections 8259 and 8260 of*
9 *the William M. (Mac) Thornberry National Defense Author-*
10 *ization Act of Fiscal Year 2021 (Public Law 116–283; 134*
11 *Stat. 4679), the Commandant shall—*

12 (1) *conduct a comprehensive review of the Coast*
13 *Guard healthcare system; and*

14 (2) *develop a strategic plan for improvements to,*
15 *and the modernization of, such system to ensure ac-*
16 *cess to high-quality, timely healthcare for members of*
17 *the Coast Guard, their dependents, and applicable*
18 *Coast Guard retirees.*

19 (b) *PLAN.*—

20 (1) *IN GENERAL.*—*The strategic plan developed*
21 *under subsection (a) shall seek to—*

22 (A) *maximize the medical readiness of*
23 *members of the Coast Guard;*

24 (B) *optimize delivery of healthcare benefits;*

1 (C) ensure high-quality training of Coast
2 Guard medical personnel; and

3 (D) prepare for the future needs of the Coast
4 Guard.

5 (2) *ELEMENTS.*—The plan shall address, at a
6 minimum, the following:

7 (A) Improving access to healthcare for mem-
8 bers of the Coast Guard, their dependents, and
9 applicable Coast Guard retirees.

10 (B) Quality of healthcare.

11 (C) The experience and satisfaction of mem-
12 bers of the Coast Guard and their dependents
13 with the Coast Guard healthcare system.

14 (D) The readiness of members of the Coast
15 Guard and Coast Guard medical personnel.

16 (c) *REVIEW COMMITTEE.*—

17 (1) *ESTABLISHMENT.*—The Commandant shall
18 establish a review committee to conduct a comprehen-
19 sive analysis of the Coast Guard healthcare system
20 (referred to in this section as the “Review Com-
21 mittee”).

22 (2) *MEMBERSHIP.*—The Review Committee shall
23 be composed of members selected by the Commandant,
24 including—

1 (A) 1 or more members of the uniformed
2 services (as defined in section 101 of title 10,
3 United States Code) or Federal employees, either
4 of which have expertise in—

5 (i) the medical, dental, pharmacy, or
6 behavioral health fields; or

7 (ii) any other field the Commandant
8 considers appropriate;

9 (B) 1 representative of the Defense Health
10 Agency; and

11 (C) 1 medical representative from each
12 Coast Guard district.

13 (3) *CHAIRPERSON.*—The chairperson of the Re-
14 view Committee shall be the Director of the Health,
15 Safety, and Work Life Directorate of the Coast
16 Guard.

17 (4) *STAFF.*—The Review Committee shall be
18 staffed by employees of the Coast Guard.

19 (5) *REPORT TO COMMANDANT.*—Not later than 1
20 year after the Review Committee is established, the
21 Review Committee shall submit to the Commandant
22 a report that—

23 (A) assesses, taking into consideration the
24 medical staffing standards developed under sec-
25 tion 11406, the recommended medical staffing

1 standards set forth in the Comptroller General
2 study required by section 8260 of the William M.
3 (Mac) Thornberry National Defense Authoriza-
4 tion Act for Fiscal Year 2021 (Public Law 116-
5 283; 134 Stat. 4679), and compares such stand-
6 ards to the medical staffing standards of the De-
7 partment of Defense and the private sector;

8 (B) addresses improvements needed to en-
9 sure continuity of care for members of the Coast
10 Guard, including by evaluating the feasibility of
11 having a dedicated primary care manager for
12 each such member while the member is stationed
13 at a duty station;

14 (C) evaluates the effects of increased surge
15 deployments of medical personnel on staffing
16 needs at Coast Guard clinics;

17 (D) identifies ways to improve access to
18 care for members of the Coast Guard and their
19 dependents who are stationed in remote areas,
20 including methods to expand access to providers
21 in the available network;

22 (E) identifies ways the Coast Guard may
23 better use Department of Defense Military
24 Health System resources for members of the

1 *Coast Guard, their dependents, and applicable*
2 *Coast Guard retirees;*

3 *(F) identifies barriers to participation in*
4 *the Coast Guard healthcare system and ways the*
5 *Coast Guard may better use patient feedback to*
6 *improve quality of care at Coast Guard-owned*
7 *facilities, military treatment facilities, and spe-*
8 *cialist referrals;*

9 *(G) includes recommendations to improve*
10 *the Coast Guard healthcare system; and*

11 *(H) any other matter the Commandant or*
12 *the Review Committee considers appropriate.*

13 *(6) TERMINATION.—The Review Committee shall*
14 *terminate on the date that is 1 year after the date on*
15 *which the Review Committee submits the report re-*
16 *quired under paragraph (5).*

17 *(7) INAPPLICABILITY OF FEDERAL ADVISORY*
18 *COMMITTEE ACT.—The Federal Advisory Committee*
19 *Act (5 U.S.C. App.) shall not apply to the Review*
20 *Committee.*

21 *(d) REPORT TO CONGRESS.—Not later than 2 years*
22 *after the date of enactment of this Act, the Commandant*
23 *shall submit to the Committee on Commerce, Science, and*
24 *Transportation of the Senate and the Committee on Trans-*

1 *portation and Infrastructure of the House of Representa-*
2 *tives—*

3 (1) *the strategic plan for the Coast Guard med-*
4 *ical system required under subsection (a);*

5 (2) *the report of the Review Committee submitted*
6 *to the Commandant under subsection (c)(5); and*

7 (3) *a description of the manner in which the*
8 *Commandant plans to implement the recommenda-*
9 *tions of the Review Committee.*

10 **SEC. 11408. DATA COLLECTION AND ACCESS TO CARE.**

11 (a) *IN GENERAL.*—*Not later than 180 days after the*
12 *date of enactment of this Act, the Commandant, in con-*
13 *sultation with the Defense Health Agency and any*
14 *healthcare expert the Commandant considers appropriate,*
15 *shall develop, and make publicly available, a policy to re-*
16 *quire the collection of data regarding access by members*
17 *of the Coast Guard and their dependents to medical, dental,*
18 *and behavioral healthcare as recommended by the Comp-*
19 *troller General of the United States in the report entitled*
20 *“Coast Guard Health Care: Improvements Needed for De-*
21 *termining Staffing Needs and Monitoring Access to Care”,*
22 *published in February 2022.*

23 (b) *ELEMENTS.*—*The policy required by subsection (a)*
24 *shall address the following:*

1 (1) *Methods to collect data on access to care*
2 *for—*

3 (A) *routine annual physical health assess-*
4 *ments;*

5 (B) *flight physicals for aviators or prospec-*
6 *tive aviators;*

7 (C) *sick call;*

8 (D) *injuries;*

9 (E) *dental health; and*

10 (F) *behavioral health conditions.*

11 (2) *Collection of data on access to care for refer-*
12 *als.*

13 (3) *Collection of data on access to care for mem-*
14 *bers of the Coast Guard stationed at remote units,*
15 *aboard Coast Guard cutters, and on deployments.*

16 (4) *Use of the electronic health record system to*
17 *improve data collection on access to care.*

18 (5) *Use of data for addressing the standards of*
19 *care, including time between requests for appoint-*
20 *ments and actual appointments, including appoint-*
21 *ments made with referral services.*

22 (c) *PUBLICATION AND REPORT TO CONGRESS.—Not*
23 *later than 90 days after the policy under subsection (a) is*
24 *completed, or any subsequent updates to such policy, the*
25 *Commandant shall—*

1 (1) *publish the policy on a publicly accessible*
2 *internet website of the Coast Guard; and*

3 (2) *submit to the Committee on Commerce,*
4 *Science, and Transportation of the Senate and the*
5 *Committee on Transportation and Infrastructure of*
6 *the House of Representatives a report on the policy*
7 *and the manner in which the Commandant plans to*
8 *address access-to-care deficiencies.*

9 (d) *PERIODIC UPDATES.*—*Not less frequently than*
10 *every 5 years, the Commandant shall review and update*
11 *the policy required under subsection (a).*

12 **SEC. 11409. BEHAVIORAL HEALTH POLICY.**

13 (a) *INTERIM BEHAVIORAL HEALTH POLICY.*—

14 (1) *IN GENERAL.*—*Not later than 180 days after*
15 *the date of enactment of this Act, the Commandant*
16 *shall establish an interim behavioral health policy for*
17 *members of the Coast Guard that is in parity with*
18 *section 5.28 (relating to behavioral health) of Depart-*
19 *ment of Defense Instruction 6130.03, volume 2, “Med-*
20 *ical Standards for Military Service: Retention”.*

21 (2) *TERMINATION.*—*The interim policy estab-*
22 *lished under paragraph (1) shall remain in effect*
23 *until the date on which the Commandant issues a*
24 *permanent behavioral health policy for members of*
25 *the Coast Guard.*

1 (b) *PERMANENT POLICY.*—*In developing a permanent*
2 *policy with respect to retention and behavioral health, the*
3 *Commandant shall ensure that, to the extent practicable,*
4 *the policy of the Coast Guard is in parity with section 5.28*
5 *(relating to behavioral health) of Department of Defense In-*
6 *struction 6130.03, volume 2, “Medical Standards for Mili-*
7 *tary Service: Retention”.*

8 **SEC. 11410. MEMBERS ASSERTING POST-TRAUMATIC**
9 **STRESS DISORDER OR TRAUMATIC BRAIN IN-**
10 **JURY.**

11 (a) *IN GENERAL.*—*Subchapter I of chapter 25 of title*
12 *14, United States Code, is further amended by adding at*
13 *the end the following:*

14 **“§2516. Members asserting post-traumatic stress dis-**
15 **order or traumatic brain injury**

16 “(a) *MEDICAL EXAMINATION REQUIRED.*—

17 “(1) *IN GENERAL.*—*The Secretary shall ensure*
18 *that a member of the Coast Guard who has performed*
19 *Coast Guard operations or has been sexually as-*
20 *saulted during the preceding 2-year period, and who*
21 *is diagnosed by an appropriate licensed or certified*
22 *healthcare professional as experiencing post-traumatic*
23 *stress disorder or traumatic brain injury or who oth-*
24 *erwise alleges, based on the service of the member or*
25 *based on such sexual assault, the influence of such a*

1 *condition, receives a medical examination to evaluate*
2 *a diagnosis of post-traumatic stress disorder or trau-*
3 *matic brain injury.*

4 “(2) *RESTRICTION ON ADMINISTRATIVE SEPARA-*
5 *TION.—A member described in paragraph (1) shall*
6 *not be administratively separated under conditions*
7 *other than honorable, including an administrative*
8 *separation in lieu of a court-martial, until the results*
9 *of the medical examination have been reviewed by ap-*
10 *propriate authorities responsible for evaluating, re-*
11 *viewing, and approving the separation case, as deter-*
12 *mined by the Secretary.*

13 “(3) *POST-TRAUMATIC STRESS DISORDER.—In a*
14 *case involving post-traumatic stress disorder under*
15 *this subsection, a medical examination shall be—*

16 “(A) *performed by—*

17 “(i) *a board-certified or board-eligible*
18 *psychiatrist; or*

19 “(ii) *a licensed doctorate-level psychol-*
20 *ogist; or*

21 “(B) *performed under the close supervision*
22 *of—*

23 “(i) *a board-certified or board-eligible*
24 *psychiatrist; or*

1 “(ii) a licensed doctorate-level psychol-
2 ogist, a doctorate-level mental health pro-
3 vider, a psychiatry resident, or a clinical or
4 counseling psychologist who has completed a
5 1-year internship or residency.

6 “(4) *TRAUMATIC BRAIN INJURY.*—*In a case in-*
7 *volving traumatic brain injury under this subsection,*
8 *a medical examination shall be performed by a*
9 *physiatrist, psychiatrist, neurosurgeon, or neurologist.*

10 “(b) *PURPOSE OF MEDICAL EXAMINATION.*—*The med-*
11 *ical examination required under subsection (a) shall assess*
12 *whether the effects of mental or neurocognitive disorders, in-*
13 *cluding post-traumatic stress disorder and traumatic brain*
14 *injury, constitute matters in extenuation that relate to the*
15 *basis for administrative separation under conditions other*
16 *than honorable or the overall characterization of the service*
17 *of the member as other than honorable.*

18 “(c) *INAPPLICABILITY TO PROCEEDINGS UNDER UNI-*
19 *FORM CODE OF MILITARY JUSTICE.*—*The medical exam-*
20 *ination and procedures required by this section do not*
21 *apply to courts-martial or other proceedings conducted pur-*
22 *suant to the Uniform Code of Military Justice.*

23 “(d) *COAST GUARD OPERATIONS DEFINED.*—*In this*
24 *section, the term ‘Coast Guard operations’ has the meaning*

1 *given that term in section 888(a) of the Homeland Security*
2 *Act of 2002 (6 U.S.C. 468(a)).”.*

3 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
4 *25 of title 14, United States Code, is amended by inserting*
5 *after the item relating to section 2515 (as added by this*
6 *Act) the following:*

“2516. Members asserting post-traumatic stress disorder or traumatic brain in-
jury.”.

7 **SEC. 11411. IMPROVEMENTS TO PHYSICAL DISABILITY**
8 **EVALUATION SYSTEM AND TRANSITION PRO-**
9 **GRAM.**

10 *(a) TEMPORARY POLICY.—Not later than 60 days after*
11 *the date of enactment of this Act, the Commandant shall*
12 *develop a temporary policy that—*

13 *(1) improves timeliness, communication, and*
14 *outcomes for members of the Coast Guard undergoing*
15 *the Physical Disability Evaluation System, or a re-*
16 *lated formal or informal process;*

17 *(2) affords maximum career transition benefits*
18 *to members of the Coast Guard determined by a Med-*
19 *ical Evaluation Board to be unfit for retention in the*
20 *Coast Guard; and*

21 *(3) maximizes the potential separation and ca-*
22 *reer transition benefits for members of the Coast*
23 *Guard undergoing the Physical Disability Evaluation*
24 *System, or a related formal or informal process.*

1 (b) *ELEMENTS.*—*The policy required under subsection*
2 *(a) shall include the following:*

3 (1) *A requirement that any member of the Coast*
4 *Guard who is undergoing the Physical Disability*
5 *Evaluation System, or a related formal or informal*
6 *process, shall be placed in a duty status that allows*
7 *the member the opportunity to attend necessary med-*
8 *ical appointments and other activities relating to the*
9 *Physical Disability Evaluation System, including*
10 *completion of any application of the Department of*
11 *Veterans Affairs and career transition planning.*

12 (2) *In the case of a Medical Evaluation Board*
13 *report that is not completed not later than 120 days*
14 *after the date on which an evaluation by the Medical*
15 *Evaluation Board was initiated, the option for such*
16 *a member to enter permissive duty status.*

17 (3) *A requirement that the date of initiation of*
18 *an evaluation by a Medical Evaluation Board shall*
19 *include the date on which any verbal or written affir-*
20 *mation is made to the member, command, or medical*
21 *staff that the evaluation by the Medical Evaluation*
22 *Board has been initiated.*

23 (4) *An option for such member to seek an intern-*
24 *ship under the SkillBridge program established under*
25 *section 1143(e) of title 10, United States Code, and*

1 *outside employment aimed at improving the transi-*
2 *tion of the member to civilian life, only if such an in-*
3 *ternship or employment does not interfere with nec-*
4 *essary medical appointments required for the mem-*
5 *ber's physical disability evaluation.*

6 *(5) A requirement that not less than 21 days no-*
7 *tice shall be provided to such a member for any such*
8 *medical appointment, to the maximum extent prac-*
9 *ticable, to ensure that the appointment timeline is in*
10 *the best interests of the immediate health of the mem-*
11 *ber.*

12 *(6) A requirement that the Coast Guard shall*
13 *provide such a member with a written separation*
14 *date upon the completion of a Medical Evaluation*
15 *Board report that finds the member unfit to continue*
16 *active duty.*

17 *(7) To provide certainty to such a member with*
18 *respect to a separation date, a policy that ensures—*

19 *(A) that accountability measures are in*
20 *place with respect to Coast Guard delays*
21 *throughout the Physical Disability Evaluation*
22 *System, including—*

23 *(i) placement of the member in an ex-*
24 *cess leave status after 270 days have elapsed*
25 *since the date of initiation of an evaluation*

1 *by a Medical Evaluation Board by any*
2 *competent authority; and*

3 *(ii) a calculation of the costs to retain*
4 *the member on active duty, including the*
5 *pay, allowances, and other associated bene-*
6 *fits of the member, for the period beginning*
7 *on the date that is 90 days after the date*
8 *of initiation of an evaluation by a Medical*
9 *Evaluation Board by any competent au-*
10 *thority and ending on the date on which the*
11 *member is separated from the Coast Guard;*
12 *and*

13 *(B) the availability of administrative solu-*
14 *tions to any such delay.*

15 *(8) With respect to a member of the Coast Guard*
16 *on temporary limited duty status, an option to re-*
17 *main in the member's current billet, to the maximum*
18 *extent practicable, or to be transferred to a different*
19 *active-duty billet, so as to minimize any negative im-*
20 *pact on the member's career trajectory.*

21 *(9) A requirement that each respective command*
22 *shall report to the Coast Guard Personnel Service*
23 *Center any delay of more than 21 days between each*
24 *stage of the Physical Disability Evaluation System*
25 *for any such member, including between stages of the*

1 *processes, the Medical Evaluation Board, the Informal*
2 *Physical Evaluation Board, and the Formal Physical*
3 *Evaluation Board.*

4 (10) *A requirement that, not later than 7 days*
5 *after receipt of a report of a delay described in para-*
6 *graph (9), the Personnel Service Center shall take cor-*
7 *rective action, which shall ensure that the Coast*
8 *Guard exercises maximum discretion to continue the*
9 *Physical Disability Evaluation System of such a*
10 *member in a timely manner, unless such delay is*
11 *caused by the member.*

12 (11) *A requirement that—*

13 (A) *a member of the Coast Guard shall be*
14 *allowed to make a request for a reasonable delay*
15 *in the Physical Disability Evaluation System to*
16 *obtain additional input and consultation from a*
17 *medical or legal professional; and*

18 (B) *any such request for delay shall be ap-*
19 *proved by the Commandant based on a showing*
20 *of good cause by the member.*

21 (c) *REPORT ON TEMPORARY POLICY.—Not later than*
22 *60 days after the date of enactment of this Act, the Com-*
23 *mandant shall submit to the Committee on Commerce,*
24 *Science, and Transportation of the Senate and the Com-*
25 *mittee on Transportation and Infrastructure of the House*

1 *of Representatives a copy of the policy developed under sub-*
2 *section (a).*

3 (d) *PERMANENT POLICY.*—*Not later than 180 days*
4 *after the date of enactment of this Act, the Commandant*
5 *shall publish a Commandant Instruction making the policy*
6 *developed under subsection (a) a permanent policy of the*
7 *Coast Guard.*

8 (e) *BRIEFING.*—*Not later than 1 year after the date*
9 *of enactment of this Act, the Commandant shall provide to*
10 *the Committee on Commerce, Science, and Transportation*
11 *of the Senate and the Committee on Transportation and*
12 *Infrastructure of the House of Representatives a briefing on,*
13 *and a copy of, the permanent policy.*

14 (f) *ANNUAL REPORT ON COSTS.*—

15 (1) *IN GENERAL.*—*Not less frequently than an-*
16 *nually, the Commandant shall submit to the Com-*
17 *mittee on Commerce, Science, and Transportation of*
18 *the Senate and the Committee on Transportation and*
19 *Infrastructure of the House of Representatives a re-*
20 *port that, for the preceding fiscal year—*

21 (A) *details the total aggregate service-wide*
22 *costs described in subsection (b)(7)(A)(ii) for*
23 *members of the Coast Guard whose Physical Dis-*
24 *ability Evaluation System process has exceeded*
25 *90 days; and*

1 (B) includes for each such member—
2 (i) an accounting of such costs; and
3 (ii) the number of days that elapsed be-
4 tween the initiation and completion of the
5 Physical Disability Evaluation System
6 process.

7 (2) *PERSONALLY IDENTIFIABLE INFORMATION.*—
8 A report under paragraph (1) shall not include the
9 personally identifiable information of any member of
10 the Coast Guard.

11 **SEC. 11412. EXPANSION OF ACCESS TO COUNSELING.**

12 (a) *IN GENERAL.*—Not later than 180 days after the
13 date of enactment of this Act, the Commandant shall hire,
14 train, and deploy not fewer than an additional 5 behavioral
15 health specialists.

16 (b) *REQUIREMENT.*—Through the hiring process re-
17 quired under subsection (a), the Commandant shall ensure
18 that at least 35 percent of behavioral health specialists em-
19 ployed by the Coast Guard have experience in behavioral
20 healthcare for the purpose of supporting members of the
21 Coast Guard with needs for perinatal mental health care
22 and counseling service for miscarriage, child loss, and
23 postpartum depression.

24 (c) *ACCESSIBILITY.*—The support provided by the be-
25 havioral health specialists described in subsection (a)—

- 1 (1) *may include care delivered via telemedicine;*
2 *and*
3 (2) *shall be made widely available to members of*
4 *the Coast Guard.*

5 **SEC. 11413. EXPANSION OF POSTGRADUATE OPPORTUNI-**
6 **TIES FOR MEMBERS OF COAST GUARD IN**
7 **MEDICAL AND RELATED FIELDS.**

8 (a) *IN GENERAL.*—*The Commandant shall expand op-*
9 *portunities for members of the Coast Guard to secure post-*
10 *graduate degrees in medical and related professional dis-*
11 *ciplines for the purpose of supporting Coast Guard clinics*
12 *and operations.*

13 (b) *APPLICATION OF LAW.*—*Individuals who receive*
14 *assistance pursuant to subsection (a) shall be subject to the*
15 *service obligations required under section 2114 of title 10,*
16 *United States Code.*

17 (c) *MILITARY TRAINING STUDENT LOADS.*—*Section*
18 *4904(b)(3) of title 14, United States Code, is amended by*
19 *striking “350” and inserting “385”.*

20 **SEC. 11414. STUDY ON COAST GUARD MEDICAL FACILITIES**
21 **NEEDS.**

22 (a) *IN GENERAL.*—*Not later than 270 days after the*
23 *date of enactment of this Act, the Comptroller General of*
24 *the United States shall commence a study on Coast Guard*
25 *medical facilities needs.*

1 **(b) ELEMENTS.**—*The study required by subsection (a)*
2 *shall include the following:*

3 (1) *A list of Coast Guard medical facilities, in-*
4 *cluding clinics, sickbays, and shipboard facilities.*

5 (2) *A summary of capital needs for Coast Guard*
6 *medical facilities, including construction and repair.*

7 (3) *A summary of equipment upgrade backlogs of*
8 *Coast Guard medical facilities.*

9 (4) *An assessment of improvements to Coast*
10 *Guard medical facilities, including improvements to*
11 *information technology infrastructure, required to en-*
12 *able the Coast Guard to fully use telemedicine and*
13 *implement other modernization initiatives.*

14 (5) *An evaluation of the process used by the*
15 *Coast Guard to identify, monitor, and construct*
16 *Coast Guard medical facilities.*

17 (6) *A description of the resources necessary to*
18 *fully address all Coast Guard medical facilities needs.*

19 **(c) REPORT.**—*Not later than 1 year after commencing*
20 *the study required by subsection (a), the Comptroller Gen-*
21 *eral shall submit to the Committee on Commerce, Science,*
22 *and Transportation of the Senate and the Committee on*
23 *Transportation and Infrastructure of the House of Rep-*
24 *resentatives a report on the findings of the 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 of
5 the United States shall commence a study on the Coast
6 Guard telemedicine program.

7 (b) *ELEMENTS.*—The study required under subsection
8 (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 ex-
4 pansion of such program.

5 (3) A description of the resources necessary to ex-
6 pand such program to its full capability.

7 (c) *REPORT*.—Not later than 1 year after commencing
8 the study required by subsection (a), the Comptroller Gen-
9 eral shall submit to the Committee on Commerce, Science,
10 and Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives a report on the findings of the study.

13 ***Subtitle C—Housing***

14 ***SEC. 11416. STUDY ON COAST GUARD HOUSING ACCESS,*** 15 ***COST, AND CHALLENGES.***

16 (a) *IN GENERAL*.—Not later than 90 days after the
17 date of enactment of this Act, the Comptroller General of
18 the United States shall commence a study on housing access,
19 cost, and associated challenges facing members of the Coast
20 Guard.

21 (b) *ELEMENTS*.—The study required under subsection
22 (a) shall include the following:

23 (1) An assessment of—

24 (A) the extent to which—

1 (i) the Commandant has evaluated the
2 sufficiency, availability, and affordability
3 of 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 pol-
12 icy; 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 to
18 gather and provide information used to calculate
19 housing allowances for members of the Coast
20 Guard and their dependents, including whether
21 the Commandant has established best practices to
22 manage low-data areas.

23 (2) An assessment as to whether the Department
24 of Defense basic allowance for housing is sufficient for
25 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; or*

8 (B) *units located in areas with a high num-*
9 *ber of vacation rental properties.*

10 (c) *REPORT.—Not later than 1 year after commencing*
11 *the study required under subsection (a), the Comptroller*
12 *General 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 (d) *STRATEGY.—Not later than 180 days after the sub-*
17 *mission of the report required under subsection (c), the*
18 *Commandant shall publish a Coast Guard housing strategy*
19 *that addresses the findings set forth in the report. Such*
20 *strategy shall, at a minimum—*

21 (1) *address housing inventory shortages and af-*
22 *fordability; and*

23 (2) *include a Coast Guard-owned housing infra-*
24 *structure investment prioritization plan.*

1 **SEC. 11417. AUDIT OF CERTAIN MILITARY HOUSING CONDI-**
2 **TIONS OF ENLISTED MEMBERS OF COAST**
3 **GUARD IN KEY WEST, FLORIDA.**

4 (a) *IN GENERAL.*—Not later than 30 days after the
5 date of enactment of this Act, the Commandant, in coordi-
6 nation with the Secretary of the Navy, shall commence an
7 audit to assess—

8 (1) *the conditions of housing units of enlisted*
9 *members of the Coast Guard located at Naval Air*
10 *Station Key West Sigsbee Park Annex;*

11 (2) *the percentage of such units that are consid-*
12 *ered unsafe or unhealthy housing units for enlisted*
13 *members of the Coast Guard and their families;*

14 (3) *the process used by enlisted members of the*
15 *Coast Guard and their families to report housing con-*
16 *cerns;*

17 (4) *the extent to which enlisted members of the*
18 *Coast Guard and their families experience unsafe or*
19 *unhealthy housing units, relocate, receive a per diem,*
20 *or expend similar expenses as a direct result of dis-*
21 *placement that are not covered by a landlord, insur-*
22 *ance, or claims process;*

23 (5) *the feasibility of providing reimbursement for*
24 *uncovered expenses described in paragraph (4); and*

1 (6) *what resources are needed to provide appro-*
2 *priate and safe housing for enlisted members of the*
3 *Coast Guard and their families in Key West, Florida.*

4 (b) *REPORT.*—*Not later than 120 days after the date*
5 *of enactment of this section , the Commandant shall submit*
6 *to the appropriate committees of Congress a report on the*
7 *results of the audit.*

8 (c) *DEFINITIONS.*—*In this section:*

9 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
10 *The term “appropriate committees of Congress”*
11 *means—*

12 (A) *the Committee on Commerce, Science,*
13 *and Transportation and the Committee on*
14 *Homeland Security and Governmental Affairs of*
15 *the Senate; and*

16 (B) *the Committee on Transportation and*
17 *Infrastructure and the Committee on Homeland*
18 *Security of the House of Representatives.*

19 (2) *UNSAFE OR UNHEALTHY HOUSING UNIT.*—
20 *The term “unsafe or unhealthy housing unit” means*
21 *a unit of housing unit in which is present, at levels*
22 *exceeding relevant governmental health or housing*
23 *standards or guidelines, at least 1 of the following*
24 *hazards:*

1 (A) *Physiological hazards, including the fol-*
2 *lowing:*

3 (i) *Dampness or microbial growth.*

4 (ii) *Lead-based paint.*

5 (iii) *Asbestos or manmade fibers.*

6 (iv) *Ionizing radiation.*

7 (v) *Biocides.*

8 (vi) *Carbon monoxide.*

9 (vii) *Volatile organic compounds.*

10 (viii) *Infectious agents.*

11 (ix) *Fine particulate matter.*

12 (B) *Psychological hazards, including the fol-*
13 *lowing:*

14 (i) *Ease of access by unlawful intrud-*
15 *ers.*

16 (ii) *Lighting issues.*

17 (iii) *Poor ventilation.*

18 (iv) *Safety hazards.*

19 (v) *Other hazards similar to the haz-*
20 *ards specified in clauses (i) through (iv).*

21 **SEC. 11418. STUDY ON COAST GUARD HOUSING AUTHORI-**
22 **TIES AND PRIVATIZED HOUSING.**

23 (a) *STUDY.—*

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

1 *General of the United States shall commence a study*
2 *that—*

3 *(A) evaluates the authorities of the Coast*
4 *Guard relating to construction, operation, and*
5 *maintenance of housing provided to members of*
6 *the Coast Guard and their dependents; and*

7 *(B) assesses other options to meet Coast*
8 *Guard housing needs in rural and urban hous-*
9 *ing markets, including public-private partner-*
10 *ships, long-term lease agreements, privately*
11 *owned housing, and any other housing option the*
12 *Comptroller General identifies.*

13 *(2) ELEMENTS.—The study required under para-*
14 *graph (1) shall include the following:*

15 *(A) A review of authorities, regulations, and*
16 *policies available to the Secretary with respect to*
17 *construction, maintenance, and operation of*
18 *housing for members of the Coast Guard and*
19 *their dependents, including unaccompanied*
20 *member housing, that considers—*

21 *(i) housing that is owned and managed*
22 *by the Coast Guard;*

23 *(ii) long-term leasing or extended-rent-*
24 *al housing;*

1 (iii) *public-private partnerships or*
2 *other privatized housing options for which*
3 *the Secretary may enter into 1 or more con-*
4 *tracts with a private entity to build, main-*
5 *tain, and manage privatized housing for*
6 *members of the Coast Guard and their de-*
7 *pendents;*

8 (iv) *on-installation and off-installation*
9 *housing options, and the availability of,*
10 *and authorities relating to, such options;*
11 *and*

12 (v) *housing availability near Coast*
13 *Guard units, readiness needs, and safety.*

14 (B) *A review of the housing-related authori-*
15 *ties, regulations, and policies available to the*
16 *Secretary of Defense, and an identification of the*
17 *differences between such authorities afforded to*
18 *the Secretary of Defense and the housing-related*
19 *authorities, regulations, and policies afforded to*
20 *the Secretary.*

21 (C) *A description of lessons learned, or rec-*
22 *ommendations for, the Coast Guard based on the*
23 *use of private housing by the Department of De-*
24 *fense, including the recommendations set forth in*
25 *the report of the Government Accountability Of-*

1 *rice titled “Privatized Military Housing: Update*
2 *on DOD’s Efforts to Address Oversight Chal-*
3 *lenges” (GAO–22–105866), issued in March*
4 *2022.*

5 *(D) An assessment of the extent to which the*
6 *Secretary uses the authorities provided in sub-*
7 *chapter IV of chapter 169 of title 10, United*
8 *States Code.*

9 *(E) An analysis of immediate and long-*
10 *term costs associated with housing owned and*
11 *operated by the Coast Guard, as compared to op-*
12 *portunities for long-term leases, private housing,*
13 *and other public-private partnerships in urban*
14 *and remote locations.*

15 *(b) REPORT.—Not later than 1 year after the date of*
16 *enactment of this Act, the Comptroller General shall submit*
17 *to the appropriate committees of Congress a report on the*
18 *results of the study conducted under subsection (a).*

19 *(c) BRIEFING.—Not later than 180 days after the date*
20 *on which the report required under subsection (b) is sub-*
21 *mitted, the Commandant or the Secretary shall provide a*
22 *briefing to the appropriate committees of Congress on—*

23 *(1) the actions the Commandant has, or has not,*
24 *taken with respect to the results of the study;*

1 (2) a plan for addressing areas identified in the
2 report that present opportunities for improving the
3 housing options available to members of the Coast
4 Guard and their dependents; and

5 (3) the need for, or potential manner of use of,
6 any authorities the Coast Guard does not have with
7 respect to housing, as compared to the Department of
8 Defense.

9 (d) *APPROPRIATE COMMITTEES OF CONGRESS.*—In
10 this section, the term “appropriate committees of Congress”
11 means the Committee on Commerce, Science, and Transpor-
12 tation of the Senate and the Committee on Transportation
13 and Infrastructure of the House of Representatives.

14 **SEC. 11419. STRATEGY TO IMPROVE QUALITY OF LIFE AT**
15 **REMOTE UNITS.**

16 (a) *IN GENERAL.*—Not more than 180 days after the
17 date of enactment of this Act, the Commandant shall de-
18 velop a strategy to improve the quality of life for members
19 of the Coast Guard and their dependents who are stationed
20 in remote units.

21 (b) *ELEMENTS.*—The strategy developed under sub-
22 section (a) shall address the following:

23 (1) Methods to improve the availability or af-
24 fordability of housing options for such members and
25 their dependents through—

1 (A) *Coast Guard-owned housing; or*

2 (B) *Coast Guard-facilitated housing.*

3 (2) *A review of whether current methods for de-*
4 *termining the amount of basic housing allowances re-*
5 *ceived by such members of the Coast Guard accurately*
6 *reflect the costs of privately owned or privately rented*
7 *housing in such areas.*

8 (3) *Methods to improve access by such members*
9 *and their dependents to—*

10 (A) *medical, dental, and pediatric care; and*

11 (B) *behavioral health care that is covered*
12 *under the TRICARE program (as defined in sec-*
13 *tion 1072 of title 10, United States Code).*

14 (4) *Methods to increase access to child care serv-*
15 *ices in such areas, including recommendations for in-*
16 *creasing child care capacity and opportunities for*
17 *care within the Coast Guard and in the private sec-*
18 *tor.*

19 (5) *Methods to improve non-Coast Guard net-*
20 *work internet access at remote units—*

21 (A) *to improve communications between*
22 *members of the Coast Guard on active duty who*
23 *are assigned or attached to a remote unit and*
24 *the family members of such members who are not*

1 *located in the same location as such member;*
2 *and*

3 *(B) for other purposes such as education*
4 *and training.*

5 *(6) Methods to support spouses and other de-*
6 *pendents of members serving in such areas who face*
7 *challenges specific to remote locations.*

8 *(7) Any other matter the Commandant considers*
9 *appropriate.*

10 *(c) BRIEFING.—Not later than 180 days after the*
11 *strategy developed under subsection (a) is completed, the*
12 *Commandant shall provide 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 briefing on the strategy.*

16 *(d) REMOTE UNIT DEFINED.—In this section, the term*
17 *“remote unit” means a unit located in an area in which*
18 *members of the Coast Guard and their dependents are eligi-*
19 *ble for TRICARE Prime Remote.*

20 ***Subtitle D—Other Matters***

21 ***SEC. 11420. REPORT ON AVAILABILITY OF EMERGENCY SUP-*** 22 ***PLIES FOR COAST GUARD PERSONNEL.***

23 *(a) IN GENERAL.—Not later than 180 days after the*
24 *date of enactment of this Act, the Comptroller General of*
25 *the United States 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 on the availability of ap-*
4 *propriate emergency supplies at Coast Guard units.*

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

7 (1) *An assessment of the extent to which—*

8 (A) *the Commandant ensures that Coast*
9 *Guard units assess risks and plan accordingly to*
10 *obtain and maintain appropriate emergency*
11 *supplies; and*

12 (B) *Coast Guard units have emergency food*
13 *and water supplies available according to local*
14 *emergency preparedness needs.*

15 (2) *A description of any challenge the Com-*
16 *mandant faces in planning for and maintaining ade-*
17 *quate emergency supplies for Coast Guard personnel.*

18 (c) *PUBLICATION.*—*Not later than 90 days after the*
19 *date of submission of the report required by subsection (a),*
20 *the Commandant shall publish a strategy and recommenda-*
21 *tions in response to the report that includes—*

22 (1) *a plan for improving emergency prepared-*
23 *ness and emergency supplies for Coast Guard units;*
24 *and*

1 (2) *a process for periodic review and engagement*
2 *with Coast Guard units to ensure emerging emergency*
3 *response supply needs are achieved and maintained.*

4 **SEC. 11421. FLEET MIX ANALYSIS AND SHORE INFRASTRUC-**
5 **TURE INVESTMENT PLAN.**

6 (a) *FLEET MIX ANALYSIS.*—

7 (1) *IN GENERAL.*—*The Commandant shall con-*
8 *duct an updated fleet mix analysis that provides for*
9 *a fleet mix sufficient, as determined by the Com-*
10 *mandant—*

11 (A) *to carry out—*

12 (i) *the missions of the Coast Guard;*
13 *and*

14 (ii) *emerging mission requirements;*
15 *and*

16 (B) *to address—*

17 (i) *national security threats; and*

18 (ii) *the global deployment of the Coast*
19 *Guard to counter great power competitors.*

20 (2) *REPORT.*—*Not later than 1 year after the*
21 *date of enactment of this Act, the Commandant shall*
22 *submit to Congress a report on the results of the up-*
23 *dated fleet mix analysis required under paragraph*
24 *(1).*

25 (b) *SHORE INFRASTRUCTURE INVESTMENT PLAN.*—

1 (1) *IN GENERAL.*—*The Commandant shall de-*
2 *velop an updated shore infrastructure investment*
3 *plan that includes—*

4 (A) *the construction of additional facilities*
5 *to accommodate the updated fleet mix described*
6 *in subsection (a)(1);*

7 (B) *improvements necessary to ensure that*
8 *existing facilities meet requirements and remain*
9 *operational for the lifespan of such fleet mix, in-*
10 *cluding necessary improvements to information*
11 *technology infrastructure;*

12 (C) *a timeline for the construction and im-*
13 *provement of the facilities described in subpara-*
14 *graphs (A) and (B); and*

15 (D) *a cost estimate for construction and*
16 *life-cycle support of such facilities, including for*
17 *necessary personnel.*

18 (2) *REPORT.*—*Not later than 1 year after the*
19 *date on which the report under subsection (a)(2) is*
20 *submitted, the Commandant shall submit to Congress*
21 *a report on the plan required under paragraph (1).*

TITLE CXV—MARITIME**Subtitle A—Vessel Safety****SEC. 11501. RESPONSES TO SAFETY RECOMMENDATIONS.**

(a) *IN GENERAL.*—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 721. Responses to safety recommendations

“(a) *IN GENERAL.*—Not later than 90 days after the National Transportation Safety Board submits to the Commandant a recommendation, and supporting justification for such recommendation, relating to transportation safety, the Commandant shall submit to the National Transportation Safety Board a written response to the recommendation, including whether the Commandant—

“(1) concurs with the recommendation;

“(2) partially concurs with the recommendation;

or

“(3) does not concur with the recommendation.

“(b) *EXPLANATION OF CONCURRENCE.*—The Commandant shall include in a response submitted under subsection (a)—

“(1) with respect to a recommendation with which the Commandant concurs or partially concurs, an explanation of the actions the Commandant intends to take to implement such recommendation or part of such recommendation; and

1 “(2) *with respect to a recommendation with*
2 *which the Commandant does not concur, the reasons*
3 *the Commandant does not concur.*

4 “(c) *FAILURE TO RESPOND.—If the National Trans-*
5 *portation Safety Board has not received the written re-*
6 *sponse required under subsection (a) by the end of the time*
7 *period described in such subsection, the National Transpor-*
8 *tation Safety Board shall notify the Committee on Com-*
9 *merce, Science, and Transportation of the Senate and the*
10 *Committee on Transportation and Infrastructure of the*
11 *House of Representatives that such response has not been*
12 *received.”.*

13 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
14 *7 of title 14, United States Code, is amended by adding*
15 *at the end the following:*

 “721. *Responses to safety recommendations.”.*

16 **SEC. 11502. REQUIREMENTS FOR DUKW AMPHIBIOUS PAS-**
17 **SENGER VESSELS.**

18 “(a) *RULEMAKING REQUIRED.—*

19 “(1) *IN GENERAL.—Not later than 6 months after*
20 *the date of enactment of this Act, the Commandant*
21 *shall initiate a rulemaking to establish additional*
22 *safety standards for DUKW amphibious passenger*
23 *vessels.*

24 “(2) *DEADLINE FOR REGULATIONS.—The regula-*
25 *tions issued under paragraph (1) shall take effect not*

1 *later than 18 months after the Commandant promul-*
2 *gates a final rule pursuant to such paragraph.*

3 **(b) REQUIREMENTS.**—*The regulations required under*
4 *subsection (a) shall include the following:*

5 (1) *A requirement that operators of DUKW am-*
6 *phibious passenger vessels provide reserve buoyancy*
7 *for such vessels through passive means, including wa-*
8 *tertight compartmentalization, built-in flotation, or*
9 *such other means as determined appropriate by the*
10 *Commandant, in order to ensure that such vessels re-*
11 *main afloat and upright in the event of flooding, in-*
12 *cluding when carrying a full complement of pas-*
13 *sengers and crew.*

14 (2) *An identification, in consultation with the*
15 *Under Secretary of Commerce for Oceans and Atmos-*
16 *phere, of limiting environmental conditions, such as*
17 *weather, in which DUKW amphibious passenger ves-*
18 *sels may safely operate and a requirement that such*
19 *limiting conditions be described in the certificate of*
20 *inspection of each DUKW amphibious passenger ves-*
21 *sel.*

22 (3) *Requirements that an operator of a DUKW*
23 *amphibious passenger vessel—*

24 (A) *proceed to the nearest harbor or safe ref-*
25 *uge in any case in which a watch or warning*

1 is issued for wind speeds exceeding the wind
2 speed equivalent used to certify the stability of
3 such DUKW amphibious passenger vessel; and

4 (B) maintain and monitor a weather mon-
5 itor radio receiver at the operator station of the
6 vessel that is automatically activated by the
7 warning alarm device of the National Weather
8 Service.

9 (4) A requirement that—

10 (A) operators of DUKW amphibious pas-
11 senger vessels inform passengers that seat belts
12 may not be worn during waterborne operations;

13 (B) before the commencement of waterborne
14 operations, a crew member shall visually check
15 that the seatbelt of each passenger is unbuckled;
16 and

17 (C) operators or crew maintain a log re-
18 cording the actions described in subparagraphs
19 (A) and (B).

20 (5) A requirement for annual training for opera-
21 tors and crew of DUKW amphibious passenger ves-
22 sels, including—

23 (A) training for personal flotation and seat
24 belt requirements, verifying the integrity of the
25 vessel at the onset of each waterborne departure,

1 *identification of weather hazards, and use of Na-*
2 *tional Weather Service resources prior to oper-*
3 *ation; and*

4 *(B) training for crew to respond to emer-*
5 *gency situations, including flooding, engine com-*
6 *partment fires, man-overboard situations, and in*
7 *water emergency egress procedures.*

8 *(c) CONSIDERATION.—In issuing the regulations re-*
9 *quired under subsection (a), the Commandant shall con-*
10 *sider whether personal flotation devices should be required*
11 *for the duration of the waterborne transit of a DUKW am-*
12 *phibious passenger vessel.*

13 *(d) WAIVER.—The Commandant may waive the re-*
14 *serve buoyancy requirements described in subsection (b)(1)*
15 *for a DUKW amphibious passenger vessel if the Com-*
16 *mandant certifies in writing, using the best available*
17 *science, to the appropriate congressional committees that*
18 *such requirement is not practicable or technically or prac-*
19 *tically achievable for such vessel.*

20 *(e) NOTICE TO PASSENGERS.—A DUKW amphibious*
21 *passenger vessel that receives a waiver under subsection (d)*
22 *shall provide a prominently displayed notice on its website,*
23 *ticket counter, and each ticket for passengers that the vessel*
24 *is exempt from meeting Coast Guard safety compliance*
25 *standards concerning reserve buoyancy.*

1 (f) *INTERIM REQUIREMENTS.*—*Prior to issuing final*
2 *regulations pursuant to subsection (a) and not later than*
3 *180 days after the date of enactment of this Act, the Com-*
4 *mandant shall require that operators of DUKW amphibious*
5 *passenger vessels implement the following requirements:*

6 (1) *Remove the canopies and any window cov-*
7 *erings of such vessels for waterborne operations, or in-*
8 *stall in such vessels a canopy that does not restrict*
9 *horizontal or vertical escape by passengers in the*
10 *event of flooding or sinking.*

11 (2) *If a canopy and window coverings are re-*
12 *moved from any such vessel pursuant to paragraph*
13 *(1), require that all passengers wear a personal flota-*
14 *tion device approved by the Coast Guard before the*
15 *onset of waterborne operations of such vessel.*

16 (3) *Reengineer such vessels to permanently close*
17 *all unnecessary access plugs and reduce all through-*
18 *hull penetrations to the minimum number and size*
19 *necessary for operation.*

20 (4) *Install in such vessels independently powered*
21 *electric bilge pumps that are capable of dewatering*
22 *such vessels at the volume of the largest remaining*
23 *penetration in order to supplement an operable Hig-*
24 *gins pump or a dewatering pump of equivalent or*
25 *greater capacity.*

1 (5) *Install in such vessels not fewer than 4 inde-*
2 *pendently powered bilge alarms.*

3 (6) *Conduct an in-water inspection of any such*
4 *vessel after each time a through-hull penetration of*
5 *such vessel has been removed or uncovered.*

6 (7) *Verify through an in-water inspection the*
7 *watertight integrity of any such vessel at the outset*
8 *of each waterborne departure of such vessel.*

9 (8) *Install underwater LED lights that activate*
10 *automatically in an emergency.*

11 (9) *Otherwise comply with any other provisions*
12 *of relevant Coast Guard guidance or instructions in*
13 *the inspection, configuration, and operation of such*
14 *vessels.*

15 (g) *IMPLEMENTATION.—The Commandant shall imple-*
16 *ment the interim requirements under subsection (f) without*
17 *regard to chapters 5 and 6 of title 5, United States Code,*
18 *and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601*
19 *note).*

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

21 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
22 *TEES.—The term “appropriate congressional commit-*
23 *tees” means the Committee Transportation and Infra-*
24 *structure of the House of Representatives and the*

1 *Committee on Commerce, Science, and Transpor-*
2 *tation of the Senate.*

3 (2) *DUKW AMPHIBIOUS PASSENGER VESSEL.—*
4 *The term “DUKW amphibious passenger vessel”*
5 *means a vessel that uses, modifies, or is derived from*
6 *the GMC DUKW–353 design, and which is operating*
7 *as a small passenger vessel in waters subject to the ju-*
8 *isdiction of the United States, as defined in section*
9 *2.38 of title 33, Code of Federal Regulations (or a*
10 *successor regulation).*

11 **SEC. 11503. EXONERATION AND LIMITATION OF LIABILITY**
12 **FOR SMALL PASSENGER VESSELS.**

13 (a) *RESTRUCTURING.—Chapter 305 of title 46, United*
14 *States Code, is amended—*

15 (1) *by inserting before section 30501 the fol-*
16 *lowing:*

17 **“Subchapter I—General Provisions”;**

18 (2) *by inserting before section 30503 the fol-*
19 *lowing:*

20 **“Subchapter II—Exoneration and Limitation**
21 **of Liability”;**

22 *and*

23 (3) *by redesignating sections 30503 through*
24 *30512 as sections 30521 through 30530, respectively.*

1 (b) *DEFINITIONS.*—Section 30501 of title 46, United
2 States Code, is amended to read as follows:

3 **“§ 30501. Definitions**

4 *“In this chapter:*

5 *“(1) COVERED SMALL PASSENGER VESSEL.—The*
6 *term ‘covered small passenger vessel’—*

7 *“(A) means a small passenger vessel, as de-*
8 *finied in section 2101, that is—*

9 *“(i) not a wing-in-ground craft; and*

10 *“(ii) carrying—*

11 *“(I) not more than 49 passengers*
12 *on an overnight domestic voyage; and*

13 *“(II) not more than 150 pas-*
14 *sengers on any voyage that is not an*
15 *overnight domestic voyage; and*

16 *“(B) includes any wooden vessel constructed*
17 *prior to March 11, 1996, carrying at least 1 pas-*
18 *senger for hire.*

19 *“(2) OWNER.—The term ‘owner’ includes a*
20 *charterer that mans, supplies, and navigates a vessel*
21 *at the charterer’s own expense or by the charterer’s*
22 *own procurement.”.*

23 (c) *APPLICABILITY.*—Section 30502 of title 46, United
24 States Code, is amended to read as follows:

1 **“§ 30502. Application**

2 “(a) *IN GENERAL.*—*Except as otherwise provided, this*
3 *chapter (except section 30521) applies to seagoing vessels*
4 *and vessels used on lakes or rivers or in inland navigation,*
5 *including canal boats, barges, and lighters.*

6 “(b) *EXCEPTION.*—*This chapter (except for section*
7 *30526) shall not apply to covered small passenger vessels.”.*

8 (d) *PROVISIONS REQUIRING NOTICE OF CLAIM OR*
9 *LIMITING TIME FOR BRINGING ACTION.*—*Section 30526(b)*
10 *of title 46, United States Code, as redesignated by sub-*
11 *section (a), is amended—*

12 (1) *in paragraph (1)—*

13 (A) *by inserting “, in the case of seagoing*
14 *vessels,” after “personal injury or death”; and*

15 (B) *by inserting “, or in the case of covered*
16 *small passenger vessels, to less than two years*
17 *after the date of the injury or death” after “date*
18 *of the injury or death”; and*

19 (2) *in paragraph (2)—*

20 (A) *by inserting “, in the case of seagoing*
21 *vessels,” after “personal injury or death”; and*

22 (B) *by inserting “, or in the case of covered*
23 *small passenger vessels, to less than two years*
24 *after the date of the injury or death” after “date*
25 *of the injury or death”.*

1 (e) *CHAPTER ANALYSIS.*—*The analysis for chapter 305*
2 *of title 46, United States Code, is amended—*

3 (1) *by inserting before the item relating to sec-*
4 *tion 30501 the following:*

“*SUBCHAPTER I—GENERAL PROVISIONS*”;

5 (2) *by inserting after the item relating to section*
6 *30502 the following:*

“*SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY*”;

7 (3) *by striking the item relating to section 30501*
8 *and inserting the following:*

“*30501. Definitions.*”;

9 *and*

10 (4) *by redesignating the items relating to sec-*
11 *tions 30503 through 30512 as items relating to sec-*
12 *tions 30521 through 30530, respectively.*

13 (f) *CONFORMING AMENDMENTS.*—*Title 46, United*
14 *States Code, is further amended—*

15 (1) *in section 14305(a)(5) by striking “section*
16 *30506” and inserting “section 30524”;*

17 (2) *in section 30523(a), as redesignated by sub-*
18 *section (a), by striking “section 30506” and inserting*
19 *“section 30524”;*

20 (3) *in section 30524(b), as redesignated by sub-*
21 *section (a), by striking “section 30505” and inserting*
22 *“section 30523”; and*

1 (4) *in section 30525, as redesignated by sub-*
2 *section (a)—*

3 (A) *in the matter preceding paragraph (1)*
4 *by striking “sections 30505 and 30506” and in-*
5 *serting “sections 30523 and 30524”;*

6 (B) *in paragraph (1) by striking “section*
7 *30505” and inserting “section 30523”; and*

8 (C) *in paragraph (2) by striking “section*
9 *30506(b)” and inserting “section 30524(b)”.*

10 **SEC. 11504. AT-SEA RECOVERY OPERATIONS PILOT PRO-**
11 **GRAM.**

12 (a) *IN GENERAL.—The Secretary shall conduct a pilot*
13 *program to evaluate the potential use of remotely controlled*
14 *or autonomous operation and monitoring of certain vessels*
15 *for the purposes of—*

16 (1) *better understanding the complexities of such*
17 *at-sea operations and potential risks to navigation*
18 *safety, vessel security, maritime workers, the public,*
19 *and the environment;*

20 (2) *gathering observational and performance*
21 *data from monitoring the use of remotely-controlled*
22 *or autonomous vessels; and*

23 (3) *assessing and evaluating regulatory require-*
24 *ments necessary to guide the development of future oc-*

1 *currences of such operations and monitoring activi-*
2 *ties.*

3 *(b) DURATION AND EFFECTIVE DATE.—The duration*
4 *of the pilot program established under this section shall be*
5 *not more than 5 years beginning on the date on which the*
6 *pilot program is established, which shall be not later than*
7 *180 days after the date of enactment of this Act.*

8 *(c) AUTHORIZED ACTIVITIES.—The activities author-*
9 *ized under this section include—*

10 *(1) remote over-the-horizon monitoring oper-*
11 *ations related to the active at-sea recovery of*
12 *spaceflight components on an unmanned vessel or*
13 *platform;*

14 *(2) procedures for the unaccompanied operation*
15 *and monitoring of an unmanned spaceflight recovery*
16 *vessel or platform; and*

17 *(3) unmanned vessel transits and testing oper-*
18 *ations without a physical tow line related to space*
19 *launch and recovery operations, except within 12*
20 *nautical miles of a port.*

21 *(d) INTERIM AUTHORITY.—In recognition of potential*
22 *risks to navigation safety, vessel security, maritime work-*
23 *ers, the public, and the environment, and the unique cir-*
24 *cumstances requiring the use of remotely operated or auton-*

1 *omous vessels, the Secretary, in the pilot program estab-*
2 *lished under subsection (a), may—*

3 (1) *allow remotely controlled or autonomous ves-*
4 *sel operations to proceed consistent to the extent prac-*
5 *ticable under the proposed title 33, United States*
6 *Code, and 46, United States Code, including naviga-*
7 *tion and manning laws and regulations;*

8 (2) *modify or waive applicable regulations and*
9 *guidance as the Secretary considers appropriate to—*

10 (A) *allow remote and autonomous vessel at-*
11 *sea operations and activities to occur while en-*
12 *suring navigation safety; and*

13 (B) *ensure the reliable, safe, and secure op-*
14 *eration of remotely-controlled or autonomous ves-*
15 *sels; and*

16 (3) *require each remotely operated or autono-*
17 *mous vessel to be at all times under the supervision*
18 *of 1 or more individuals—*

19 (A) *holding a merchant mariner credential*
20 *which is suitable to the satisfaction of the Coast*
21 *Guard; and*

22 (B) *who shall practice due regard for the*
23 *safety of navigation of the autonomous vessel, to*
24 *include collision avoidance.*

1 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
2 *shall be construed to authorize the Secretary to—*

3 (1) *permit foreign vessels to participate in the*
4 *pilot program established under subsection (a);*

5 (2) *waive or modify applicable laws and regula-*
6 *tions under the proposed title 33, United States Code,*
7 *and title 46, United States Code, except to the extent*
8 *authorized under subsection (d)(2);*

9 (3) *waive or modify applicable laws and regula-*
10 *tions under titles 49 and 51 of the United States*
11 *Code; or*

12 (4) *waive or modify any regulations arising*
13 *under international conventions.*

14 (f) *SAVINGS PROVISION.*—*Nothing in this section may*
15 *be construed to authorize the employment in the coastwise*
16 *trade of a vessel or platform that does not meet the require-*
17 *ments of sections 12112, 55102, 55103, and 55111 of title*
18 *46, United States Code.*

19 (g) *AUTHORITY UNAFFECTED.*—*Nothing in this sec-*
20 *tion shall be construed to affect, impinge, or alter any au-*
21 *thority of the Secretary of Transportation under titles 49*
22 *and 51, United States Code.*

23 (h) *BRIEFINGS.*—*The Secretary or the designee of the*
24 *Secretary shall brief the Committee on Commerce, Science,*
25 *and Transportation of the Senate and the Committee on*

1 *Transportation and Infrastructure and the Committee on*
2 *Science, Space, and Technology of the House of Representa-*
3 *tives on the program established under subsection (a) on*
4 *a quarterly basis.*

5 *(i) REPORT.—Not later than 180 days after the expi-*
6 *ration of the pilot program established under subsection (a),*
7 *the Secretary shall submit to the Committee on Commerce,*
8 *Science, and Transportation of the Senate and the Com-*
9 *mittee on Transportation and Infrastructure and the Com-*
10 *mittee on Science, Space, and Technology of the House of*
11 *Representatives a final report regarding an assessment of*
12 *the execution of the pilot program and implications for*
13 *maintaining navigation safety, the safety of maritime*
14 *workers, and the preservation of the environment.*

15 *(j) GAO REPORT.—*

16 *(1) IN GENERAL.—Not later than 18 months*
17 *after the date of enactment of this section, the Comp-*
18 *troller General of the United States shall submit to*
19 *the Committee on Commerce, Science, and Transpor-*
20 *tation of the Senate and the Committee on Transpor-*
21 *tation and Infrastructure of the House of Representa-*
22 *tives a report on the state of autonomous and remote*
23 *technologies in the operation of shipboard equipment*
24 *and the safe and secure navigation of vessels in Fed-*
25 *eral waters of the United States.*

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

3 (A) *An assessment of commercially avail-*
4 *able autonomous and remote technologies in the*
5 *operation of shipboard equipment and the safe*
6 *and secure navigation of vessels during the 10*
7 *years immediately preceding the date of the re-*
8 *port.*

9 (B) *An analysis of the safety, physical secu-*
10 *rity, cybersecurity, and collision avoidance risks*
11 *and benefits associated with autonomous and re-*
12 *remote technologies in the operation of shipboard*
13 *equipment and the safe and secure navigation of*
14 *vessels, including environmental considerations.*

15 (C) *An assessment of the impact of such au-*
16 *tonomous and remote technologies, and all asso-*
17 *ciated technologies, on labor, including—*

18 (i) *roles for credentialed and*
19 *noncredentialed workers regarding such au-*
20 *tonomous, remote, and associated tech-*
21 *nologies; and*

22 (ii) *training and workforce develop-*
23 *ment needs associated with such tech-*
24 *nologies.*

1 (D) *An assessment and evaluation of regula-*
2 *tory requirements necessary to guide the devel-*
3 *opment of future autonomous, remote, and asso-*
4 *ciated technologies in the operation of shipboard*
5 *equipment and safe and secure navigation of ves-*
6 *sels.*

7 (E) *An assessment of the extent to which*
8 *such technologies are being used in other coun-*
9 *tries and how such countries have regulated such*
10 *technologies.*

11 (F) *Recommendations regarding authoriza-*
12 *tion, infrastructure, and other requirements nec-*
13 *essary for the implementation of such tech-*
14 *nologies in the United States.*

15 (3) *CONSULTATION.—The report required under*
16 *paragraph (1) shall include, at a minimum, consulta-*
17 *tion with the maritime industry including—*

18 (A) *vessel operators, including commercial*
19 *carriers, entities engaged in exploring for, devel-*
20 *oping, or producing resources, including non-*
21 *mineral energy resources in its offshore areas,*
22 *and supporting entities in the maritime indus-*
23 *try;*

24 (B) *shipboard personnel impacted by any*
25 *change to autonomous vessel operations, in order*

1 to assess the various benefits and risks associated
2 with the implementation of autonomous, remote,
3 and associated technologies in the operation of
4 shipboard equipment and safe and secure navi-
5 gation of vessels and the impact such technologies
6 would have on maritime jobs and maritime
7 manpower;

8 (C) relevant federally funded research insti-
9 tutions, non-governmental organizations, and
10 academia; and

11 (D) the commercial space industry.

12 (k) **MERCHANT MARINER CREDENTIAL DEFINED.**—In
13 this section, the term “merchant mariner credential” means
14 a merchant mariner license, certificate, or document that
15 the Secretary is authorized to issue pursuant to title 46,
16 United States Code.

17 **SEC. 11505. HISTORIC WOOD SAILING VESSELS.**

18 (a) **REPORT ON HISTORIC WOOD SAILING VESSELS.**—

19 (1) **IN GENERAL.**—Not later than 1 year after
20 the date of enactment of this Act, the Comptroller
21 General of the United States shall submit to the Com-
22 mittee on Commerce, Science, and Transportation of
23 the Senate and the Committee on Transportation and
24 Infrastructure of the House of Representatives a re-
25 port evaluating the practicability of the application

1 *of section 3306(n)(3)(A)(v) of title 46, United States*
2 *Code, to historic wood sailing vessels.*

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

5 (A) *An assessment of the compliance, as of*
6 *the date on which the report is submitted under*
7 *paragraph (1), of historic wood sailing vessels*
8 *with section 3306(n)(3)(A)(v) of title 46, United*
9 *States Code.*

10 (B) *An assessment of the safety record of*
11 *historic wood sailing vessels.*

12 (C) *An assessment of any risk that modi-*
13 *fying the requirements under such section would*
14 *have on the safety of passengers and crew of his-*
15 *toric wood sailing vessels.*

16 (D) *An evaluation of the economic practica-*
17 *bility of requiring the compliance of historic*
18 *wood sailing vessels with such section and wheth-*
19 *er such compliance would meaningfully improve*
20 *safety of passengers and crew in a manner that*
21 *is both feasible and economically practicable.*

22 (E) *Any recommendations to improve safety*
23 *in addition to, or in lieu of, applying such sec-*
24 *tion to historic wood sailing vessels.*

1 (F) Any other recommendations as the
2 Comptroller General determines are appropriate
3 with respect to the applicability of such section
4 to historic wood sailing vessels.

5 (G) An assessment to determine if historic
6 wood sailing vessels could be provided an exemp-
7 tion to such section and the changes to legislative
8 or rulemaking requirements, including modifica-
9 tions to section 177.500(q) of title 46, Code of
10 Federal Regulations (as in effect on the date of
11 enactment of this Act), that are necessary to pro-
12 vide the Commandant the authority to make
13 such exemption or to otherwise provide for such
14 exemption.

15 (b) CONSULTATION.—In completing the report re-
16 quired under subsection (a), the Comptroller General may
17 consult with—

- 18 (1) the National Transportation Safety Board;
- 19 (2) the Coast Guard; and
- 20 (3) the maritime industry, including relevant
21 federally funded research institutions, nongovern-
22 mental organizations, and academia.

23 (c) WAIVER FOR COVERED HISTORIC VESSELS.—The
24 captain of a port may waive the requirements of section
25 3306(n)(3)(A)(v) of title 46, United States Code, with re-

1 *spect to covered historic vessels for not more than 2 years*
2 *after the date on which the report required under subsection*
3 *(a) is submitted.*

4 *(d) WAIVER FOR OTHER HISTORIC WOOD SAILING*
5 *VESSELS.—*

6 *(1) IN GENERAL.—The captain of a port may,*
7 *upon the request of the owner or operator of a historic*
8 *wood sailing vessel that is not a covered historic ves-*
9 *sel, waive the requirements of section*
10 *3306(n)(3)(A)(v) of title 46, United States Code, with*
11 *respect to the historic wood sailing vessel for not more*
12 *than 2 years after date on which the report required*
13 *under subsection (a) is submitted, if the captain of*
14 *the port—*

15 *(A) determines that it is technically infeasible*
16 *for the historic wood sailing vessel to comply*
17 *with the requirements described in section*
18 *3306(n)(3)(A)(v) of title 46, United States Code,*
19 *due to its age; and*

20 *(B) approves the alternative arrangements*
21 *proposed for the historic wood sailing vessel in*
22 *accordance with paragraph (2).*

23 *(2) REQUEST AND ALTERNATIVE ARRANGE-*
24 *MENTS.—An owner or operator of a historic wood*
25 *sailing vessel requesting a waiver under paragraph*

1 (1) shall submit such a request to the captain of a
2 port that includes the alternative arrangements the
3 owner or operator will take to ensure an equivalent
4 level of safety, to the maximum extent practicable, to
5 the requirements under section 3306(n)(3)(A)(v) of
6 title 46, United States Code.

7 (e) SAVINGS CLAUSE.—Nothing in this section shall
8 limit any authority available, as of the date of enactment
9 of this Act, to the captain of a port with respect to safety
10 measures or any other authority as necessary for the safety
11 of historic wood sailing vessels.

12 (f) NOTICE TO PASSENGERS.—Any vessel that receives
13 a waiver under subsection (c) or subsection (d) shall, begin-
14 ning on the date on which the requirements under section
15 3306(n)(3)(v) of title 46, United States Code, take effect,
16 provide a prominently displayed notice on its website, ticket
17 counter, and each ticket for a passenger that the vessel is
18 exempt from meeting the Coast Guard safety compliance
19 standards concerning egress as 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 following:

23 (A) *Adventuress* (Official Number 210877).

24 (B) *American Eagle* (Official Number
25 229913).

1 (C) *Angelique* (Official Number 623562).

2 (D) *Heritage* (Official Number 649561).

3 (E) *J & E Riggin* (Official Number
4 226422).

5 (F) *Ladona* (Official Number 222228).

6 (G) *Lady Washington* (Official Number
7 944970).

8 (H) *Lettie G. Howard* (Official Number
9 222838).

10 (I) *Lewis R. French* (Official Number
11 015801).

12 (J) *Mary Day* (Official Number 288714).

13 (K) *Stephen Taber* (Official Number
14 115409).

15 (L) *Victory Chimes* (Official Number
16 136784).

17 (M) *Grace Bailey* (Official Number
18 085754).

19 (N) *Mercantile* (Official Number 214388).

20 (O) *Mistress* (Official Number 509004).

21 (P) *Wendameen* (Official Number 210173).

22 (2) *HISTORIC WOOD SAILING VESSEL*.—*The term*
23 “*historic wood sailing vessel*” *means a covered small*
24 *passenger vessel, as defined in section 3306(n)(5) of*
25 *title 46, United States Code, that—*

1 (A) *has overnight passenger accommoda-*
2 *tions;*

3 (B) *is a wood sailing vessel;*

4 (C) *has a hull constructed of wood;*

5 (D) *is principally equipped for propulsion*
6 *by sail, even if the vessel has an auxiliary means*
7 *of production;*

8 (E) *has no fewer than three masts; and*

9 (F) *was constructed before 1986.*

10 **SEC. 11506. CERTIFICATES OF NUMBERS FOR UNDOCU-**
11 **MENTED VESSELS.**

12 Section 12304(a) of title 46, United States Code, is
13 *amended—*

14 (1) *by striking “shall be pocketsized,”; and*

15 (2) *by inserting “in hard copy or digital form.*

16 *Any certificate issued in hard copy under this section*
17 *shall be pocketsized. The certificate shall be” after*
18 *“and may be”.*

19 **SEC. 11507. COMPTROLLER GENERAL REVIEW AND REPORT**
20 **ON COAST GUARD OVERSIGHT OF THIRD-**
21 **PARTY ORGANIZATIONS.**

22 (a) *IN GENERAL.—Not later than 1 year after the date*
23 *of enactment of this Act, the Comptroller General of the*
24 *United States shall initiate a review that assesses the over-*
25 *sight of the Coast Guard of third-party organizations.*

1 **(b) ELEMENTS.**—*In carrying out the review required*
2 *under subsection (a), the Comptroller General shall analyze*
3 *the following:*

4 **(1)** *Coast Guard use of third-party organizations*
5 *in the prevention mission of the Coast Guard and the*
6 *extent to which the Coast Guard plans to increase*
7 *such use to enhance prevention mission performance,*
8 *including resource use and specialized expertise.*

9 **(2)** *The extent to which the Coast Guard has as-*
10 *essed the potential risks and benefits of using third-*
11 *party organizations to support prevention mission ac-*
12 *tivities.*

13 **(3)** *The extent to which the Coast Guard provides*
14 *oversight of third-party organizations authorized to*
15 *support prevention mission activities.*

16 **(c) REPORT.**—*Not later than 1 year after initiating*
17 *the review required under subsection (a), the Comptroller*
18 *General shall submit to the Committee on Commerce,*
19 *Science, and Transportation of the Senate and the Com-*
20 *mittee on Transportation and Infrastructure of the House*
21 *of Representatives the results of such review.*

22 **SEC. 11508. ARTICULATED TUG-BARGE MANNING.**

23 **(a) IN GENERAL.**—*Notwithstanding the watch setting*
24 *requirements set forth in section 8104 of title 46, United*
25 *States Code, the Secretary shall authorize an Officer in*

1 *Charge, Marine Inspection to issue an amended certificate*
2 *of inspection that does not require engine room watch set-*
3 *ting to inspected towing vessels certificated prior to July*
4 *19, 2022, forming part of an articulated tug-barge unit,*
5 *provided that such vessels are equipped with engineering*
6 *control and monitoring systems of a type accepted for no*
7 *engine room watch setting under a previously approved*
8 *minimum safe manning document or certificate of inspec-*
9 *tion for articulated tug-barge units.*

10 (b) *DEFINITIONS.—In this section:*

11 (1) *CERTIFICATE OF INSPECTION.—The term*
12 *“certificate of inspection” means a certificate of in-*
13 *spection under subchapter M of chapter I of title 46,*
14 *Code of Federal Regulations.*

15 (2) *INSPECTED TOWING VESSEL.—The term “in-*
16 *spected towing vessel” means a vessel issued a certifi-*
17 *cate of inspection.*

18 **SEC. 11509. FISHING VESSEL SAFETY.**

19 (a) *IN GENERAL.—Chapter 45 of title 46, United*
20 *States Code, is amended—*

21 (1) *in section 4502(f)(2) by striking “certain ves-*
22 *sels described in subsection (b) if requested by the*
23 *owner or operator; and” and inserting the following:*
24 *“vessels described in subsection (b) if—*

25 *“(A) requested by an owner or operator; or*

1 “(B) the vessel is—
2 “(i) at least 50 feet overall in length;
3 “(ii) built before July 1, 2013; and
4 “(iii) 25 years of age or older; and”;
5 (2) in section 4503(b) by striking “Except as
6 provided in section 4503a, subsection (a)” and insert-
7 ing “Subsection (a)”; and
8 (3) by repealing section 4503a.

9 (b) *ALTERNATIVE SAFETY COMPLIANCE AGREE-*
10 *MENTS.—Nothing in this section or the amendments made*
11 *by this section shall be construed to affect or apply to any*
12 *alternative compliance and safety agreement entered into*
13 *by the Coast Guard that is in effect on the date of enactment*
14 *of this Act.*

15 (c) *CONFORMING AMENDMENTS.—The analysis for*
16 *chapter 45 of title 46, United States Code, is amended by*
17 *striking the item relating to section 4503a.*

18 **SEC. 11510. EXEMPTIONS FOR CERTAIN PASSENGER VES-**
19 **SELS.**

20 *Notwithstanding any other provision of law, require-*
21 *ments authorized under sections 3508 and 3509 of title 46,*
22 *United States Code, shall not apply to any passenger vessel,*
23 *as defined in section 2101 of such title —*

24 (1) *that carries in excess of 250 passengers;*

1 (2) *that is, or was, in operation exclusively with-*
2 *in the inland rivers and internal waters of the United*
3 *States on voyages inside the Boundary Line, as de-*
4 *finied in section 103 of such title, on or before July*
5 *27, 2030; and*

6 (3) *the operators or charterers of which operated*
7 *any documented vessels with a coastwise endorsement*
8 *prior to January 1, 2024.*

9 ***Subtitle B—Merchant Mariner***
10 ***Credentialing***

11 **SEC. 11511. MODERNIZING MERCHANT MARINER**
12 ***CREDENTIALING SYSTEM.***

13 (a) *REPORT.—*

14 (1) *IN GENERAL.—Not later than 90 days after*
15 *the date of enactment of this Act, the Commandant*
16 *shall submit to the Committees on Commerce, Science,*
17 *and Transportation and Appropriations of the Sen-*
18 *ate, and the Committees on Transportation and In-*
19 *frastructure and Appropriations of the House of Rep-*
20 *resentatives, a report on the financial, human, and*
21 *information technology infrastructure resources need-*
22 *ed to establish an electronic merchant mariner licens-*
23 *ing and documentation system.*

1 (2) *LEGISLATIVE AND REGULATORY SUGGES-*
2 *TIONS.—In preparing the report described in para-*
3 *graph (1), the Commandant—*

4 (A) *shall include recommendations for any*
5 *legislative or administrative actions as the Com-*
6 *mandant determines necessary to establish the*
7 *electronic merchant mariner licensing and docu-*
8 *mentation system described in paragraph (1) as*
9 *soon as possible; and*

10 (B) *may include findings, conclusions, or*
11 *recommendations from the study conducted*
12 *under subsection (b).*

13 (b) *STUDY.—*

14 (1) *IN GENERAL.—In preparing the report re-*
15 *quired under subsection (a), the Commandant and the*
16 *Administrator of the Maritime Administration, in co-*
17 *ordination with the Commander of the United States*
18 *Transportation Command, shall conduct a study on*
19 *the feasibility of developing and maintaining a data-*
20 *base as part of an electronic merchant mariner licens-*
21 *ing and documentation system that—*

22 (A) *contains records with respect to each*
23 *credentialed mariner, including credential valid-*
24 *ity, drug and alcohol testing results, and infor-*
25 *mation on any final adjudicated agency action*

1 *involving a credentialed mariner or regarding*
2 *any involvement in a marine casualty; and*

3 *(B) maintains such records in a manner*
4 *that allows data to be readily accessed by the*
5 *Federal Government for the purpose of assessing*
6 *workforce needs and for the purpose of the eco-*
7 *nomics and national security of the United*
8 *States.*

9 (2) *CONTENTS.—The study required under para-*
10 *graph (1) shall—*

11 *(A) include an assessment of the resources,*
12 *including information technology, and authori-*
13 *ties necessary to develop and maintain the data-*
14 *base described in such paragraph;*

15 *(B) specifically address ways to protect the*
16 *privacy interests of any individual whose infor-*
17 *mation may be contained within such database,*
18 *which shall include limiting access to the data-*
19 *base or having access to the database be mon-*
20 *itored by, or accessed through, a member of the*
21 *Coast Guard; and*

22 *(C) address the feasibility of incorporating*
23 *in such database a reporting mechanism to alert*
24 *the Administrator of the Maritime Administra-*
25 *tion each time a mariner's credential is rein-*

1 *stated upon completion of a period of suspension*
2 *as the result of a suspension and revocation pro-*
3 *ceeding under section 7702 of title 46, United*
4 *States Code, with details about the violation that*
5 *led to such suspension.*

6 (c) *ELECTRONIC MERCHANT MARINER LICENSING AND*
7 *DOCUMENTATION SYSTEM.—Notwithstanding any other*
8 *provision of law, not later than 2 years after the date of*
9 *enactment of this Act, the Secretary shall implement an*
10 *electronic merchant mariner licensing and documentation*
11 *system.*

12 **SEC. 11512. ASSESSMENT REGARDING APPLICATION PROC-**
13 **ESS FOR MERCHANT MARINER CREDENTIALS.**

14 (a) *IN GENERAL.—The Secretary shall conduct an as-*
15 *essment to determine the resources, including personnel*
16 *and computing resources, required to reduce the amount of*
17 *time necessary to process an application for a merchant*
18 *mariner credential to not more than 2 weeks after the date*
19 *of receipt of such application.*

20 (b) *BRIEFING REQUIRED.—Not later than 180 days*
21 *after the date of enactment of this Act, the Secretary shall*
22 *provide a briefing to the Committee on Commerce, Science,*
23 *and Transportation of the Senate and the Committee on*
24 *Transportation and Infrastructure of the House of Rep-*

1 *representatives with the results of the assessment required*
2 *under subsection (a).*

3 **SEC. 11513. GAO REPORT.**

4 *(a) IN GENERAL.—Not later than 180 days after the*
5 *date of enactment of this Act, the Comptroller General of*
6 *the United States shall prepare and submit a report to Con-*
7 *gress that evaluates the processes of the National Maritime*
8 *Center for processing and approving merchant mariner cre-*
9 *dentials, as of the date of enactment of this Act.*

10 *(b) CONTENTS.—In preparing the report required*
11 *under subsection (a), the Comptroller General shall—*

12 *(1) analyze the effectiveness of the merchant*
13 *mariner credentialing process, as of the date of enact-*
14 *ment of this Act;*

15 *(2) analyze the backlogs relating to the merchant*
16 *mariner credentialing process and the reasons for*
17 *such backlogs; and*

18 *(3) provide recommendations for improving and*
19 *expediting the merchant mariner credentialing proc-*
20 *ess, including funding needed to support improved*
21 *processing times.*

22 **SEC. 11514. MILITARY TO MARINERS ACT OF 2022.**

23 *(a) SHORT TITLE.—This section may be cited as the*
24 *“Military to Mariners Act of 2022”.*

1 ***(b) MODIFICATION OF SEA SERVICE REQUIREMENTS***
2 ***FOR MERCHANT MARINER CREDENTIALS FOR VETERANS***
3 ***AND MEMBERS OF THE UNIFORMED SERVICES.—***

4 ***(1) REVIEW AND REGULATIONS.—Notwith-***
5 ***standing any other provision of law, not later than***
6 ***2 years after the date of enactment of this Act, the***
7 ***Secretary shall—***

8 ***(A) review and examine—***

9 ***(i) the timeframes and impediments***
10 ***for veterans and members of the uniformed***
11 ***services to receive a merchant mariner cre-***
12 ***dential;***

13 ***(ii) the classifications of sea service ac-***
14 ***quired through training and service as a***
15 ***member of the Uniformed Services and level***
16 ***of equivalence such service has with respect***
17 ***to sea service on merchant vessels; and***

18 ***(iii) the amount of sea service, includ-***
19 ***ing percent of the total time onboard for***
20 ***purposes of equivalent underway service,***
21 ***that will be accepted as required experience***
22 ***for all endorsements for applicants for a***
23 ***merchant mariner credential who are vet-***
24 ***erans or members of the Uniformed Serv-***
25 ***ices; and***

1 (B) *issue new regulations to—*

2 (i) *streamline, ensure the accuracy of,*
3 *and expedite the transfer, review and ac-*
4 *ceptance of information pertaining to train-*
5 *ing and sea time for applicants for a mer-*
6 *chant mariner credential who are veterans*
7 *or members of the Uniformed Services;*

8 (ii) *increase the acceptable percentages*
9 *of time equivalent to sea service for such ap-*
10 *plicants pursuant to findings of the review*
11 *and examination conducted under subpara-*
12 *graph (A); and*

13 (iii) *reduce burdens and create a*
14 *means of alternative compliance to dem-*
15 *onstrate instructor competency for Stand-*
16 *ards of Training, Certification and*
17 *Watchkeeping for Seafarers courses.*

18 (2) *CONSULTATION.—In carrying out paragraph*
19 *(2), the Secretary shall consult with the National*
20 *Merchant Marine Personnel Advisory Committee and*
21 *shall take into account the present and future needs*
22 *of the United States Merchant Marine labor work-*
23 *force.*

24 (3) *REPORT.—Not later than 180 days after the*
25 *date of enactment of this Act, the United States Com-*

1 *mittee on the Marine Transportation System shall*
2 *submit to the Committees on Commerce, Science, and*
3 *Transportation and Armed Services of the Senate and*
4 *the Committees on Transportation and Infrastructure*
5 *and Armed Services of the House of Representatives,*
6 *a report that contains an update on the activities car-*
7 *ried out to implement—*

8 *(A) the July 2020 report by the Committee*
9 *on the Marine Transportation System to the*
10 *White House Office of Trade and Manufacturing*
11 *Policy on the implementation of Executive Order*
12 *13860 (84 Fed. Reg. 8407; relating to supporting*
13 *the transition of active duty servicemembers and*
14 *military veterans into the Merchant Marine);*
15 *and*

16 *(B) section 3511 of the National Defense*
17 *Authorization Act for Fiscal Year 2020 (46*
18 *U.S.C. 3702 note).*

19 *(c) ASSESSMENT OF SKILLBRIDGE FOR EMPLOYMENT*
20 *AS A MERCHANT MARINER.—The Secretary, in collabora-*
21 *tion with the Secretary of Defense, shall assess the use of*
22 *the SkillBridge program of the Department of Defense as*
23 *a means for transitioning active duty sea service personnel*
24 *to employment as merchant mariners.*

1 **SEC. 11515. DEFINITIONS.**

2 *In this subtitle:*

3 (1) **CREDENTIALLED MARINER.**—*The term*
4 *“credentialed mariner” means an individual with a*
5 *merchant mariner credential.*

6 (2) **MERCHANT MARINER CREDENTIAL.**—*The*
7 *term “merchant mariner credential” has the meaning*
8 *given such term in section 7510(d) of title 46, United*
9 *States Code.*

10 (3) **UNIFORMED SERVICES.**—*The term “uni-*
11 *formed services” has the meaning given the term*
12 *“uniformed services” in section 2101 of title 5, United*
13 *States Code.*

14 ***Subtitle C—Other Matters***

15 **SEC. 11516. NONOPERATING INDIVIDUAL.**

16 *Section 8313(b) of the William M. (Mac) Thornberry*
17 *National Defense Authorization Act for Fiscal Year 2021*
18 *(Public Law 116–283) is amended by striking “the date*
19 *that is 2 years after the date of the enactment of this Act”*
20 *and inserting “January 1, 2025”.*

21 **SEC. 11517. OCEANOGRAPHIC RESEARCH VESSELS.**

22 (a) **REPORT REQUIRED.**—*Not later than 180 days*
23 *after the date of enactment of this Act, the Secretary of*
24 *Transportation, in consultation with the Secretary, shall*
25 *submit to the Committee on Transportation and Infrastruc-*
26 *ture of the House of Representatives and the Committee on*

1 *Commerce, Science, and Transportation of the Senate a re-*
2 *port detailing the total number of vessels known or esti-*
3 *mated to operate or to have operated under section 50503*
4 *of title 46, United States Code, during each of the past 10*
5 *fiscal years.*

6 (b) *CONTENTS.*—*The report required under subsection*
7 *(a) shall include the following elements:*

8 (1) *The total number of foreign-flagged vessels*
9 *known or estimated to operate or to have operated as*
10 *oceanographic research vessels (as such term is de-*
11 *fined in section 2101 of title 46, United States Code)*
12 *during each of the past 10 fiscal years.*

13 (2) *The total number of United States-flagged*
14 *vessels known or estimated to operate or to have oper-*
15 *ated as oceanographic research vessels (as such term*
16 *is defined section 2101 of title 46, United States*
17 *Code) during each of the past 10 fiscal years.*

18 **SEC. 11518. PORT ACCESS ROUTES BRIEFING.**

19 (a) *ATLANTIC COAST PORT ACCESS ROUTE.*—*Not*
20 *later than 30 days after the date of enactment of this Act,*
21 *and not less than every 30 days thereafter until the require-*
22 *ments of section 70003 of title 46, United States Code, are*
23 *fully executed with respect to the Atlantic Coast Port Access*
24 *Route, the Secretary shall brief the Committee on Transpor-*
25 *tation and Infrastructure of the House of Representatives*

1 *and the Committee on Commerce, Science, and Transpor-*
2 *tation of the Senate on any progress made to execute such*
3 *requirements.*

4 **(b) OTHER COAST PORT ACCESS ROUTES.**—*Not later*
5 *than 180 days after the date of enactment of this Act, and*
6 *not less than every 180 days thereafter until the require-*
7 *ments of section 70003 of title 46, United States Code, are*
8 *fully executed with respect to each of the Alaskan Arctic,*
9 *Gulf of Mexico and Pacific Coast port access route studies,*
10 *the Secretary shall brief the Committee on Transportation*
11 *and Infrastructure of the House of Representatives and the*
12 *Committee on Commerce, Science, and Transportation of*
13 *the Senate on the status of each study and the implementa-*
14 *tion of any recommendations made in each such study.*

15 **SEC. 11519. DEFINITION OF STATELESS VESSEL.**

16 *Section 70502(d)(1) of title 46, United States Code,*
17 *is amended—*

18 *(1) in subparagraph (B) by striking “and” after*
19 *the semicolon;*

20 *(2) in subparagraph (C) by striking the period*
21 *at the end and inserting “; and”; and*

22 *(3) by adding at the end the following new sub-*
23 *paragraph:*

24 *“(D) a vessel aboard which no individual,*
25 *on request of an officer of the United States au-*

1 *thorized to enforce applicable provisions of*
2 *United States law, claims to be the master or is*
3 *identified as the individual in charge, and that*
4 *has no other claim of nationality or registry*
5 *under paragraph (1) or (2) of subsection (e).”.*

6 **SEC. 11520. LIMITATION ON RECOVERY FOR CERTAIN INJU-**
7 **RIES INCURRED IN AQUACULTURE ACTIVI-**
8 **TIES.**

9 *(a) IN GENERAL.—Section 30104 of title 46, United*
10 *States Code, is amended—*

11 *(1) by inserting “(a) IN GENERAL.—” before the*
12 *first sentence; and*

13 *(2) by adding at the end the following:*

14 *“(b) LIMITATION ON RECOVERY BY AQUACULTURE*
15 *WORKERS.—*

16 *“(1) IN GENERAL.—For purposes of subsection*
17 *(a), the term ‘seaman’ does not include an individual*
18 *who—*

19 *“(A) is an aquaculture worker if State*
20 *workers’ compensation is available to such indi-*
21 *vidual; and*

22 *“(B) was, at the time of injury, engaged in*
23 *aquaculture in a place where such individual*
24 *had lawful access.*

1 “(2) *AQUACULTURE WORKER DEFINED.*—*In this*
2 *subsection, the term ‘aquaculture worker’ means an*
3 *individual who—*

4 “(A) *is employed by a commercial enter-*
5 *prise that is involved in the controlled cultiva-*
6 *tion and harvest of aquatic plants and animals,*
7 *including—*

8 “(i) *the cleaning, processing, or can-*
9 *ning of fish and fish products;*

10 “(ii) *the cultivation and harvesting of*
11 *shellfish; and*

12 “(iii) *the controlled growing and har-*
13 *vesting of other aquatic species;*

14 “(B) *does not hold a license issued under*
15 *section 7101(c); and*

16 “(C) *is not required to hold a merchant*
17 *mariner credential under part F of subtitle II.”.*

18 (b) *APPLICABILITY.*—*The amendments made by this*
19 *section shall apply to an injury incurred on or after the*
20 *date of enactment of this Act.*

21 **SEC. 11521. REPORT ON SECURING VESSELS AND CARGO.**

22 (a) *IN GENERAL.*—*Not later than 1 year after the date*
23 *of enactment of this Act, the Comptroller General of the*
24 *United States shall conduct a study that assesses the efforts*
25 *of the Coast Guard with respect to securing vessels and mar-*

1 *itime cargo bound for the United States from national secu-*
2 *urity related risks and threats.*

3 (b) *ELEMENTS.*—*In conducting the study under sub-*
4 *section (a), the Comptroller General shall assess the fol-*
5 *lowing:*

6 (1) *Programs of the Coast Guard to secure vessels*
7 *and maritime cargo bound for the United States from*
8 *national security related risks and threats and the ex-*
9 *tent to which such programs cover the critical compo-*
10 *nents of the global supply chain.*

11 (2) *The extent to which the Coast Guard has im-*
12 *plemented leading practices in such programs, includ-*
13 *ing the extent to which the Coast Guard has collabo-*
14 *rated with foreign countries or foreign ports that ship*
15 *goods to the United States to implement such leading*
16 *practices.*

17 (3) *The extent to which the Coast Guard has as-*
18 *essed the effectiveness of such programs.*

19 (c) *REPORT.*—*Upon completion of the study conducted*
20 *under subsection (a), the Comptroller General shall submit*
21 *to the Committee on Commerce, Science, and Transpor-*
22 *tation of the Senate and the Committee on Transportation*
23 *and Infrastructure of the House of Representatives the re-*
24 *sults of the study conducted under this section.*

1 **SEC. 11522. REPORT ON ENFORCEMENT OF COASTWISE**
2 **LAWS.**

3 *Not later than 1 year of the date of enactment of this*
4 *Act, the Commandant shall submit to Congress a report de-*
5 *scribing any changes to the enforcement of chapters 121 and*
6 *551 of title 46, United States Code, as a result of the amend-*
7 *ments to section 4(a)(1) of the Outer Continental Shelf*
8 *Lands Act (43 U.S.C. 1333(a)(1)) made by section 9503*
9 *of the William M. (Mac) Thornberry National Defense Au-*
10 *thorization Act for Fiscal Year 2021 (Public Law 116–283).*

11 **SEC. 11523. LAND CONVEYANCE, SHARPE ARMY DEPOT,**
12 **LATHROP, CALIFORNIA.**

13 *Not later than 1 year after the date of enactment of*
14 *this Act, the Administrator of the Maritime Administration*
15 *shall complete the land conveyance required under section*
16 *2833 of the William M. (Mac) Thornberry National Defense*
17 *Authorization Act for Fiscal Year 2021 (Public Law 116–*
18 *283).*

19 **SEC. 11524. PROHIBITION ON ENTRY AND OPERATION.**

20 *(a) PROHIBITION.—*

21 *(1) IN GENERAL.—Except as otherwise provided*
22 *in this section, during the period in which Executive*
23 *Order 14065 (87 Fed. Reg. 10293, relating to blocking*
24 *certain Russian property or transactions), or any*
25 *successor Executive Order is in effect, no vessel de-*
26 *scribed in subsection (b) may enter or operate in the*

1 *navigable waters of the United States or transfer*
2 *cargo in any port or place under the jurisdiction of*
3 *the United States.*

4 (2) *LIMITATIONS ON APPLICATION.—*

5 (A) *IN GENERAL.—The prohibition under*
6 *paragraph (1) shall not apply with respect to a*
7 *vessel described in subsection (b) if the Secretary*
8 *of State determines that—*

9 (i) *the vessel is owned or operated by*
10 *a Russian national or operated by the gov-*
11 *ernment of the Russian Federation; and*

12 (ii) *it is in the national security inter-*
13 *est not to apply the prohibition to such ves-*
14 *sel.*

15 (B) *NOTICE.—Not later than 15 days after*
16 *making a determination under subparagraph*
17 *(A), the Secretary of State shall submit to the*
18 *Committee on Foreign Affairs and the Com-*
19 *mittee on Transportation and Infrastructure of*
20 *the House of Representatives and the Committee*
21 *on Foreign Relations and the Committee on*
22 *Commerce, Science, and Transportation of the*
23 *Senate written notice of the determination and*
24 *the basis upon which the determination was*
25 *made.*

1 (C) *PUBLICATION.*—*The Secretary of State*
2 *shall publish a notice in the Federal Register of*
3 *each determination made under subparagraph*
4 *(A).*

5 (3) *SAVINGS CLAUSE.*—*The prohibition under*
6 *paragraph (1) shall not apply with respect to vessels*
7 *engaged in passage permitted under international*
8 *law.*

9 (b) *VESSELS DESCRIBED.*—*A vessel referred to in sub-*
10 *section (a) is a vessel owned or operated by a Russian na-*
11 *tional or operated by the government of the Russian Federa-*
12 *tion.*

13 (c) *INFORMATION AND PUBLICATION.*—*The Secretary,*
14 *with the concurrence of the Secretary of State, shall—*

15 (1) *maintain timely information on the registra-*
16 *tions of all foreign vessels owned or operated by or on*
17 *behalf of the Government of the Russian Federation,*
18 *a Russian national, or a entity organized under the*
19 *laws of the Russian Federation or any jurisdiction*
20 *within the Russian Federation; and*

21 (2) *periodically publish in the Federal Register*
22 *a list of the vessels described in paragraph (1).*

23 (d) *NOTIFICATION OF GOVERNMENTS.*—

24 (1) *IN GENERAL.*—*The Secretary of State shall*
25 *notify each government, the agents or instrumental-*

1 *ities of which are maintaining a registration of a for-*
2 *ign vessel that is included on a list published under*
3 *subsection (c)(2), not later than 30 days after such*
4 *publication, that all vessels registered under such gov-*
5 *ernment's authority are subject to subsection (a).*

6 (2) *ADDITIONAL NOTIFICATION.*—*In the case of a*
7 *government that continues to maintain a registration*
8 *for a vessel that is included on such list after receiv-*
9 *ing an initial notification under paragraph (1), the*
10 *Secretary shall issue an additional notification to*
11 *such government not later than 120 days after the*
12 *publication of a list under subsection (c)(2).*

13 (e) *NOTIFICATION OF VESSELS.*—*Upon receiving a no-*
14 *tice of arrival under section 70001(a)(5) of title 46, United*
15 *States Code, from a vessel described in subsection (b), the*
16 *Secretary shall notify the master of such vessel that the ves-*
17 *sel may not enter or operate in the navigable waters of the*
18 *United States or transfer cargo in any port or place under*
19 *the jurisdiction of the United States, unless—*

20 (1) *the Secretary of State has made a determina-*
21 *tion under subsection (a)(2); or*

22 (2) *the Secretary allows provisional entry of the*
23 *vessel, or transfer of cargo from the vessel, under sub-*
24 *section (f).*

1 (f) *PROVISIONAL ENTRY OR CARGO TRANSFER.*—Not-
2 *withstanding any other provision of this section, the Sec-*
3 *retary may allow provisional entry of, or transfer of cargo*
4 *from, a vessel, if such entry or transfer is necessary for the*
5 *safety of the vessel or persons aboard.*

6 **SEC. 11525. FLOATING DRY DOCKS.**

7 Section 55122(a) of title 46, United States Code, is
8 amended—

9 (1) in paragraph (1)(C)—

10 (A) by striking “2015; and” and inserting
11 “2015; or”;

12 (B) by striking “(C) was” and inserting the
13 following:

14 “(C)(i) was”; and

15 (C) by adding at the end the following:

16 “(ii) had a letter of intent for purchase by
17 such shipyard or affiliate signed prior to such
18 date of enactment; and”; and

19 (2) in paragraph (2) by inserting “or, in the
20 case of a dry dock described in paragraph (1)(C)(ii),
21 occurs between Honolulu, Hawaii, and Pearl Harbor,
22 Hawaii” before the period at the end.

1 **SEC. 11526. UPDATED REQUIREMENTS FOR FISHING CREW**
2 **AGREEMENTS.**

3 *Section 10601(b) of title 46, United States Code, is*
4 *amended—*

5 *(1) in paragraph (2) by striking “and” after the*
6 *semicolon;*

7 *(2) by redesignating paragraph (3) as para-*
8 *graph (4); and*

9 *(3) by inserting after paragraph (2) the fol-*
10 *lowing:*

11 *“(3) in the case of a seaman employed on a ves-*
12 *sel that is a catcher processor or fish processing vessel*
13 *that employs more than 25 crewmembers, include a*
14 *requirement that each crewmember shall be served not*
15 *less than three meals a day that—*

16 *“(A) total not less than 3,100 calories; and*

17 *“(B) include adequate water and minerals*
18 *in accordance with the United States Rec-*
19 *ommended Daily Allowances; and”.*

20 **TITLE CXVI—SEXUAL ASSAULT**
21 **AND SEXUAL HARASSMENT**
22 **PREVENTION AND RESPONSE**

23 **SEC. 11601. DEFINITIONS.**

24 *(a) IN GENERAL.—Section 2101 of title 46, United*
25 *States Code, is amended—*

1 (1) *by redesignating paragraphs (45) through*
2 *(54) as paragraphs (47) through (56), respectively;*
3 *and*

4 (2) *by inserting after paragraph (44) the fol-*
5 *lowing:*

6 “(45) ‘*sexual assault*’ means any form of abuse
7 *or contact as defined in chapter 109A of title 18, or*
8 *a substantially similar offense under State, local, or*
9 *Tribal law.*

10 “(46) ‘*sexual harassment*’ means—

11 “(A) *conduct that—*

12 “(i) *involves unwelcome sexual ad-*
13 *vances, requests for sexual favors, or delib-*
14 *erate or repeated offensive comments or ges-*
15 *tures of a sexual nature if any—*

16 “(I) *submission to such conduct is*
17 *made either explicitly or implicitly a*
18 *term or condition of employment, pay,*
19 *career, benefits, or entitlements of the*
20 *individual;*

21 “(II) *submission to, or rejection,*
22 *of such conduct by an individual is*
23 *used as a basis for decisions affecting*
24 *that individual’s job, pay, career, bene-*
25 *fits, or entitlements;*

1 “(III) such conduct has the pur-
2 pose or effect of unreasonably inter-
3 fering with an individual’s work per-
4 formance or creates an intimidating,
5 hostile, or offensive work environment;
6 or

7 “(IV) conduct may have been by
8 an individual’s supervisor, a super-
9 visor in another area, a co-worker, or
10 another credentialed mariner; and

11 “(ii) is so severe or pervasive that a
12 reasonable person would perceive, and the
13 victim does perceive, the environment as
14 hostile or offensive;

15 “(B) any use or condonation associated
16 with first-hand or personal knowledge, by any
17 individual in a supervisory or command posi-
18 tion, of any form of sexual behavior to control,
19 influence, or affect the career, pay, benefits, enti-
20 tlements, or employment of a subordinate; and

21 “(C) any intentional or repeated unwelcome
22 verbal comment or gesture of a sexual nature to-
23 wards or about an individual by the individual’s
24 supervisor, a supervisor in another area, a co-
25 worker, or another credentialed mariner.”.

1 **(b) REPORT.**—*The Commandant shall submit to the*
2 *Committee on Transportation and Infrastructure of the*
3 *House of Representatives and the Committee on Commerce,*
4 *Science, and Transportation of the Senate a report describ-*
5 *ing any changes the Commandant may propose to the defi-*
6 *initions added by the amendments in subsection (a).*

7 **(c) CONFORMING AMENDMENTS.**—

8 **(1) AUTHORITY TO EXEMPT CERTAIN VESSELS.**—
9 *Section 2113(3) of title 46, United States Code, is*
10 *amended by striking “section 2101(51)(A)” and in-*
11 *serting “section 2101(53)(A)”.*

12 **(2) UNINSPECTED PASSENGER VESSELS.**—*Sec-*
13 *tion 4105 of title 46, United States Code, is amend-*
14 *ed—*

15 **(A)** *in subsections (b)(1) and (c) by striking*
16 *“section 2101(51)” each place it appears and in-*
17 *serting “section 2101”; and*

18 **(B)** *in subsection (d) by striking “section*
19 *2101(51)(A)” and inserting “section*
20 *2101(53)(A)”.*

21 **(3) GENERAL AUTHORITY.**—*Section*
22 *1131(a)(1)(E) of title 49, United States Code, is*
23 *amended by striking “section 2101(46)” and inserting*
24 *“section 116”.*

1 **SEC. 11602. CONVICTED SEX OFFENDER AS GROUNDS FOR**
2 **DENIAL.**

3 (a) *IN GENERAL.*—Chapter 75 of title 46, United
4 States Code, is amended by adding at the end the following:

5 **“§ 7511. Convicted sex offender as grounds for denial**

6 “(a) *SEXUAL ABUSE.*—A license, certificate of registry,
7 or merchant mariner’s document authorized to be issued
8 under this part shall be denied to an individual who has
9 been convicted of a sexual offense prohibited under—

10 “(1) chapter 109A of title 18, except for sub-
11 section (b) of section 2244 of title 18; or

12 “(2) a substantially similar offense under State,
13 local, or Tribal law.

14 “(b) *ABUSIVE SEXUAL CONTACT.*—A license, certifi-
15 cate of registry, or merchant mariner’s document authorized
16 to be issued under this part may be denied to an individual
17 who within 5 years before applying for the license, certifi-
18 cate, or document, has been convicted of a sexual offense
19 prohibited under subsection (b) of section 2244 of title 18,
20 or a substantially similar offense under State, local, or
21 Tribal law.”.

22 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
23 75 of title 46, United States Code, is amended by adding
24 at the end the following:

“7511. Convicted sex offender as grounds for denial.”.

1 “(A) a legal proceeding or agency finding
2 or decision that determines the individual com-
3 mitted sexual harassment or sexual assault in
4 violation of any Federal, State, local, or Tribal
5 law or regulation; or

6 “(B) a determination after an investigation
7 by the Coast Guard that, by a preponderance of
8 the evidence, the individual committed sexual
9 harassment or sexual assault if the investigation
10 affords appropriate due process rights to the sub-
11 ject of the investigation.

12 “(2) ADMINISTRATIVE LAW JUDGE REVIEW.—

13 “(A) COAST GUARD INVESTIGATION.—A de-
14 termination under paragraph (1)(B) shall be re-
15 viewed and affirmed by an administrative law
16 judge within the same proceeding as any suspen-
17 sion or revocation of a license, certificate of reg-
18 istry, or merchant mariner’s document under
19 subsection (a) or (b).

20 “(B) LEGAL PROCEEDING.—A determina-
21 tion under paragraph (1)(A) that an individual
22 committed sexual harassment or sexual assault is
23 conclusive in suspension and revocation pro-
24 ceedings.”.

1 **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*
2 *77 of title 46, United States Code, is amended by inserting*
3 *after the item relating to section 7704 the following:*

“7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.”.

4 **SEC. 11604. ACCOMMODATION; NOTICES.**

5 *Section 11101 of title 46, United States Code, is*
6 *amended—*

7 *(1) in subsection (a)(3) by striking “and” at the*
8 *end;*

9 *(2) in subsection (a)(4) by striking the period at*
10 *the end and inserting “; and”;*

11 *(3) in subsection (a) by adding at the end the*
12 *following:*

13 *“(5) each crew berthing area shall be equipped*
14 *with information regarding—*

15 *“(A) vessel owner or company policies pro-*
16 *hibiting sexual assault and sexual harassment,*
17 *retaliation, and drug and alcohol usage; and*

18 *“(B) procedures and resources to report*
19 *crimes, including sexual assault and sexual har-*
20 *assment, including information—*

21 *“(i) on the telephone number, website*
22 *address, and email address for reporting al-*
23 *legations of sexual assault and sexual har-*
24 *assment to the Coast Guard;*

1 “(ii) on vessel owner or company pro-
2 cedures to report violations of company pol-
3 icy and access resources;

4 “(iii) on resources provided by outside
5 organizations such as sexual assault hot-
6 lines and counseling;

7 “(iv) on the retention period for sur-
8 veillance video recording after an incident
9 of sexual harassment or sexual assault is re-
10 ported; and

11 “(v) additional items specified in regu-
12 lations issued by, and at the discretion of,
13 the Secretary of the department in which
14 the Coast Guard is operating.”; and

15 (4) in subsection (d) by adding at the end the
16 following: “In each washing space in a visible loca-
17 tion there shall be information regarding procedures
18 and resources to report crimes upon the vessel, includ-
19 ing sexual assault and sexual harassment, and vessel
20 owner or company policies prohibiting sexual assault
21 and sexual harassment, retaliation, and drug and al-
22 cohol usage.”.

23 **SEC. 11605. PROTECTION AGAINST DISCRIMINATION.**

24 Section 2114(a) of title 46, United States Code, is
25 amended—

1 (1) *in paragraph (1)—*

2 (A) *by redesignating subparagraphs (B)*
3 *through (G) as subparagraphs (C) through (H),*
4 *respectively; and*

5 (B) *by inserting after subparagraph (A) the*
6 *following:*

7 “(B) *the seaman in good faith has reported or is*
8 *about to report to the vessel owner, Coast Guard or*
9 *other appropriate Federal agency or department sex-*
10 *ual harassment or sexual assault against the seaman*
11 *or knowledge of sexual harassment or sexual assault*
12 *against another seaman;”*; and

13 (2) *in paragraphs (2) and (3) by striking “para-*
14 *graph (1)(B)” and inserting “paragraph (1)(C)”.*

15 **SEC. 11606. ALCOHOL AT SEA.**

16 (a) *IN GENERAL.—The Commandant shall seek to*
17 *enter into an agreement with the National Academy of*
18 *Sciences not later than 1 year after the date of enactment*
19 *of this Act under which the National Academy of Sciences*
20 *shall prepare an assessment to determine safe levels of alco-*
21 *hol consumption and possession by crew members aboard*
22 *vessels of the United States engaged in commercial service,*
23 *except when such possession is associated with the commer-*
24 *cial sale to individuals aboard the vessel who are not crew*
25 *members.*

1 **(b) ASSESSMENT.**—*The assessment prepared pursuant*
2 *to subsection (a) shall—*

3 (1) *take into account the safety and security of*
4 *every individual on the vessel;*

5 (2) *take into account reported incidences of sex-*
6 *ual harassment or sexual assault, as defined in sec-*
7 *tion 2101 of title 46, United States Code; and*

8 (3) *provide any appropriate recommendations*
9 *for any changes to laws, regulations, or employer*
10 *policies.*

11 **(c) SUBMISSION.**—*Upon completion of the assessment*
12 *under this section, the National Academy of Sciences shall*
13 *submit to the Committee on Commerce, Science, and Trans-*
14 *portation of the Senate, the Committee on Transportation*
15 *and Infrastructure of the House of Representatives, the*
16 *Commandant, and the Secretary the assessment prepared*
17 *pursuant to subsection (a).*

18 **(d) REGULATIONS.**—*The Commandant—*

19 (1) *shall, not later than 180 days after receiving*
20 *the submission of the assessment under subsection (c),*
21 *review the changes to regulations recommended in*
22 *such assessment; and*

23 (2) *taking into account the safety and security*
24 *of every individual on vessels of the United States en-*

1 *gaged in commercial service, may issue regulations*
2 *relating to alcohol consumption on such vessels.*

3 *(e) SAVINGS CLAUSE.—To the extent the Commandant*
4 *issues regulations establishing safe levels of alcohol con-*
5 *sumption in accordance with subsection (d), the Com-*
6 *mandant may not issue regulations which prohibit—*

7 *(1) the owner or operator of a vessel from impos-*
8 *ing additional restrictions on the consumption of al-*
9 *cohol, including the prohibition of the consumption of*
10 *alcohol on such vessels; and*

11 *(2) possession of alcohol associated with the com-*
12 *mercial sale to individuals aboard the vessel who are*
13 *not crew members.*

14 *(f) REPORT REQUIRED.—If, by the date that is 2 years*
15 *after the receipt of the assessment under subsection (c), the*
16 *Commandant does not issue regulations under subsection*
17 *(d), the Commandant shall provide a report by such date*
18 *to the committees described in subsection (c)—*

19 *(1) containing the rationale for not issuing such*
20 *regulations; and*

21 *(2) providing other recommendations as nec-*
22 *essary to ensure safety at sea.*

1 **SEC. 11607. SURVEILLANCE REQUIREMENTS.**

2 (a) *IN GENERAL.*—Part B of subtitle II of title 46,
3 United States Code, is amended by adding at the end the
4 following:

5 **“CHAPTER 49—OCEANGOING NON-**
6 **PASSENGER COMMERCIAL VESSELS**

“Sec.

“4901. Surveillance requirements.

7 **“§ 4901. Surveillance requirements**

8 “(a) *IN GENERAL.*—A vessel engaged in commercial
9 service that does not carry passengers, shall maintain a
10 video surveillance system.

11 “(b) *APPLICABILITY.*—The requirements in this section
12 shall apply to—

13 “(1) documented vessels with overnight accom-
14 modations for at least 10 individuals on board that
15 are—

16 “(A) on a voyage of at least 600 miles and
17 crosses seaward of the Boundary Line; or

18 “(B) at least 24 meters (79 feet) in overall
19 length and required to have a load line under
20 chapter 51;

21 “(2) documented vessels of at least 500 gross tons
22 as measured under section 14502, or an alternate ton-
23 nage measured under section 14302 as prescribed by

1 *the Secretary under section 14104 on an inter-*
2 *national voyage; and*

3 *“(3) vessels with overnight accommodations for*
4 *at least 10 individuals on board that are operating*
5 *for no less than 72 hours on waters superjacent to the*
6 *outer Continental Shelf (as defined in section 2(a) of*
7 *the Outer Continental Shelf Lands Act (43 U.S.C.*
8 *1331(a)).*

9 *“(c) PLACEMENT OF VIDEO AND AUDIO SURVEILLANCE*
10 *EQUIPMENT.—*

11 *“(1) IN GENERAL.—The owner of a vessel to*
12 *which this section applies shall install video and*
13 *audio surveillance equipment aboard the vessel not*
14 *later than 2 years after enactment of the Don Young*
15 *Coast Guard Authorization Act of 2022, or during the*
16 *next scheduled drydock, whichever is later.*

17 *“(2) LOCATIONS.—Video and audio surveillance*
18 *equipment shall be placed in passageways on to which*
19 *doors from staterooms open. Such equipment shall be*
20 *placed in a manner ensuring the visibility of every*
21 *door in each such passageway.*

22 *“(d) NOTICE OF VIDEO AND AUDIO SURVEILLANCE.—*
23 *The owner of a vessel to which this section applies shall*
24 *provide clear and conspicuous signs on board the vessel no-*

1 *tifying the crew of the presence of video and audio surveil-*
2 *lance equipment.*

3 “(e) *ACCESS TO VIDEO AND AUDIO RECORDS.—The*
4 *owner of a vessel to which this section applies shall ensure*
5 *that access to records of video and audio surveillance is not*
6 *used as part of a labor action against a crew member or*
7 *employment dispute unless used in a criminal or civil ac-*
8 *tion.*

9 “(f) *RETENTION REQUIREMENTS.—The owner of a ves-*
10 *sel to which this section applies shall retain all records of*
11 *audio and video surveillance for not less than 1 year after*
12 *the footage is obtained. Any video and audio surveillance*
13 *found to be associated with an alleged incident should be*
14 *preserved for not less than 5 years from the date of the al-*
15 *leged incident.*

16 “(g) *PERSONNEL TRAINING.—A vessel owner or em-*
17 *ployer of a seafarer shall provide training for all individ-*
18 *uals employed by the owner or employer for the purpose*
19 *of responding to incidents of sexual assault or sexual har-*
20 *assment, including—*

21 “(1) *such training to ensure the individuals—*

22 “(A) *retain audio and visual records and*
23 *other evidence objectively; and*

24 “(B) *act impartially without influence from*
25 *the company or others; and*

1 “(2) *training on applicable Federal, State, Trib-*
2 *al, and local laws and regulations regarding sexual*
3 *assault and sexual harassment investigations and re-*
4 *porting requirements.*

5 “(g) *DEFINITION OF OWNER.—In this section, the term*
6 *‘owner’ means the owner, charterer, managing operator,*
7 *master, or other individual in charge of a vessel.*

8 “(h) *EXEMPTION.—Fishing vessels, fish processing ves-*
9 *sels, and fish tender vessels are exempt from this section.”.*

10 “(b) *CLERICAL AMENDMENT.—The table of chapters for*
11 *subtitle II of title 46, United States Code, is amended by*
12 *adding after the item related to chapter 47 the following:*
 *“49. **Oceangoing Non-Passenger Commercial Vessels** **4901”.***

13 **SEC. 11608. MASTER KEY CONTROL.**

14 “(a) *IN GENERAL.—Chapter 31 of title 46, United*
15 *States Code, is amended by adding at the end the following:*

16 **“§ 3106. Master key control system**

17 “(a) *IN GENERAL.—The owner of a vessel subject to*
18 *inspection under section 3301 shall—*

19 “(1) *ensure that such vessel is equipped with a*
20 *vessel master key control system, manual or elec-*
21 *tronic, which provides controlled access to all copies*
22 *of the vessel’s master key of which access shall only*
23 *be available to the individuals described in paragraph*
24 *(2);*

1 “(2) *establish a list of all crew, identified by po-*
2 *sition, allowed to access and use the master key and*
3 *maintain such list upon the vessel, within owner*
4 *records and included in the vessel safety management*
5 *system;*

6 “(3) *record in a log book information on all ac-*
7 *cess and use of the vessel’s master key, including—*

8 “(A) *dates and times of access;*

9 “(B) *the room or location accessed; and*

10 “(C) *the name and rank of the crew member*
11 *that used the master key; and*

12 “(4) *make the list under paragraph (2) and the*
13 *log book under paragraph (3) available upon request*
14 *to any agent of the Federal Bureau of Investigation,*
15 *any member of the Coast Guard, and any law en-*
16 *forcement officer performing official duties in the*
17 *course and scope of an investigation.*

18 “(b) *PROHIBITED USE.—Crew not included on the list*
19 *described in subsection (a)(2) shall not have access to or*
20 *use the master key unless in an emergency and shall imme-*
21 *diately notify the master and owner of the vessel following*
22 *use of such key.*

23 “(c) *REQUIREMENTS FOR LOG BOOK.—The log book*
24 *described in subsection (a)(3) and required to be included*
25 *in a safety management system under section 3203(a)(6)—*

1 “(1) *may be electronic; and*

2 “(2) *shall be located in a centralized location*
3 *that is readily accessible to law enforcement per-*
4 *sonnel.*

5 “(d) *PENALTY.*—*Any crew member who uses the mas-*
6 *ter key without having been granted access pursuant to sub-*
7 *section (a)(2) shall be liable to the United States Govern-*
8 *ment for a civil penalty of not more than \$1,000 and may*
9 *be subject to suspension or revocation under section 7703.*

10 “(e) *EXEMPTION.*—*This section shall not apply to ves-*
11 *sels subject to section 3507(f).”*

12 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
13 *31 of title 46, United States Code, is amended by adding*
14 *at the end the following:*

“3106. Master key control system.”

15 **SEC. 11609. REQUIREMENT TO REPORT SEXUAL ASSAULT**
16 **AND HARASSMENT.**

17 *Section 10104 of title 46, United States Code, is*
18 *amended by striking subsections (a) and (b) and inserting*
19 *the following:*

20 “(a) *MANDATORY REPORTING BY RESPONSIBLE ENTI-*
21 *TY OF A VESSEL.*—

22 “(1) *IN GENERAL.*—*The responsible entity of a*
23 *vessel shall report to the Commandant any complaint*
24 *or incident of harassment, sexual harassment, or sex-*

1 *ual assault in violation of employer policy or law, of*
2 *which such entity is made aware.*

3 “(2) *PENALTY.*—*A responsible entity of a vessel*
4 *who knowingly fails to report in compliance with*
5 *paragraph (1) is liable to the United States Govern-*
6 *ment for a civil penalty of not more than \$50,000.*

7 “(b) *REPORTING PROCEDURES.*—

8 “(1) *RESPONSIBLE ENTITY OF A VESSEL RE-*
9 *PORTING.*—*A report required under subsection (a)*
10 *shall be made immediately after the responsible entity*
11 *of a vessel gains knowledge of a sexual assault or sex-*
12 *ual harassment incident by the fastest telecommuni-*
13 *cation channel available to—*

14 “(A) *a single entity in the Coast Guard des-*
15 *ignated by the Commandant to receive such re-*
16 *ports; and*

17 “(B) *the appropriate officer or agency of the*
18 *government of the country in whose waters the*
19 *incident occurs.*

20 “(2) *CONTENTS.*—*Such shall include, to the best*
21 *of the knowledge of the individual making the re-*
22 *port—*

23 “(A) *the name, official position or role in*
24 *relation to the vessel, and contact information of*
25 *such individual;*

1 “(B) the name and official number of the
2 documented vessel;

3 “(C) the time and date of the incident;

4 “(D) the geographic position or location of
5 the vessel when the incident occurred; and

6 “(E) a brief description of the alleged sexual
7 harassment or sexual assault being reported.

8 “(3) RECEIVING REPORTS; COLLECTION OF IN-
9 FORMATION.—

10 “(A) RECEIVING REPORTS.—With respect to
11 reports submitted under subsection (a), the Com-
12 mandant—

13 “(i) may establish additional reporting
14 procedures, including procedures for receiv-
15 ing reports through—

16 “(I) a single telephone number
17 that is continuously manned at all
18 times; and

19 “(II) a single email address that
20 is continuously monitored; and

21 “(ii) shall use procedures that include
22 preserving evidence in such reports and pro-
23 viding emergency service referrals.

24 “(B) COLLECTION OF INFORMATION.—After
25 receipt of the report made under subsection (a),

1 *the Coast Guard shall collect information related*
2 *to the identity of each alleged victim, alleged per-*
3 *petrator, and any witnesses identified in the re-*
4 *port through means designed to protect, to the*
5 *extent practicable, the personal identifiable infor-*
6 *mation of such individuals.*

7 “(c) *SUBPOENA AUTHORITY.—*

8 “(1) *IN GENERAL.—The Commandant may com-*
9 *pel the testimony of witnesses and the production of*
10 *any evidence by subpoena to determine compliance*
11 *with this section.*

12 “(2) *JURISDICTIONAL LIMITS.—The jurisdic-*
13 *tional limits of a subpoena issued under this section*
14 *are the same as, and are enforceable in the same*
15 *manner as, subpoenas issued under chapter 63 of this*
16 *title.*

17 “(d) *COMPANY AFTER-ACTION SUMMARY.—*

18 “(1) *A responsible entity of a vessel that makes*
19 *a report under subsection (a) shall—*

20 “(A) *submit to the Commandant a docu-*
21 *ment with detailed information to describe the*
22 *actions taken by such entity after becoming*
23 *aware of the sexual assault or sexual harassment*
24 *incident, including the results of any investiga-*

1 *tion into the complaint or incident and any ac-*
2 *tion taken against the offending individual; and*

3 *“(B) make such submission not later than*
4 *10 days after such entity made the report under*
5 *subsection (a).*

6 *“(2) CIVIL PENALTY.—A responsible entity of a*
7 *vessel that fails to comply with paragraph (1) is lia-*
8 *ble to the United States Government for a civil pen-*
9 *alty of \$25,000 and \$500 shall be added for each day*
10 *of noncompliance, except that the total amount of a*
11 *penalty with respect to a complaint or incident shall*
12 *not exceed \$50,000 per violation.*

13 *“(e) INVESTIGATORY AUDIT.—The Commandant shall*
14 *periodically perform an audit or other systematic review*
15 *of the submissions made under this section to determine if*
16 *there were any failures to comply with the requirements of*
17 *this section.*

18 *“(f) APPLICABILITY; REGULATIONS.—*

19 *“(1) REGULATIONS.— The Secretary may issue*
20 *regulations to implement the requirements of this sec-*
21 *tion.*

22 *“(2) INTERIM REPORTS.—Any report required to*
23 *be made to the Commandant under this section shall*
24 *be made to the Coast Guard National Command Cen-*

1 *ter, until regulations implementing the procedures re-*
2 *quired by this section are issued.*

3 “(g) *DEFINITION OF RESPONSIBLE ENTITY OF A VES-*
4 *SEL.—In this section, the term ‘responsible entity of a ves-*
5 *sel’ means—*

6 “(1) *the owner, master, or managing operator of*
7 *a documented vessel engaged in commercial service; or*

8 “(2) *the employer of a seafarer on such a ves-*
9 *sel.’”.*

10 **SEC. 11610. SAFETY MANAGEMENT SYSTEM.**

11 (a) *SAFETY MANAGEMENT SYSTEM.—Section 3203 of*
12 *title 46, United States Code, is amended—*

13 (1) *in subsection (a)—*

14 (A) *by redesignating paragraphs (5) and*
15 (6) *as paragraphs (7) and (8); and*

16 (B) *by inserting after paragraph (4) the fol-*
17 *lowing:*

18 “(5) *with respect to sexual harassment and sex-*
19 *ual assault, procedures for, and annual training re-*
20 *quirements for all responsible persons and vessels to*
21 *which this chapter applies on—*

22 “(A) *prevention;*

23 “(B) *bystander intervention;*

24 “(C) *reporting;*

25 “(D) *response; and*

1 “(E) investigation;
2 “(6) the list required under section 3106(a)(2)
3 and the log book required under section 3106(a)(3);”;
4 (2) by redesignating subsections (b) and (c) as
5 subsections (d) and (e), respectively; and
6 (3) by inserting after subsection (a) the fol-
7 lowing:

8 “(b) *PROCEDURES AND TRAINING REQUIREMENTS.*—
9 *In prescribing regulations for the procedures and training*
10 *requirements described in subsection (a)(5), such procedures*
11 *and requirements shall be consistent with the requirements*
12 *to report sexual harassment or sexual assault under section*
13 *10104.*

14 “(c) *AUDITS.*—

15 “(1) *CERTIFICATES.*—

16 “(A) *SUSPENSION.*—*During an audit of a*
17 *safety management system of a vessel required*
18 *under section 10104(e), the Secretary may sus-*
19 *pend the Safety Management Certificate issued*
20 *for the vessel under section 3205 and issue a sep-*
21 *arate Safety Management Certificate for the ves-*
22 *sel to be in effect for a 3-month period beginning*
23 *on the date of the issuance of such separate cer-*
24 *tificate.*

1 “(B) *REVOCATION.*—*At the conclusion of an*
2 *audit of a safety management system required*
3 *under section 10104(e), the Secretary shall re-*
4 *voke the Safety Management Certificate issued*
5 *for the vessel under section 3205 if the Secretary*
6 *determines—*

7 “(i) *that the holder of the Safety Man-*
8 *agement Certificate knowingly, or repeat-*
9 *edly, failed to comply with section 10104; or*

10 “(ii) *other failure of the safety man-*
11 *agement system resulted in the failure to*
12 *comply with such section.*

13 “(2) *DOCUMENTS OF COMPLIANCE.*—

14 “(A) *IN GENERAL.*—*Following an audit of*
15 *the safety management system of a vessel re-*
16 *quired under section 10104(e), the Secretary*
17 *may audit the safety management system of the*
18 *responsible person for the vessel.*

19 “(B) *SUSPENSION.*—*During an audit under*
20 *subparagraph (A), the Secretary may suspend*
21 *the Document of Compliance issued to the re-*
22 *sponsible person under section 3205 and issue a*
23 *separate Document of Compliance to such person*
24 *to be in effect for a 3-month period beginning on*

1 *the date of the issuance of such separate docu-*
2 *ment.*

3 “(C) *REVOCATION.*—*At the conclusion of an*
4 *assessment or an audit of a safety management*
5 *system under subparagraph (A), the Secretary*
6 *shall revoke the Document of Compliance issued*
7 *to the responsible person if the Secretary deter-*
8 *mines—*

9 *“(i) that the holder of the Document of*
10 *Compliance knowingly, or repeatedly, failed*
11 *to comply with section 10104; or*

12 *“(ii) that other failure of the safety*
13 *management system resulted in the failure*
14 *to comply with such section.”.*

15 (b) *VERIFICATION OF COMPLIANCE.*—*Section*
16 *3205(c)(1) of title 46, United States Code, is amended by*
17 *inserting “, or upon discovery from other sources of infor-*
18 *mation acquired by the Coast Guard, including a discovery*
19 *made during an audit or systematic review conducted*
20 *under section 10104(e) of a failure of a responsible person*
21 *or vessel to comply with a requirement of a safety manage-*
22 *ment system for which a Safety Management Certificate*
23 *and a Document of compliance has been issued under this*
24 *section, including a failure to comply with regulations pre-*

1 *scribed under section 3203(a)(7) and (8),” after “periodi-*
2 *cally”.*

3 **SEC. 11611. REPORTS TO CONGRESS.**

4 *(a) IN GENERAL.—Chapter 101 of title 46, United*
5 *States Code, is amended by adding at the end the following:*

6 **“§ 10105. Reports to Congress**

7 *“(a) IN GENERAL.—Not later than 1 year after the*
8 *date of enactment of the Don Young Coast Guard Author-*
9 *ization Act of 2022, and on an annual basis thereafter, the*
10 *Commandant shall submit to the Committee on Commerce,*
11 *Science, and Transportation of the Senate and the Com-*
12 *mittee on Transportation and Infrastructure of the House*
13 *of Representatives a report that includes—*

14 *“(1) the number of reports received under section*
15 *10104;*

16 *“(2) the number of penalties issued under such*
17 *section;*

18 *“(3) the number of open investigations under*
19 *such section, completed investigations under such sec-*
20 *tion, and the outcomes of such open or completed in-*
21 *vestigations;*

22 *“(4) the number of assessments or audits con-*
23 *ducted under section 3203 and the outcome of those*
24 *assessments or audits;*

1 “(5) a statistical analysis of compliance with the
2 safety management system criteria under section
3 3203;

4 “(6) the number of credentials denied or revoked
5 due to sexual harassment, sexual assault, or related
6 offenses; and

7 “(7) recommendations to support efforts of the
8 Coast Guard to improve investigations and oversight
9 of sexual harassment and sexual assault in the mari-
10 time sector, including funding requirements and legis-
11 lative change proposals necessary to ensure compli-
12 ance with title CXVI of the Don Young Coast Guard
13 Authorization Act of 2022 and the amendments made
14 by such title.

15 “(b) *PRIVACY*.—In collecting the information required
16 under subsection (a), the Commandant shall collect such in-
17 formation in a manner that protects the privacy rights of
18 individuals who are subjects of such information.”.

19 (b) *CLERICAL AMENDMENT*.—The analysis for chapter
20 101 of title 46, United States Code, is amended by adding
21 at the end the following:

 “10105. *Reports to Congress*.”.

1 **TITLE CXVII—NATIONAL OCE-**
2 **ANIC AND ATMOSPHERIC AD-**
3 **MINISTRATION**

4 **Subtitle A—National Oceanic and**
5 **Atmospheric Administration**
6 **Commissioned Officer Corps**

7 **SEC. 11701. DEFINITIONS.**

8 *Section 212(b) of the National Oceanic and Atmos-*
9 *pheric Administration Commissioned Officer Corps Act of*
10 *2002 (33 U.S.C. 3002(b)) is amended by adding at the end*
11 *the following:*

12 *“(8) UNDER SECRETARY.—The term ‘Under Sec-*
13 *retary’ means the Under Secretary of Commerce for*
14 *Oceans and Atmosphere.”.*

15 **SEC. 11702. REQUIREMENT FOR APPOINTMENTS.**

16 *Section 221(c) of the National Oceanic and Atmos-*
17 *pheric Administration Commissioned Officer Corps Act of*
18 *2002 (33 U.S.C. 3021(c)) is amended by striking “may not*
19 *be given” and inserting the following: “may—*

20 *“(1) be given only to an individual who is a cit-*
21 *izen of the United States; and*

22 *“(2) not be given.”.*

1 **SEC. 11703. REPEAL OF REQUIREMENT TO PROMOTE EN-**
2 **SIGNS AFTER 3 YEARS OF SERVICE.**

3 (a) *IN GENERAL.*—Section 223 of the National Oce-
4 anic and Atmospheric Administration Commissioned Offi-
5 cer Corps Act of 2002 (33 U.S.C. 3023) is amended to read
6 as follows:

7 **“SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY**
8 **QUALIFIED.**

9 “If an officer in the permanent grade of ensign is at
10 any time found not fully qualified, the officer’s commission
11 shall be revoked and the officer shall be separated from the
12 commissioned service.”.

13 (b) *CLERICAL AMENDMENT.*—The table of contents in
14 section 1 of the Act entitled “An Act to reauthorize the Hy-
15 drographic Services Improvement Act of 1998, and for other
16 purposes” (Public Law 107–372) is amended by striking
17 the item relating to section 223 and inserting the following:

“Sec. 223. Separation of ensigns found not fully qualified.”.

18 **SEC. 11704. AUTHORITY TO PROVIDE AWARDS AND DECORA-**
19 **TIONS.**

20 (a) *IN GENERAL.*—Subtitle A of the National Oceanic
21 and Atmospheric Administration Commissioned Officer
22 Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by
23 adding at the end the following:

1 **“SEC. 220. AWARDS AND DECORATIONS.**

2 *“The Under Secretary may provide ribbons, medals,*
3 *badges, trophies, and similar devices to members of the com-*
4 *missioned officer corps of the Administration and to mem-*
5 *bers of other uniformed services for service and achievement*
6 *in support of the missions of the Administration.”.*

7 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
8 *section 1 of the Act entitled “An Act to reauthorize the Hy-*
9 *drographic Services Improvement Act of 1998, and for other*
10 *purposes” (Public Law 107–372) is amended by inserting*
11 *after the item relating to section 219 the following:*

“Sec. 220. Awards and decorations.”.

12 **SEC. 11705. RETIREMENT AND SEPARATION.**

13 **(a) INVOLUNTARY RETIREMENT OR SEPARATION.**—
14 *Section 241(a)(1) of the National Oceanic and Atmospheric*
15 *Administration Commissioned Officer Corps Act of 2002*
16 *(33 U.S.C. 3041(a)(1)) is amended to read as follows:*

17 *“(1) an officer in the permanent grade of cap-*
18 *tain or commander may—*

19 *“(A) except as provided by subparagraph*
20 *(B), be transferred to the retired list; or*

21 *“(B) if the officer is not qualified for retire-*
22 *ment, be separated from service; and”.*

23 **(b) RETIREMENT FOR AGE.**—*Section 243(a) of that*
24 *Act (33 U.S.C. 3043(a)) is amended by striking “be retired”*

1 *and inserting “be retired or separated (as specified in sec-*
2 *tion 1251(e) of title 10, United States Code)”.*

3 *(c) RETIREMENT OR SEPARATION BASED ON YEARS OF*
4 *CREDITABLE SERVICE.—Section 261(a) of that Act (33*
5 *U.S.C. 3071(a)) is amended—*

6 *(1) by redesignating paragraphs (17) through*
7 *(26) as paragraphs (18) through (27), respectively;*
8 *and*

9 *(2) by inserting after paragraph (16) the fol-*
10 *lowing:*

11 *“(17) Section 1251(e), relating to retirement or*
12 *separation based on years of creditable service.”.*

13 **SEC. 11706. IMPROVING PROFESSIONAL MARINER STAFF-**
14 **ING.**

15 *(a) IN GENERAL.—Subtitle E of the National Oceanic*
16 *and Atmospheric Administration Commissioned Officer*
17 *Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by*
18 *adding at the end the following:*

19 **“SEC. 269B. SHORE LEAVE FOR PROFESSIONAL MARINERS.**

20 *“(a) IN GENERAL.—The Under Secretary may pre-*
21 *scribe regulations relating to shore leave for professional*
22 *mariners without regard to the requirements of section 6305*
23 *of title 5, United States Code.*

24 *“(b) REQUIREMENTS.—The regulations prescribed*
25 *under subsection (a) shall—*

1 “(1) *require that a professional mariner serving*
2 *aboard an ocean-going vessel be granted a leave of ab-*
3 *sence of 4 days per pay period; and*

4 “(2) *provide that a professional mariner serving*
5 *in a temporary promotion position aboard a vessel*
6 *may be paid the difference between such mariner’s*
7 *temporary and permanent rates of pay for leave ac-*
8 *crued while serving in the temporary promotion posi-*
9 *tion.*

10 “(c) *PROFESSIONAL MARINER DEFINED.—In this sec-*
11 *tion, the term ‘professional mariner’ means an individual*
12 *employed on a vessel of the Administration who has the nec-*
13 *essary expertise to serve in the engineering, deck, steward,*
14 *electronic technician, or survey department.”.*

15 “(b) *CLERICAL AMENDMENT.—The table of contents in*
16 *section 1 of the Act entitled “An Act to reauthorize the Hy-*
17 *drographic Services Improvement Act of 1998, and for other*
18 *purposes” (Public Law 107–372) is amended by inserting*
19 *after the item relating to section 269A the following:*

 “*Sec. 269B. Shore leave for professional mariners.*”.

20 **SEC. 11707. LEGAL ASSISTANCE.**

21 *Section 1044(a)(3) of title 10, United States Code, is*
22 *amended by inserting “or the commissioned officer corps*
23 *of the National Oceanic and Atmospheric Administration”*
24 *after “Public Health Service”.*

1 **SEC. 11708. ACQUISITION OF AIRCRAFT FOR AGENCY AIR,**
2 **ATMOSPHERE, AND WEATHER RECONNAIS-**
3 **SANCE AND RESEARCH MISSION.**

4 *(a) INCREASED FLEET CAPACITY.—*

5 *(1) IN GENERAL.—The Under Secretary of Com-*
6 *merce for Oceans and Atmosphere shall acquire ade-*
7 *quate aircraft platforms with the necessary observa-*
8 *tion and modification requirements—*

9 *(A) to meet agency-wide air reconnaissance*
10 *and research mission requirements, particularly*
11 *with respect to hurricanes and tropical cyclones,*
12 *and also for atmospheric chemistry, climate, air*
13 *quality for public health, full-season fire weather*
14 *research and operations, full-season atmospheric*
15 *river air reconnaissance observations, and other*
16 *mission areas; and*

17 *(B) to ensure data and information col-*
18 *lected by the aircraft are made available to all*
19 *users for research and operations purposes.*

20 *(2) CONTRACTS.—In carrying out paragraph*
21 *(1), the Under Secretary shall negotiate and enter*
22 *into 1 or more contracts or other agreements, to the*
23 *extent practicable and necessary, with 1 or more gov-*
24 *ernmental or nongovernmental entities.*

25 *(b) ACQUISITION OF AIRCRAFT TO REPLACE WP-3D*
26 *AIRCRAFT.—Subject to the availability of appropriations,*

1 *the Under Secretary may enter into a contract for the ac-*
2 *quisition of up to 6 aircraft to replace the WP-3D aircraft*
3 *that provides for—*

4 (1) *the first newly acquired aircraft to be fully*
5 *operational before the retirement of the last WP-3D*
6 *aircraft operated by the National Oceanic and Atmos-*
7 *pheric Administration; and*

8 (2) *the second newly acquired aircraft to be fully*
9 *operational not later than 1 year after the first such*
10 *aircraft is required to be fully operational under sub-*
11 *paragraph (A).*

12 (c) *ACQUISITION OF AIRCRAFT TO REPLACE END OF*
13 *LIFE-CYCLE AIRCRAFT.—Subject to the availability of ap-*
14 *propriations, the Under Secretary shall maintain the abil-*
15 *ity of the National Oceanic and Atmospheric Administra-*
16 *tion to meet agency air reconnaissance and research mis-*
17 *sion requirements by acquiring new aircraft prior to the*
18 *end of the service life of the aircraft being replaced with*
19 *sufficient lead time that the replacement aircraft is fully*
20 *operation prior to the retirement of the aircraft it is replac-*
21 *ing.*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.—For fiscal*
23 *year 2023, there is authorized to be appropriated to the*
24 *Under Secretary \$800,000,000 for the acquisition of air-*
25 *craft under this section.*

1 **SEC. 11709. REPORT ON PROFESSIONAL MARINER STAFF-**
2 **ING MODELS.**

3 (a) *IN GENERAL.*—Not later than 18 months after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committee on Com-
6 merce, Science, and Transportation of the Senate and the
7 Committee on Transportation and Infrastructure and the
8 Committee on Natural Resources of the House of Represent-
9 atives a report on staffing issues relating to professional
10 mariners within the Office of Marine and Aviation Oper-
11 ations of the National Oceanic and Atmospheric Adminis-
12 tration.

13 (b) *ELEMENTS.*—In conducting the report required
14 under subsection (a), the Comptroller General shall con-
15 sider—

16 (1) *the challenges the Office of Marine and Avia-*
17 *tion Operations faces in recruiting and retaining*
18 *qualified professional mariners;*

19 (2) *workforce planning efforts to address such*
20 *challenges; and*

21 (3) *other models or approaches that exist, or are*
22 *under consideration, to provide incentives for the re-*
23 *tion of qualified professional mariners.*

24 (c) *PROFESSIONAL MARINER DEFINED.*—In this sec-
25 tion, the term “professional mariner” means an individual
26 employed on a vessel of the National Oceanic and Atmos-

1 *pheric Administration who has the necessary expertise to*
2 *serve in the engineering, deck, steward, or survey depart-*
3 *ment.*

4 ***Subtitle B—Other Matters***

5 ***SEC. 11710. CONVEYANCE OF CERTAIN PROPERTY OF NA-***
6 ***TIONAL OCEANIC AND ATMOSPHERIC ADMIN-***
7 ***ISTRATION IN JUNEAU, ALASKA.***

8 *(a) DEFINITIONS.—In this section:*

9 *(1) CITY.—The term “City” means the City and*
10 *Borough of Juneau, Alaska.*

11 *(2) MASTER PLAN.—The term “Master Plan”*
12 *means the Juneau Small Cruise Ship Infrastructure*
13 *Master Plan released by the Docks and Harbors*
14 *Board and Port of Juneau for the City and dated*
15 *March 2021.*

16 *(3) PROPERTY.—The term “Property” means the*
17 *parcel of real property consisting of approximately*
18 *2.4 acres, including tidelands, owned by the United*
19 *States and under administrative custody and control*
20 *of the National Oceanic and Atmospheric Administra-*
21 *tion and located at 250 Egan Drive, Juneau, Alaska,*
22 *including any improvements thereon that are not au-*
23 *thorized or required by another provision of law to be*
24 *conveyed to a specific individual or entity.*

1 (4) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Commerce, acting through the Under*
3 *Secretary of Commerce for Oceans and Atmosphere*
4 *and the Administrator of the National Oceanic and*
5 *Atmospheric Administration.*

6 (b) *CONVEYANCE AUTHORIZED.*—

7 (1) *IN GENERAL.*—*The Secretary may convey, at*
8 *fair market value, all right, title, and interest of the*
9 *United States in and to the Property, subject to the*
10 *restrictions in subsections (b)(2) and (c) and the re-*
11 *quirements of this section.*

12 (2) *RESTRICTION.*—*The Secretary may not take*
13 *action under this section until the Commandant noti-*
14 *fies the Secretary in writing that the Coast Guard*
15 *does not have an interest in acquiring the property,*
16 *or a period of 180 calendar days expires following the*
17 *date of enactment of this section.*

18 (3) *NOTIFICATION EXPIRATION.*—*If, the Sec-*
19 *retary has not received notification under paragraph*
20 *(2) at the end of the 180 calendar day period, the*
21 *Secretary and the Commandant shall notify the Com-*
22 *mittee on Transportation and Infrastructure and the*
23 *Committee on Appropriations of the House of Rep-*
24 *resentatives and the Committee on Commerce,*
25 *Science, and Transportation and the Committee on*

1 *Appropriations of the Senate in writing that no noti-*
2 *fication has been received.*

3 (4) *TERMINATION OF AUTHORITY.*—*The author-*
4 *ity provided under paragraph (1) shall terminate on*
5 *the date that is 3 years after the date of the enact-*
6 *ment of this Act.*

7 (c) *TRANSFER OF PROPERTY TO COAST GUARD.*—

8 (1) *IN GENERAL.*—*If not later than 180 calendar*
9 *days after the date of enactment of this Act the Com-*
10 *mandant notifies the Secretary that the Coast Guard*
11 *has an interest in the Property, the Secretary shall*
12 *transfer the Property to the Coast Guard.*

13 (2) *TRANSFER.*—*Any transfer performed pursu-*
14 *ant to this subsection shall—*

15 (A) *occur not later than 1 year of any writ-*
16 *ten notification required under paragraph (1);*

17 (B) *include within the transfer from the De-*
18 *partment of Commerce to the Coast Guard all*
19 *legal obligations attached to ownership or ad-*
20 *ministrative control of the Property, interest*
21 *therein, or improvements thereto, including envi-*
22 *ronmental compliance and restoration liabilities*
23 *and historical preservation liabilities and re-*
24 *sponsibilities;*

1 (C) be at no cost to the Department of Com-
2 merce, to include all land survey costs;

3 (D) not affect or limit any remaining real
4 property interests held by the Department of
5 Commerce on any real property subject to such
6 transfer; and

7 (E) be accompanied by a memorandum of
8 agreement between the Coast Guard and the De-
9 partment of Commerce to require the Com-
10 mandant to allow—

11 (i) future access to, and use of, the
12 Property, including use of available pier
13 space, to accommodate the reasonable expect-
14 tations of the Secretary for future oper-
15 ational and logistical needs in southeast
16 Alaska; and

17 (ii) continued access to, and use of, ex-
18 isting facilities on the Property, including a
19 warehouse and machine shop, unless the
20 Commandant determines that the Property
21 on which the facilities are located is needed
22 to support polar operations, at which time
23 the Coast Guard shall provide the Depart-
24 ment of Commerce access to and use of com-

1 *parable space in reasonable proximity to*
2 *the existing facilities.*

3 *(d) RIGHT OF FIRST REFUSAL.—If the Coast Guard*
4 *does not transfer the Property under subsection (c), the City*
5 *shall have the right of first refusal with respect to the pur-*
6 *chase, at fair market value, of the Property.*

7 *(e) SURVEY.—The exact acreage and legal description*
8 *of the Property shall be determined by a survey satisfactory*
9 *to the Secretary.*

10 *(f) CONDITION; QUITCLAIM DEED.—If the Property is*
11 *conveyed under subsection (b)(1), the Property shall be con-*
12 *veyed—*

13 *(1) in an “as is, where is” condition; and*

14 *(2) via a quitclaim deed.*

15 *(g) FAIR MARKET VALUE.—*

16 *(1) IN GENERAL.—The fair market value of the*
17 *Property shall be—*

18 *(A) determined by an appraisal that—*

19 *(i) is conducted by an independent ap-*
20 *praiser selected by the Secretary; and*

21 *(ii) meets the requirements of para-*
22 *graph (2); and*

23 *(B) adjusted, at the Secretary’s discretion,*
24 *based on the factors described in paragraph (3).*

1 (2) *APPRAISAL REQUIREMENTS.*—An appraisal
2 conducted under paragraph (1)(A) shall be conducted
3 in accordance with nationally recognized appraisal
4 standards, including the Uniform Standards of Pro-
5 fessional Appraisal Practice.

6 (3) *FACTORS.*—The factors described in this
7 paragraph are—

8 (A) matters of equity and fairness;

9 (B) actions taken by the City regarding the
10 Property, if the City exercises the right of first
11 refusal under subsection (d), including—

12 (i) comprehensive waterfront planning,
13 site development, and other redevelopment
14 activities supported by the City in prox-
15 imity to the Property in furtherance of the
16 Master Plan;

17 (ii) in-kind contributions made to fa-
18 cilitate and support use of the Property by
19 governmental agencies; and

20 (iii) any maintenance expenses, cap-
21 ital improvement, or emergency expendi-
22 tures made necessary to ensure public safety
23 and access to and from the Property; and

24 (C) such other factors as the Secretary con-
25 siders appropriate.

1 (h) *COSTS OF CONVEYANCE.*—*If the City exercises the*
2 *right of first refusal under subsection (d), all reasonable and*
3 *necessary costs, including real estate transaction and envi-*
4 *ronmental documentation costs, associated with the convey-*
5 *ance of the Property to the City under this section may*
6 *be shared equitably by the Secretary and the City, as deter-*
7 *mined by the Secretary, including with the City providing*
8 *in-kind contributions for any or all of such costs.*

9 (i) *PROCEEDS.*—*Any proceeds from a conveyance of*
10 *the Property under subsection (b)(1) shall—*

11 (1) *be credited as discretionary offsetting collec-*
12 *tions to the applicable appropriations accounts or*
13 *funds of the National Oceanic and Atmospheric Ad-*
14 *ministration that exists as of the date of enactment*
15 *of this Act; and*

16 (2) *be used to cover costs associated with the con-*
17 *veyance of the Property, related relocation efforts, and*
18 *other facility and infrastructure projects in Alaska*
19 *and shall be made available for such purposes only to*
20 *the extent and in the amounts provided in advance*
21 *in appropriations Acts.*

22 (j) *MEMORANDUM OF AGREEMENT.*—*If the City exer-*
23 *cises the right of first refusal under subsection (d), before*
24 *finalizing a conveyance to the City under this section, the*
25 *Secretary and the City shall enter into a memorandum of*

1 *agreement to establish the terms under which the Secretary*
2 *shall have future access to, and use of, the Property to ac-*
3 *commodate the reasonable expectations of the Secretary for*
4 *future operational and logistical needs in southeast Alaska.*

5 *(k) RESERVATION OR EASEMENT FOR ACCESS AND*
6 *USE.—The conveyance authorized under subsection (b)(1)*
7 *shall be subject to a reservation providing, or an easement*
8 *granting, the Secretary, at no cost to the United States,*
9 *a right to access and use the Property that—*

10 *(1) is compatible with the Master Plan; and*

11 *(2) authorizes future operational access and use*
12 *by other Federal, State, and local government agen-*
13 *cies that have customarily used the Property.*

14 *(l) LIABILITY.—In the event that the Property is con-*
15 *veyed to the City of Juneau the following shall apply:*

16 *(1) AFTER CONVEYANCE.—An individual or enti-*
17 *ty to which a conveyance is made under this section*
18 *shall hold the United States harmless from any liabil-*
19 *ity with respect to activities carried out on or after*
20 *the date and time of the conveyance of the Property.*

21 *(2) BEFORE CONVEYANCE.—The United States*
22 *shall remain responsible for any liability the United*
23 *States incurred with respect to activities carried out*
24 *by the United States on the Property before the date*
25 *and time of the conveyance of the Property.*

1 (m) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with a conveyance under this section as the*
4 *Secretary considers appropriate and reasonable to protect*
5 *the interests of the United States.*

6 (n) *ENVIRONMENTAL COMPLIANCE.*—*Nothing in this*
7 *section shall be construed to affect or limit the application*
8 *of or obligation to comply with any applicable environ-*
9 *mental law, including—*

10 (1) *the National Environmental Policy Act of*
11 *1969 (42 U.S.C. 4321 et seq.); or*

12 (2) *section 120(h) of the Comprehensive Environ-*
13 *mental Response, Compensation, and Liability Act of*
14 *1980 (42 U.S.C. 9620(h)).*

15 (o) *CONVEYANCE NOT A MAJOR FEDERAL ACTION.*—
16 *A conveyance under this section shall not be considered a*
17 *major Federal action for purposes of section 102(2) of the*
18 *National Environmental Policy Act of 1969 (42 U.S.C.*
19 *4332(2)).*

20 ***TITLE CXVIII—TECHNICAL, CON-***
21 ***FORMING, AND CLARIFYING***
22 ***AMENDMENTS***

23 ***SEC. 11801. TERMS AND VACANCIES.***

24 (a) *IN GENERAL.*—*Section 46101(b) of title 46, United*
25 *States Code, is amended by—*

1 (1) *in paragraph (2)*—

2 (A) *by striking “one year” and inserting “2*
3 *years”*; and

4 (B) *by striking “2 terms” and inserting “3*
5 *terms”*; and

6 (2) *in paragraph (3)*—

7 (A) *by striking “of the individual being suc-*
8 *ceeded” and inserting “to which such individual*
9 *is appointed”*;

10 (B) *by striking “2 terms” and inserting “3*
11 *terms”*; and

12 (C) *by striking “the predecessor of that”*
13 *and inserting “such”*.

14 (b) *APPLICABILITY.*—*The amendments made by this*
15 *section shall not apply to Commissioners to whom section*
16 *403(b) of the Howard Coble Coast Guard and Maritime*
17 *Transportation Act of 2014 (Public Law 113–281) applies.*

18 **SEC. 11802. PASSENGER VESSEL SECURITY AND SAFETY RE-**
19 **QUIREMENTS.**

20 *Section 3507(k)(1) of title 46, United States Code, is*
21 *amended—*

22 (1) *in subparagraph (A) by striking “at least*
23 *250” and inserting “250 or more”*; and

24 (2) *by striking subparagraph (B) and inserting*
25 *the following:*

1 “(B) has overnight accommodations for 250
2 or more passengers; and”.

3 **SEC. 11803. TECHNICAL CORRECTIONS.**

4 (a) Section 319(b) of title 14, United States Code, is
5 amended by striking “section 331 of the FAA Modernization
6 and Reform Act of 2012 (49 U.S.C. 40101 note)” and in-
7 serting “section 44801 of title 49”.

8 (b) Section 1156(c) of title 14, United States Code, is
9 amended by striking “section 331 of the FAA Modernization
10 and Reform Act of 2012 (49 U.S.C. 40101 note)” and in-
11 serting “section 44801 of title 49”.

12 **SEC. 11804. TRANSPORTATION WORKER IDENTIFICATION**
13 **CREDENTIAL TECHNICAL AMENDMENTS.**

14 (a) *IN GENERAL.*—Section 70105 of title 46, United
15 States Code, is amended—

16 (1) in the section heading by striking “**security**
17 **cards**” and inserting “**worker identification**
18 **credentials**”;

19 (2) by striking “transportation security card”
20 each place it appears and inserting “transportation
21 worker identification credential”;

22 (3) by striking “transportation security cards”
23 each place it appears and inserting “transportation
24 worker identification credentials”;

1 (4) by striking “card” each place it appears and
2 inserting “credential”;

3 (5) in the heading for subsection (b) by striking
4 “CARDS” and inserting “CREDENTIALS”;

5 (6) in subsection (g) by striking “Assistant Sec-
6 retary of Homeland Security for” and inserting “Ad-
7 ministrators of”;

8 (7) by striking subsection (i) and redesignating
9 subsections (j) and (k) as subsections (i) and (j), re-
10 spectively;

11 (8) by striking subsection (l) and redesignating
12 subsections (m) through (q) as subsections (k) through
13 (o), respectively;

14 (9) in subsection (j), as so redesignated—

15 (A) in the subsection heading by striking
16 “SECURITY CARD” and inserting “WORKER
17 IDENTIFICATION CREDENTIAL”; and

18 (B) in the heading for paragraph (2) by
19 striking “SECURITY CARDS” and inserting
20 “WORKER IDENTIFICATION CREDENTIAL”;

21 (10) in subsection (k)(1), as so redesignated, by
22 striking “subsection (k)(3)” and inserting “subsection
23 (j)(3)”;

24 (11) by striking paragraph (4) of subsection (k),
25 as so redesignated; and

1 (12) *in subsection (o), as so redesignated—*

2 (A) *in the subsection heading by striking*
3 “SECURITY CARD” *and inserting “WORKER*
4 IDENTIFICATION CREDENTIAL”;

5 (B) *in paragraph (1)—*

6 (i) *by striking “subsection (k)(3)” and*
7 *inserting “subsection (j)(3)”;* and

8 (ii) *by striking “This plan shall” and*
9 *inserting “Such receipt and activation*
10 *shall”;* and

11 (C) *in paragraph (2) by striking “on-site*
12 *activation capability” and inserting “on-site re-*
13 *ceipt and activation of transportation worker*
14 *identification credentials”.*

15 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
16 701 of title 46, United States Code, *is amended by striking*
17 *the item related to section 70105 and inserting the fol-*
18 *lowing:*

 “70105. *Transportation worker identification credentials.*”.

19 (c) *LIMITATION ON IMPLEMENTATION.—The Secretary*
20 *may not implement the rule entitled “Transportation Work-*
21 *er Identification Credential (TWIC)—Reader Requirements”*
22 *(81 Fed. Reg. 57651) for covered facilities before May 8,*
23 2026.

24 (d) *COVERED FACILITIES DEFINED.—In this section,*
25 *the term “covered facilities” means—*

1 (1) *facilities that handle Certain Dangerous Car-*
2 *goes in bulk and transfer such cargoes from or to a*
3 *vessel;*

4 (2) *facilities that handle Certain Dangerous Car-*
5 *goes in bulk, but do not transfer it from or to a vessel;*
6 *and*

7 (3) *facilities that receive vessels carrying Certain*
8 *Dangerous Cargoes in bulk but, during the vessel-to-*
9 *facility interface, do not transfer it from or to the ves-*
10 *sel.*

11 **SEC. 11805. REINSTATEMENT.**

12 (a) *REINSTATEMENT.*—*The text of section 12(a) of the*
13 *Act of June 21, 1940 (33 U.S.C. 522(a)), popularly known*
14 *as the “Truman-Hobbs Act”, is—*

15 (1) *reinstated as it appeared on the day before*
16 *the date of the enactment of section 8507(b) of the*
17 *William M. (Mac) Thornberry National Defense Au-*
18 *thorization Act for Fiscal Year 2021 (Public Law*
19 *116–283; 134 Stat. 4754); and*

20 (2) *redesignated as the sole text of section 12 of*
21 *the Act of June 21, 1940 (33 U.S.C. 522).*

22 (b) *EFFECTIVE DATE.*—*The provision reinstated*
23 *under subsection (a) shall be treated as if such section*
24 *8507(b) had never taken effect.*

1 (c) *CONFORMING AMENDMENT.*—*The provision rein-*
2 *stated under subsection (a) is amended by striking “, except*
3 *to the extent provided in this section”.*

4 **SEC. 11806. DETERMINATION OF BUDGETARY EFFECTS.**

5 *The budgetary effects of this Act, for the purpose of*
6 *complying with the Statutory Pay-As-You-Go Act of 2010,*
7 *shall be determined by reference to the latest statement titled*
8 *“Budgetary Effects of PAYGO Legislation for this Act”,*
9 *submitted for printing in the Congressional Record by the*
10 *Chairman of the House Budget Committee, provided that*
11 *such statement has been submitted prior to the vote on pas-*
12 *sage.*

13 **SEC. 11807. TECHNICAL AMENDMENT.**

14 (a) *IN GENERAL.*—*Section 6304 of title 46, United*
15 *States Code, is amended—*

16 (1) *by striking “subpena” and inserting “sub-*
17 *poena” each place it appears; and*

18 (2) *in subsection (d) by striking “subpenas” and*
19 *inserting “subpoenas”.*

20 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
21 *63 of title 46, United States Code, is amended by striking*
22 *the item relating to section 6304 and inserting the fol-*
23 *lowing:*

“6304. Subpoena authority.”.

24 **SEC. 11808. LIGHTHOUSE SERVICE AMENDMENTS.**

25 (a) *REPEALS.*—*The following provisions are repealed:*

1 (1) *Sections 1, 2, and 3 of the Act of March 6,*
2 *1896 (33 U.S.C. 474).*

3 (2) *Section 4 of the Act of June 17, 1910 (33*
4 *U.S.C. 711; 721).*

5 (3) *The first sentence of section 2 of the Act of*
6 *July 27, 1912 (33 U.S.C. 712).*

7 (4) *Section 10 of the Act of June 17, 1910 (33*
8 *U.S.C. 713).*

9 (5) *Section 6 of the Act of June 17, 1910 (33*
10 *U.S.C. 714).*

11 (6) *Section 5 of the Act of June 17, 1910 (33*
12 *U.S.C. 715).*

13 (7) *Section 4679 of the Revised Statutes.*

14 (8) *Section 4 of the Act of May 14, 1908 (33*
15 *U.S.C. 737).*

16 (9) *The first sentence of the sixteenth paragraph*
17 *of the section entitled “Coast Guard” under the head-*
18 *ing “Treasury Department” of the Act of June 5,*
19 *1920 (33 U.S.C. 738).*

20 (10) *Section 7 of the Act of June 20, 1918 (33*
21 *U.S.C. 744).*

22 (11) *Section 2 of the Act of May 13, 1938 (33*
23 *U.S.C. 748a).*

24 (12) *The Act of June 15, 1938 (33 U.S.C. 752b).*

1 (13) *The last proviso of the second paragraph of*
2 *the section entitled “Lighthouse Service” under the*
3 *heading “Department of Commerce” of the Act of No-*
4 *vember 4, 1918 (33 U.S.C. 763).*

5 (14) *Section 7 of the Act of June 6, 1940 (33*
6 *U.S.C. 763a–2).*

7 (15) *The last paragraph of the section entitled*
8 *“Lighthouse Service” under the heading “Department*
9 *of Commerce” of the Act of March 4, 1921 (33 U.S.C.*
10 *764).*

11 (16) *Sections 1 and 2 of the Act of March 4,*
12 *1925 (33 U.S.C. 765; 766).*

13 (17) *Section 5 of the Act of August 19, 1950 (33*
14 *U.S.C. 775).*

15 (18) *Subchapter III of chapter 25 of title 14,*
16 *United States Code, and the items relating to such*
17 *subchapter in the analysis for chapter 25 of such title.*

18 (b) *OPERATION OF REPEALS.—The repeals under*
19 *paragraphs (5) and (6) of subsection (a) shall not affect*
20 *the operation of section 103 of title 14, United States Code.*

21 (c) *TRANSFER.—Chapter 313 of the Act of September*
22 *15, 1922 is transferred to appear at the end of subchapter*
23 *III of chapter 5 of title 14, United States Code, redesignated*
24 *as section 548 of such title, and amended—*

1 (1) by striking “That hereafter the Commissioner
2 of Lighthouses” and insert “The Commandant of the
3 Coast Guard”; and

4 (2) by striking “Lighthouse Service” and insert-
5 ing “Coast Guard”.

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H.R. 7776

AMENDMENT